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**KENDALL COUNTY**  
**PLANNING, BUILDING & ZONING COMMITTEE MEETING**  
110 West Madison Street • Court Room • Yorkville, IL • 60560  
(630) 553-4141 Fax (630) 553-4179

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**AGENDA**

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Monday, April 7, 2025 – 6:30 p.m.

CALL TO ORDER:

ROLL CALL: Brian DeBolt, Elizabeth Flowers, Dan Koukol, Ruben Rodriguez (Vice-Chairman), and Seth Wormley (Chairman)

APPROVAL OF AGENDA (VV):

APPROVAL OF MINUTES (VV): Approval of Minutes from March 10, 2025, Meeting (Pages 3-7)

PUBLIC COMMENT:

EXPENDITURE REPORT: Review of Expenditures from March 2025 (Pages 8-12)

PETITIONS:

None

NEW BUSINESS:

1. Approval of a Request from James P. Mosher for a Refund of an Unused Building Permit for a Shed at 11 Fox Run Drive (PIN: 04-09-351-004) in the Amount of \$200 (Roll Call Vote) (Pages 13-14)
2. Approval of a Request from Blake Carrescia for a Refund of an Unused Building Permit for a Guest House at 6192 Dover Court (PIN: 06-02-125-001) in the Amount of \$875.84 (Roll Call Vote) (Pages 15-17)
3. Approval to Change the May 2025 Planning, Building and Zoning Committee Meeting Date and Time

OLD BUSINESS:

1. Update on Stormwater Permit at 13039 McKanna Road (PIN: 09-09-100-002) in Seward Township (Page 18)
2. Updates on Amendments to the County-Wide Stormwater Management Ordinance Division of the Kendall County Code; Committee Could Forward the Proposal to the Federal Emergency Management Agency and Illinois Department of Natural Resources (Roll Call Vote) (Pages 19-103)
3. Update on Planning, Building and Zoning Department Staffing

REVIEW VIOLATION REPORT: (Pages 104-106)

REVIEW PRE-VIOLATION REPORT: (Pages 107-109)

UPDATE FROM HISTORIC PRESERVATION COMMISSION:

1. Recommendation for a Proclamation Declaring May Historic Preservation Month in Kendall County (VV) (Page 110)

REVIEW PERMIT REPORT: (Pages 111-117)

REVIEW REVENUE REPORT: (Page 118)

CORRESPONDENCE:

COMMENTS FROM THE PRESS:

EXECUTIVE SESSION (Roll Call Vote):

1. Review of Minutes of Meetings Lawfully Closed Under the Illinois Open Meetings Act (5 ILCS 120/2(c)(21))

NEW BUSINESS:

1. Approval to Release the Executive Session Minutes of April 7, 2025 (VV)

ADJOURNMENT (VV):

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.

**KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE**  
***Kendall County Historic Court House***  
***Court Room***  
***110 W. Madison Street, Yorkville, Illinois***  
**6:30 p.m.**

**Meeting Minutes of March 10, 2025 – Unofficial until Approved**

**CALL TO ORDER**

The meeting was called to order by Chairman Wormley at 6:31 p.m.

**ROLL CALL**

Committee Members Present: Brian DeBolt, Elizabeth Flowers, Dan Koukol, Ruben Rodriguez, and Seth Wormley

Committee Members Absent: None

Also Present: Matthew H. Asselmeier, Director, and Wanda A. Rolf, Office Assistant

**APPROVAL OF AGENDA**

Member DeBolt made a motion, seconded by Member Flowers, to approve the agenda as presented. With a voice vote of five (5) ayes, the motion carried.

**APPROVAL OF MINUTES**

Member Flowers made a motion, seconded by Member DeBolt, to approve the minutes of the February 10, 2025, meeting. With a voice vote of five (5) ayes, the motion carried.

**PUBLIC COMMENT**

None

**Expenditure Report**

Review of Expenditures from February 2025

The Committee reviewed the Expenditure Report.

Review of End of FY23-24 Expenditure Report

The Committee reviewed the Expenditure Report.

**PETITIONS**

Petition 24-35 Kendall County Regional Planning Commission

Mr. Asselmeier summarized the request.

Section 36-1013 (f) (6) (a) (1) of the Kendall County Code contains the following regulations regarding parking in the front yard setbacks:

“No parking and drive aisles are permitted in a required front setback except the interior one-half (½) of the front yard in an M-1 Limited Manufacturing District or M-2 Heavy Industrial District.”

During the review of the special use permit for a landscaping business between 3900 and 3716 Stewart Road, Staff was requested to investigate allowing parking in a portion of the required front yard setbacks.

The front yard setbacks for properties zoned A-1 are one hundred fifty feet (150') from the centerline and one hundred feet (100') from the right-of-way line.

The consensus among the members of the Kendall County Regional Planning Commission was that this requirement was too large and prevented property owners from using their land effectively.

At their meeting on October 23, 2024, the Kendall County Regional Planning Commission decided to initiate a text amendment to the Kendall County Code allowing parking in the A-1 Zoning District in the interior seventy-five feet (75') from the centerline for properties where the right-of-way was not dedicated and the interior fifty feet (50') from the right-of-way line where a right-of-way existed.

After review by the Kendall County Regional Planning Commission on December 11, 2024, the proposal was clarified to read as follows:

**“No parking and drive aisles are permitted in a required front setback except the interior one-half ( $\frac{1}{2}$ ) of the front yard in **A-1 Agricultural District**, M-1 Limited Manufacturing District, or M-2 Heavy Industrial District. **Specifically, in the A-1 Agricultural District, no parking is allowed in the exterior seventy-five feet (75') from the centerline for properties where the right-of-way was not dedicated and the exterior fifty feet (50') from the right-of-way line where a right-of-way existed.**”**

Information was sent to the Townships on October 25, 2024. No comments were received.

ZPAC reviewed the original proposal at their meeting on November 5, 2024. Discussion occurred regarding the history of front yard setback regulations. ZPAC voted to recommend approval of the proposal by a vote of seven (7) in favor and zero in opposition (0) with three (3) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on December 11, 2024. Discussion occurred regarding grandfathering and the applicability of the standards if a road is widened. The Commission wanted the setback distances of seventy-five feet (75') and fifty (50') emphasized in the regulation. Staff was requested to update the proposal to reflect this emphasis. The Kendall County Regional Planning Commission voted to continue this proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

At their meeting on January 22, 2025, the Kendall County Regional Planning Commission recommended approval of the proposal by a vote of ten (10) in favor and zero (0) in opposition. The minutes of the meeting were provided.

The Kendall County Zoning Board of Appeals initiated a public hearing on this proposal on December 16, 2024. The Kendall County Zoning Board of Appeals voted to continue to the proposal to the January 27, 2025, hearing by a vote of seven (7) in favor and zero (0) in opposition. The minutes of the hearing were provided.

The Kendall County Zoning Board of Appeals continued the public hearing on January 27, 2025. No members of the public testified at the public hearing and the Kendall County Zoning Board of Appeals recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition. The minutes of the hearing were provided.

The draft ordinance was provided.

Member Koukol asked if every property zoned A-1 would be allowed to have parking in the interior one-half ( $\frac{1}{2}$ ) of the front yard and does not need a special use permit. Mr. Asselmeier stated that, if the County Board approves the text amendment, required parking would be allowed in the interior half of the front yard setback for all properties zoned A-1. While the proposal was triggered because of a special use permit on Stewart Road, the text amendment would apply to all A-1 zoned properties.

Member Koukol made a motion, seconded by Member DeBolt, to recommend approval of the proposal.

The votes were as follows:

Yeas (5): Koukol, Rodriguez, Wormley, DeBolt, and Flowers,  
Nays (0): None  
Abstain (0): None  
Absent (0): None

The motion carried.

The proposal will go to the March 18, 2025, Kendall County Board meeting on the consent agenda.

**NEW BUSINESS:**

None

**OLD BUSINESS:**

Update on Stormwater Permit at 13039 McKanna Road (PIN: 09-09-100-002) in Seward Township

Mr. Asselmeier stated that WBK was still waiting for calculation information from the applicant's engineer. The applicant submitted their stormwater information but it

referenced a project in Cook County, so WBK sent it back to their engineer asking for clarification and has not received a response.

*Updates on Amendments to the County-Wide Stormwater Management Ordinance Division of the Kendall County Code; Committee Could Forward the Proposal to the Federal Emergency Management Agency and Illinois Department of Natural Resources*

Mr. Asselmeier provided emails from the Village of Oswego and the Village of Plainfield outlining their comments on the proposal. Greg Chismark from WBK Engineering plans to have a response to the comments by March 14, 2025.

The consensus of the Committee was, once WBK completed their review, the proposal will be brought back a future meeting to decide the next course of action in terms of having FEMA or IDNR review the proposal.

*Update on Planning, Building and Zoning Department Staffing*

Mr. Asselmeier reported that the Department received five (5) applicants for the vacant full-time position of code official. The application deadline was March 10, 2025. Staff will evaluate the applicants and schedule interviews.

*Update on Special Use Enforcement*

Mr. Asselmeier provided a list of special use permits that had to be inspected or reviewed in 2025. He reported that the Lisbon Township Garage was waiting for botanicals and they were granted an extension to July 1, 2025. The church at 71 Boulder Hill Pass has removed their illegal sign. The use at 1250 E Beecher Road was working on their right of way dedication. The owner of 1626 Route 31 was working on a special use permit for an adult day care, but have not submitted an application. All of the other special use permit that were required to be evaluated were in compliance.

**REVIEW VIOLATION REPORT:**

The Committee reviewed the report.

**REVIEW PRE-VIOLATION REPORT:**

The Committee reviewed the report.

**UPDATE FROM HISTORIC PRESERVATION COMMISSION:**

*Follow-Up from the February 19, 2025, Historic Preservation Organization Meeting*

Mr. Asselmeier said approximately twenty-three (23) people attended the meeting. There was a tour of the Plano Stone Church and a discussion about the McCormick Experimental farm at Silver Springs State Park.

The County received three (3) applications for historic preservation awards. The Commission will review those applications at their meeting on March 17, 2025.

The County was still waiting on the State regarding the application for a Certified Local Government Grant for an historic structure survey of unincorporated Seward and Na-Au-Say Townships.

**REVIEW PERMIT REPORT:**

The Committee reviewed the report.

**REVIEW REVENUE REPORT:**

The Committee reviewed the report.

**CORRESPONDENCE**

None

**COMMENTS FROM THE PRESS:**

None

**EXECUTIVE SESSION**

None

**ADJOURNMENT:**

Member Flowers made a motion, seconded by Member DeBolt, to adjourn. With a voice vote of five (5) ayes, the motion carried.

Chairman Wormley adjourned the meeting at 6:50 p.m.

Minutes prepared by Wanda A Rolf, Part-Time Office Assistant

# Kendall County



## Zoning-Econ 3-10-25

CLERK: WROlf BATCH: 5327

NEW INVOICES

VENDOR REMIT NAME		INVOICE		PO	CHECK RUN	NET AMOUNT	EXCEEDS PO BY	PO BALANCE	CHK/WTRF
1849	00001 VERIZON	6106536934	031525			253.68	.00	.00	
CASH 000008	2025/04	INV 03/05/2025	SEP-CHK: Y	DISC: .00					
ACCT 1Y210	DEPT 19	DUE 03/10/2025	DESC:Verizon PBZ		11001902 62070			253.68	1099:
1665	00000 SHAW MEDIA	022510101009	031525			114.70	.00	.00	
CASH 000008	2025/04	INV 03/05/2025	SEP-CHK: Y	DISC: .00					
ACCT 1Y210	DEPT 19	DUE 03/10/2025	DESC:Shaw Media		11001902 62090			114.70	1099: <i>Notice Wpced</i>
3883	00000 ANTHONY MAYER	3-5-25	031525			840.00	.00	.00	
CASH 000008	2025/04	INV 03/05/2025	SEP-CHK: Y	DISC: .00					
ACCT 1Y210	DEPT 19	DUE 03/10/2025	DESC:Qty-6 Mayer Plumbing		11001902 63610			840.00	1099:
1153	00000 KENDALL CO HIGHW 3-7-25		031525			101.09	.00	.00	
CASH 000008	2025/04	INV 03/05/2025	SEP-CHK: Y	DISC: .00					
ACCT 1Y210	DEPT 19	DUE 03/10/2025	DESC:Fuel-Highway Dept		11001902 62170			101.09	1099:
2063	00000 RUNCO OFFICE SUP 963541-0		031525			81.88	.00	.00	
CASH 000008	2025/04	INV 03/05/2025	SEP-CHK: Y	DISC: .00					
ACCT 1Y210	DEPT 19	DUE 03/10/2025	DESC:Runco Office Supply		11001902 62000			81.88	1099:
1849	00001 VERIZON	742185171-00001	031525			84.64	.00	.00	
CASH 000008	2025/04	INV 03/05/2025	SEP-CHK: Y	DISC: .00					
ACCT 1Y210	DEPT 19	DUE 03/10/2025	DESC:Verizon Wireless-Econ		131505 62070			84.64	1099:
6 APPROVED UNPAID INVOICES						1,473.99			
6 INVOICE(S)						REPORT POST TOTAL	1,473.99		

# Kendall County



## Zoning-Econ 3-25-25

CLERK: wrolf BATCH: 5359

NEW INVOICES

VENDOR REMIT NAME INVOICE PO CHECK RUN NET AMOUNT EXCEEDS PO BY PO BALANCE CHK/WIRE

### PENDING UNPAID INVOICES

859 00000 IACZO III ASSOC 3-14-25

033125

50.00

.00

.00

CASH 000008

2025/04 INV 03/14/2025

SEP-CHK: Y

DISC: .00

11001902 62030

50.00 1099:

ACCT 1Y210

DEPT 19 DUE 03/25/2025

DESC:Dues-IACZO

CONDITIONS THAT PREVENT POSTING INVOICE

859/61888

\* Invoice must be approved or voided to post.

1928 00000 WBK ENGINEERING, 26624

033125

242.41

.00

.00

CASH 000008

2025/04 INV 03/14/2025

SEP-CHK: Y

DISC: .00

180119 63150

242.41 1099:N

ACCT 1Y210

DEPT 19 DUE 03/25/2025

DESC:10744 Rt 47 Revised Civil Site Plans

CONDITIONS THAT PREVENT POSTING INVOICE

1928/61889

\* Invoice must be approved or voided to post.

1928 00000 WBK ENGINEERING, 26625

033125

242.41

.00

.00

CASH 000008

2025/04 INV 03/14/2025

SEP-CHK: Y

DISC: .00

180119 63150

242.41 1099:N

ACCT 1Y210

DEPT 19 DUE 03/25/2025

DESC:16901 O'Brien Road

CONDITIONS THAT PREVENT POSTING INVOICE

1928/61890

\* Invoice must be approved or voided to post.

1928 00000 WBK ENGINEERING, 26626

033125

242.41

.00

.00

CASH 000008

2025/04 INV 03/14/2025

SEP-CHK: Y

DISC: .00

180119 63150

242.41 1099:N

ACCT 1Y210

DEPT 19 DUE 03/25/2025

DESC:8150 Schlapp Road

CONDITIONS THAT PREVENT POSTING INVOICE

1928/61891

\* Invoice must be approved or voided to post.

1928 00000 WBK ENGINEERING, 26627

033125

122.50

.00

.00

CASH 000008

2025/04 INV 03/14/2025

SEP-CHK: Y

DISC: .00

180119 63150

122.50 1099:N

ACCT 1Y210

DEPT 19 DUE 03/25/2025

DESC:13039 McKanna Road

CONDITIONS THAT PREVENT POSTING INVOICE

1928/61892

\* Invoice must be approved or voided to post.

# Kendall County



## Zoning-Econ 3-25-25

CLERK: wro1f BATCH: 5359

NEW INVOICES

VENDOR REMITT NAME	INVOICE	PO	CHECK RUN	NET AMOUNT	EXCEEDS	PO BY	PO BALANCE	CHK/WIRE
1928 00000 WBK ENGINEERING, 26628			033125	242.41	.00			
CASH 000008 2025/04 INV 03/14/2025 SEP-CHK: Y			DISC: .00		180119 63150		242.41	1099:N
ACCT 1Y210 DEPT 19 DUE 03/25/2025 DESC:Arbeen LLC					23-35	-CONTSVC	-002 WBK -	
CONDITIONS THAT PREVENT POSTING INVOICE			1928/61893					
* Invoice must be approved or voided to post.								
1928 00000 WBK ENGINEERING, 26629			033125	107.41	.00			
CASH 000008 2025/04 INV 03/14/2025 SEP-CHK: Y			DISC: .00		180119 63150		107.41	1099:N
ACCT 1Y210 DEPT 19 DUE 03/25/2025 DESC:3875 Eldamain YMCA					24-04	-CONTSVC	-002 WBK -	
CONDITIONS THAT PREVENT POSTING INVOICE			1928/61894					
* Invoice must be approved or voided to post.								
1928 00000 WBK ENGINEERING, 26630			033125	496.41	.00			
CASH 000008 2025/04 INV 03/14/2025 SEP-CHK: Y			DISC: .00		180119 63150		496.41	1099:N
ACCT 1Y210 DEPT 19 DUE 03/25/2025 DESC:7789 Route 47					24-07	-CONTSVC	-002 WBK -	
CONDITIONS THAT PREVENT POSTING INVOICE			1928/61895					
* Invoice must be approved or voided to post.								
1928 00000 WBK ENGINEERING, 26631			033125	127.00	.00			
CASH 000008 2025/04 INV 03/14/2025 SEP-CHK: Y			DISC: .00		180119 63150		127.00	1099:N
ACCT 1Y210 DEPT 19 DUE 03/25/2025 DESC:Harvey Creek					24-01	-CONTSVC	-002 WBK -	
CONDITIONS THAT PREVENT POSTING INVOICE			1928/61896					
* Invoice must be approved or voided to post.								
1928 00000 WBK ENGINEERING, 26632			033125	242.41	.00			
CASH 000008 2025/04 INV 03/14/2025 SEP-CHK: Y			DISC: .00		180119 63150		242.41	1099:N
ACCT 1Y210 DEPT 19 DUE 03/25/2025 DESC:Yorkville water main Break on Blackberry Creek					24-02	-CONTSVC	-002 WBK -	
CONDITIONS THAT PREVENT POSTING INVOICE			1928/61897					
* Invoice must be approved or voided to post.								

# Kendall County



## Zoning-Econ 3-25-25

CLERK: wro1f BATCH: 5359

NEW INVOICES

VENDOR REMIT NAME		INVOICE	PO	CHECK RUN	NET AMOUNT	EXCEEDS PO BY	PO BALANCE	CHK/WIRE
1928	00000	WBK ENGINEERING, 26633			033125	107.41	.00	
CASH	000008	2025/04 INV 03/14/2025	SEP-CHK: Y	DISC: .00		180119 63150		107.41 1099:N
ACCT	19210	DEPT 19 DUE 03/25/2025	DESC:Filotto Roofing			24-24	-CONTSVC	-002 WBK -
CONDITIONS THAT PREVENT POSTING INVOICE 1928/61898								
* Invoice must be approved or voided to post.								
1928	00000	WBK ENGINEERING, 26634			033125	455.69	.00	
CASH	000008	2025/04 INV 03/14/2025	SEP-CHK: Y	DISC: .00		180119 63150		455.69 1099:N
ACCT	19210	DEPT 19 DUE 03/25/2025	DESC:Eldamain Road Loop Water Main Project			24-08	-CONTSVC	-002 WBK -
CONDITIONS THAT PREVENT POSTING INVOICE 1928/61900								
* Invoice must be approved or voided to post.								
1928	00000	WBK ENGINEERING, 26635			033125	1,143.00	.00	
CASH	000008	2025/04 INV 03/14/2025	SEP-CHK: Y	DISC: .00		180119 63150		1,143.00 1099:N
ACCT	19210	DEPT 19 DUE 03/25/2025	DESC:1000 Ament Road-Solar Farm			24-30	-CONTSVC	-002 WBK -
CONDITIONS THAT PREVENT POSTING INVOICE 1928/61901								
* Invoice must be approved or voided to post.								
1928	00000	WBK ENGINEERING, 26640			033125	1,116.00	.00	
CASH	000008	2025/04 INV 03/14/2025	SEP-CHK: Y	DISC: .00		11001902 63630		1,116.00 1099:N
ACCT	19210	DEPT 19 DUE 03/25/2025	DESC:Kendall County Stormwater Ordinance Update 2025					
CONDITIONS THAT PREVENT POSTING INVOICE 1928/61902								
* Invoice must be approved or voided to post.								
1172	00000	KENDALL PRINTING 25-0318			033125	80.00	.00	
CASH	000008	2025/04 INV 03/14/2025	SEP-CHK: Y	DISC: .00		11001902 62000		80.00 1099:N
ACCT	19210	DEPT 19 DUE 03/25/2025	DESC:Kendall Printing					
CONDITIONS THAT PREVENT POSTING INVOICE 1172/61961								
* Invoice must be approved or voided to post.								

# Kendall County



## Zoning-Econ 3-25-25

CLERK: wro1f BATCH: 5359

### NEW INVOICES

VENDOR REMIT NAME	INVOICE	PO	CHECK RUN	NET AMOUNT	EXCEEDS PO BY	PO BALANCE	CHK/WIRE
107 00000 AUTOMOTIVE SPECT 26353			033125	298.62	.00	.00	
CASH 000008 2025/04 INV 03/14/2025 SEP-CHK: Y DISC: .00					11001902 62170	298.62	1099:
ACCT 1V210 DEPT 19 DUE 03/25/2025 DESC:011 Chevrolet silverado 1500							
CONDITIONS THAT PREVENT POSTING INVOICE		107/62024					
* Invoice must be approved or voided to post.							
16 PENDING UNPAID INVOICES	TOTAL			5,316.09			

*011 Change, fire rotation, change a/c P/Hel, change engine*

0 INVOICE(S)	REPORT POST TOTAL	REPORT TOTALS
	.00	.00



## Kendall County Agenda Briefing

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**Meeting Type:** Planning, Building and Zoning  
**Meeting Date:** 4/7/2025  
**Subject:** Refund Permit Fee for a Shed at 11 Fox Run Drive  
**Prepared by:** Matthew H. Asselmeier, AICP, CFM  
**Department:** Planning, Building and Zoning

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### **Action Requested:**

Approval of a Request from James P. Mosher for a Refund of an Unused Building Permit for a Shed at 11 Fox Run Drive (PIN: 04-09-351-004) in the Amount of \$200

### **Previous Board/Committee Review:**

N/A

### **Fiscal impact:**

\$200

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### **Background and Discussion:**

In November 2022, Mr. Mosher applied for a building permit for an accessory building (shed) at his property at 11 Fox Run Drive. The shed was not constructed and Mr. Mosher does not wish to construct the building. He is requesting a refund of the building permit fee.

### **Staff Recommendation:**

Approval

### **Attachments:**

March 25, 2025, Email from Brian Holdiman

## Pam Herber

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**From:** Brian Holdiman  
**Sent:** Tuesday, March 25, 2025 8:33 AM  
**To:** Pam Herber; Kimberly A. Tisberger  
**Cc:** Matt Asselmeier  
**Subject:** 04-09-351-004

Pam,

The owner of PIN 04-09-351-004 Permit 03-2022-372 stopped by the office yesterday to notify us his shed had not been constructed. A few weeks ago, I closed this file using GIS and I should have not done so. I confirmed the shed was not constructed this morning. Please void the permit and please direct him on how to request a refund of his permit cost.

Respectfully,

Brian Holdiman  
Kendall County Code Official



## Kendall County Agenda Briefing

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**Meeting Type:** Planning, Building and Zoning  
**Meeting Date:** 4/7/2025  
**Subject:** Refund Permit Fee for a Guest House at 6192 Dover Court  
**Prepared by:** Matthew H. Asselmeier, AICP, CFM  
**Department:** Planning, Building and Zoning

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### **Action Requested:**

Approval of a Request from Blake Carrescia for a Refund of an Unused Building Permit for a Guest House at 6192 Dover Court (PIN: 06-02-125-001) in the Amount of \$750

### **Previous Board/Committee Review:**

N/A

### **Fiscal impact:**

\$750

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### **Background and Discussion:**

In February 2025, Mr. Carresica applied for a building permit for an accessory building (guest house) at his property at 6192 Dover Court. The guest house was not constructed and Mr. Carrescia does not wish to construct the building. He is requesting a refund of the building permit fee.

The Planning, Building and Zoning Department performed a site inspection and plan review. The value of those activities have been deducted from the original approximately Eight Hundred Seventy-Five Dollar (\$875) application fee.

### **Staff Recommendation:**

Approval

### **Attachments:**

March 26, 2025, Emails

## Matt Asselmeier

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**From:** Brian Holdiman  
**Sent:** Wednesday, March 26, 2025 8:15 AM  
**To:** Matt Asselmeier  
**Subject:** RE: [External]building code statement

Yes – I deducted the expenses the County incurred.

Respectfully,

Brian Holdiman  
Kendall County Code Official

**From:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Sent:** Wednesday, March 26, 2025 8:13 AM  
**To:** Brian Holdiman <BHoldiman@kendallcountyil.gov>  
**Subject:** RE: [External]building code statement

Would we normally refund a permit like this, if the County did work related to the project?

Matthew H. Asselmeier, AICP, CFM  
Director  
Kendall County Planning, Building & Zoning  
807 West John Street  
Yorkville, IL 60560-9249  
PH: 630-553-4139  
Fax: 630-553-4179

**From:** Brian Holdiman <BHoldiman@kendallcountyil.gov>  
**Sent:** Wednesday, March 26, 2025 8:12 AM  
**To:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Subject:** RE: [External]building code statement

It should be \$750. We preformed the site inspection and plan review.

Respectfully,

Brian Holdiman  
Kendall County Code Official

**From:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Sent:** Wednesday, March 26, 2025 8:08 AM  
**To:** Brian Holdiman <BHoldiman@kendallcountyil.gov>  
**Subject:** FW: [External]building code statement

Brian:

How much would the refund for the accessory structure be?

Thanks,

Matthew H. Asselmeier, AICP, CFM  
Director  
Kendall County Planning, Building & Zoning  
807 West John Street  
Yorkville, IL 60560-9249  
PH: 630-553-4139  
Fax: 630-553-4179

**From:** Blake Carrescia <[REDACTED]>  
**Sent:** Wednesday, March 26, 2025 7:57 AM  
**To:** Matt Asselmeier <[masselmeier@kendallcountyil.gov](mailto:masselmeier@kendallcountyil.gov)>; Brian Holdiman <[BHoldiman@kendallcountyil.gov](mailto:BHoldiman@kendallcountyil.gov)>  
**Subject:** RE: [External]building code statement

For the guest house (accessory building) building permit, as we are not planning to build that any longer. Which also leads me to my next question about the traditional variance application that we applied for and was denied at the hearing, if the PBZ committee would allow a refund for that too, less the recording fee because I know we used that recording fee for the administrative variance instead.

**From:** Matt Asselmeier <[masselmeier@kendallcountyil.gov](mailto:masselmeier@kendallcountyil.gov)>  
**Sent:** Wednesday, March 26, 2025 7:53 AM  
**To:** Brian Holdiman <[BHoldiman@kendallcountyil.gov](mailto:BHoldiman@kendallcountyil.gov)>; Blake Carrescia <[REDACTED]>  
**Subject:** RE: [External]building code statement

Blake:

What type of refund are you requesting?

Thanks,

Matthew H. Asselmeier, AICP, CFM  
Director  
Kendall County Planning, Building & Zoning  
807 West John Street  
Yorkville, IL 60560-9249  
PH: 630-553-4139  
Fax: 630-553-4179

**From:** Brian Holdiman <[BHoldiman@kendallcountyil.gov](mailto:BHoldiman@kendallcountyil.gov)>  
**Sent:** Wednesday, March 26, 2025 7:37 AM  
**To:** Blake Carrescia <[REDACTED]>  
**Cc:** Matt Asselmeier <[masselmeier@kendallcountyil.gov](mailto:masselmeier@kendallcountyil.gov)>  
**Subject:** RE: [External]building code statement

Blake,

I have copied Matt so he can provide the process.

Respectfully,

## Matt Asselmeier

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**From:** Greg Chismark <gchismark@bodwegroup.com>  
**Sent:** Wednesday, April 2, 2025 3:48 PM  
**To:** Matt Asselmeier  
**Subject:** RE: .RE: [External]Re: 13039 McKanna Road

Yes, just spoke with him. He is way behind on work. He has been paid to date. He says he will get the submittal back in soon. No specific date given.

**Greg Chismark, PE**  
Mobile 847-344-5619 | [gchismark@bodwegroup.com](mailto:gchismark@bodwegroup.com)  
**From:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Sent:** Wednesday, April 2, 2025 3:02 PM  
**To:** Greg Chismark <gchismark@bodwegroup.com>  
**Subject:** RE: .RE: [External]Re: 13039 McKanna Road

Any word from Mike?

Matthew H. Asselmeier, AICP, CFM  
Director  
Kendall County Planning, Building & Zoning  
807 West John Street  
Yorkville, IL 60560-9249  
PH: 630-553-4139  
Fax: 630-553-4179

**From:** Greg Chismark <gchismark@bodwegroup.com>  
**Sent:** Monday, March 31, 2025 7:29 AM  
**To:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Subject:** RE: .RE: [External]Re: 13039 McKanna Road

I have not talked to Mike yet.

**Greg Chismark, PE**  
Mobile 847-344-5619 | [gchismark@bodwegroup.com](mailto:gchismark@bodwegroup.com)  
**From:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Sent:** Thursday, March 27, 2025 8:21 AM  
**To:** Greg Chismark <gchismark@bodwegroup.com>  
**Subject:** FW: .RE: [External]Re: 13039 McKanna Road

Greg:

Did you have a chance to talk to Mike on this?

Thanks,

Matthew H. Asselmeier, AICP, CFM  
Director



## Kendall County Agenda Briefing

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**Meeting Type:** Planning, Building and Zoning  
**Meeting Date:** 4/7/2025  
**Subject:** Approval of a Process for Updating the Stormwater Ordinance  
**Prepared by:** Matthew H. Asselmeier, AICP, CFM  
**Department:** Planning, Building and Zoning

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### **Action Requested:**

Updates on Amendments to the County-Wide Stormwater Management Ordinance Division of the Kendall County Code; Committee Could Forward the Proposal to the Federal Emergency Management Agency and the Illinois Department of Natural Resources

### **Board/Committee Review:**

N/A

### **Fiscal impact:**

The PBZ Department budgeted \$5,900 to update the Stormwater Management Ordinance; this was included in the approved departmental budget for FY24-25 in line item 11001902-63630

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### **Background and Discussion:**

In February 2025, the PBZ Committee decided to forward the proposal to the municipalities for review and comment. The Village of Plainfield and the Village of Oswego submitted comments. WBK Engineering submitted responses to the comments of the municipalities, which are attached.

Based on the comments from the municipalities, there were two (2) changes made to the proposal:

1. In the first paragraph of Section 16-278, the following language was added regarding which entities can apply for text amendments to the regulations; this same language is included in the Zoning Ordinance

“... or by a person, firm or corporation having a possessory interest which is specifically enforceable on the land which is subject to the proposed amendment.”

2. In 16-343 (3), the following clarification was added regarding the identification of critical facilities by the Administrator:

**“Upon submittal of stormwater permit applications, identify Critical Facilities . . .”**

**Staff Recommendation:**

Staff recommends that the proposal be forwarded to FEMA and IDNR for comment. The County cannot approve the amendments without FEMA's approval. If FEMA approves the proposal, the County will be required to have a public hearing prior to the adoption of amendments.

**Attachments:**

WBK Response to Municipal Comments

List of Proposed Changes as Amended to Include Municipal Comments

Redlined Proposal as Amended to Include Municipal Comments.

## Kendall County Stormwater Ordinance Revision Comments from Municipalities and County Responses

4-2-2025

Municipal entity comments to draft revisions to the Kendall County Stormwater Ordinance were received from three entities. Municipal comments and County responses are noted hereafter.

1. *Thank you for the opportunity to review the draft Kendall County Stormwater Management Ordinance. As the Village of Plainfield extends the Will County Stormwater Management Ordinance into Kendall County, the following comments are provided for the County's consideration.*

*The comments are grouped by ordinance section, and the numbers match those in the County's "2025 Changes" document.*

### *Section 16-52 Definitions*

*22. Redefines substantial damage to a 10-year rolling period instead of the total life of the structure. This is optional language under the IDNR model ordinance. The Village would not look to adopt a similar revision it into its ordinance since it raises the threshold for improvements, allowing for more damages to occur before the structure has to be brought into compliance with floodplain regulations. (p.13)*

**Response:** The municipality's position is acknowledged and notes the 10 year period is an alternative presented in the State Model Floodplain Ordinance. We believe a 10 year period is more conducive and representative of accurate and relevant record keeping.

2. *23. Redefines substantial improvement to 10-year rolling period instead of the total life of the structure. Same as 22, this is optional language under the IDNR model ordinance. (p.13)*

**Response:** The Village's position is acknowledged and notes the 10 year period is an alternative presented in the State Model Floodplain Ordinance and we believe the 10 year period is representative of accurate and relevant record keeping.

3. *Section 16-140 General Performance Standards*

*28. Presently, building improvements which increase floor area by 20 percent require the entire structure be brought into compliance with floodplain regulations. The proposed change removes this threshold which appears to be a diminishment of protection.*

**Response:** The State has made the 20% rule optional as the NFIP does not mandate this criterion. The County has decided to follow NFIP requirements as a minimum standard and exclude the 20% rule.

4. *Section 16-343 Duties of Administrator*

*79. (through 91) adds a comprehensive list of the Administrator's duties. It could be argued that the specific duties listed in the Ordinance may increase the County's liability, as they explicitly outline the Administrator's responsibilities.*

**Response:** All duties added are from the State Model Floodplain Ordinance.

5. *Your request is timely as I'm in the process of updating our ordinance as well. I have a few questions/comments:*

*Item 23: The State Model Floodplain Ordinance provides for the option to include in the definition of Substantial Improvement increases the floor area by more than 20%. The stormwater management ordinances of [Kane County](#), [Will County](#), and [Grundy County](#) all have the 20% requirement. Kendall County is not including this in the definition and is specifically removing the 20% requirement from 16-140(c)(1)b removing this provision from Sec, 16-140 this provision?*

**Response:** The State has made the 20% rule optional as the NFIP does not mandate this criterion. The County has decided to follow NFIP requirements as a minimum standard and exclude the 20% rule.

6. *Item 28. See comment on Item 23. This is where the 20% increase floor area requirement is removed from 16-140(c)(1)b.*

**Response:** The State has made the 20% rule optional as the NFIP does not mandate this criterion. The County has decided to follow NFIP requirements as a minimum standard and exclude the 20% rule.

7. *Item 64. Please clarify the purpose of this provision. It appears it prevents federal and state representatives as well as private citizens from initiating (i.e. commenting, reviewing, suggesting, etc.) changes to the regulations. I don't think the intent is to shut down outside input. If the intent is to prevent developers from initiating a change to the ordinance so that the development is can come into compliance only upon adoption of the revision, I would suggest that the developer has every right to petition for a revision as would a private citizen, but that the governing body also has the obligation to deny the petition to protect the health, safety, and welfare of the community.*

**Response:** You are correct that the intent is not to diminish the rights of those with a legitimate interest in the County and impacted by the ordinance. We will modify the language by adding....“or by a person, firm or corporation having a possessory interest which is specifically enforceable on the land which is subject to the proposed amendment”.

8. *Item 69 – The proposed revisions add the word “reasonably” to the State Model Floodplains template “The development activity cannot [reasonably] be located outside the floodplain. What is the purpose of inserting this word? Do you anticipate that FEMA will accept the insertion?*

**Response:** It is our opinion this criterion is too strict as written because “development” is a voluntary act. Without the application of judgement this criterion could be interpreted to exclude a variance for any project that included work in the floodplain even if it was insignificant or beneficial to the County and community. The addition of “reasonable” allows for judgement to be applied when considering variances. We are uncertain what FEMA’s reaction will be to this addition but believe it results in better regulation for communities and the County.

9. *Item 79. The provision requires the Administrator to identify critical facilities and determine the 0.2% annual change of flood elevation. This appears to require the Administrator to look back rather than forward to new permits. While we believe this is a good idea, we note that it is beyond the requirement of the State Model Floodplain Ordinance. Is there an anticipated timeframe for this work to be completed within Kendall County? Where will this data be stored? It would be a good idea for this information be incorporated into the Kendall County's GIS and be available to first responders.*

**Response:** It was not the intent to deviate significantly from the State Model Floodplain Ordinance and this provision is intended to apply to new stormwater permit applications. Verbiage will be added to clarify (**Upon submittal of permit applications**, identify Critical Facilities as defined in Section 16-52 and determine the elevation of the 0.2% annual chance flood elevation at the site, as established by FEMA regulatory documents.) We agree with you on the value of capturing information from a first responder and emergency management perspective, but it is not the intent of the County to mandate this responsibility.

10. *Item 93. Has fee in lieu been requested for any projects? If so, is the fund established for fee in lieu for detention or wetlands? For which watershed(s)? What are the plans to spend any funds?*

**Response:** Within unincorporated areas of Kendall County fee-in-lieu has been requested and approved. The fund is established for watershed improvements of within Kendall County (Fox River, Upper Illinois River and Des Plaines River). Wetlands are not regulated by the County ordinance and no fees are collected for that purpose.

2025 Changes to the Kendall County Stormwater Article in the Kendall County Code

1. Section 16-50 (a), add the County eligibility to the National Flood Insurance Program as a purpose
2. Section 16-50 (b) (1), add a reference to the Rivers, Lakes, and Streams Act
3. Section 16-50 (b) (2), add ensuring new development does not create or increase flood hazards or causes damage due to erosion
4. Section 16-50 (b), add a reference to the National Flood Insurance Program codified as 44 CFR 59-79 as amended.
5. Section 16-50 (b), renumbered
6. Section 16-52, first paragraph capitalize “Certified” and “Community” and “Ordinance”, and add “Stormwater Management”
7. Section 16-52, change the definition of “Basement”
8. Section 16-52, add definition of “Critical Facility”
9. Section 16-52, change the definition of “Development”
10. Section 16-52, change the definition of “Flood”
11. Section 16-52, change the definition of “Floodway or designated floodway”
12. Section 16-52, add a definition of “Historic Structure”
13. Section 16-52, add a definition of “IDNR/OWR Jurisdictional Stream”
14. Section 16-52, change the definition of “Letter of map amendment (LOMA)”
15. Section 16-52, change the definition of “Letter of map revision (LOMR)”
16. Section 16-52, change the definition of “Manufactured Home”
17. Section 16-52, add the definition of “NAVD 88”
18. Section 16-52, change the definition of “Plan” to correct the adoption date
19. Section 16-52, add the definition of “Repetitive loss”

20. Section 16-52, change the definition of “Start of construction” by removing the reference to the Coastal Barrier Resources Act
21. Section 16-52, change the definition of “Structure” to include prefabricated buildings and certain types of recreational vehicles and travel trailers
22. Section 16-52, add the definition of “Substantial damage”
23. Section 16-52, change the definition of “Substantial improvement”
24. Section 16-52, add the definition of “Violation”
25. Section 16-139, adds certain developments that are subject to this ordinance
26. Section 16-139, clarifies base flood elevation information.
27. Section 16-140 (b), adds critical facilities to the public health protection standards
28. Section 16-140 (c) (1) (b), removes the floor area increase from the building protection requirements
29. Section 16-140 (c) (1) (e), removes the requirement regarding returning a manufactured home to the same site in the building protection requirements
30. Section 16-140 (c), adds requirements regarding placing a new building, alteration, or addition below the BFE following a LOMR-F to the building protection requirements
31. Section 16-140 (c) (2) (a) (2), changes the placement of fill beyond the foundation from 10 feet to 20 feet in lieu of a geotechnical report
32. Section 16-140 (c) (2) (b), adds a requirement regarding components located below the FPE.
33. Section 16-140 (c) (2) (b) is renumbered
34. Section 16-140 (c) (2) (c), adds a reference to FEMA Technical Bulletin 11
35. Section 16-140 (c) (2) (c) (3), adds requirements regarding enclosed areas below the FPE and equalization of hydrostatic pressures
36. Section 16-140 (c) (2) (c) (3), sets an interior height of crawlspaces
37. Section 16-140 (c) (2) (c) is re-numbered

38. Section 16-140 (c) (5) clarifies the measurement of travel trailers' and recreational vehicles' horizontal projections
39. Section 16-140 (c) (6) (e), adds a requirement for flood resistant materials for the construction of garages, sheds, and minor accessory structures below the BFE
40. Section 16-140 (c) (6) (g), adds a requirement regarding openings on 2 walls
41. Section 16-140 (c) (6) (g), adds a requirement regarding accessory structure height and square footage
42. Section 16-140 (c) (6), deletes the market value requirement of accessory structures
43. Section 16-140 (c) (6), deletes the dry floodproofing exemption
44. Section 16-140 (c) (6), re-lettered
45. Section 16-140 (c), re-numbered
46. Section 16-140 (c), adds a regulation regarding other activities
47. Section 16-140 (d), adds a regulation regarding dams
48. Section 16-140 (e), adds regulations the issuance of Letters of Map Revisions
49. Section 16-140 (f), adds regulations regarding carrying capacity and notifications
50. Section 16-142 (1) (e), provides examples of non-obstructive activities
51. Section 16-142 (1) (m), deletes reference to Statewide Permit 14
52. Section 16-142 (1) is re-lettered
53. Section 16-142 (2) (b), adds an allowance for work previously permitted by IDNR/OWR
54. Section 16-144, adds regulations for critical facilities
55. Sections 16-145 and -146 are re-numbered
56. Section 16-172 (a) (1) (b), adds permitting regulations for critical facilities
57. Section 16-172 (a) (1) is renumbered
58. Section 16-173 (b), adds information regarding FIRMS and FIS in relation to permit extensions

59. Section 16-174 (e) (1) (l), changes the benchmark to NAVD 88
60. Section 16-175 (a) (7), adds a requirement about the certification of floodproofing measures
61. Section 16-175 (a) is renumbered
62. Section 16-177 (a), establishes a procedure to close inactive petitions
63. Section 16-178 is renumbered
64. Section 16-278, establishes which entities can initiate amendments to the ordinance  
**(amended after municipal comments 4-2-25)**
65. Section 16-278 (a), establishes a procedure to close inactive amendment applications
66. Section 16-279, establishes an effective date for the regulations
67. Section 16-280 is re-numbered
68. Section 16-306 (2), adds a regulation regarding variances and increases in the base flood elevation
69. Section 16-309 (a) (1) (b), adds a requirement that developments seeking variances cannot be reasonably located outside the floodplain
70. Section 16-309 (a) (1) is re-lettered
71. Section 16-309 (a) (2) (b) (1), adds requirements regarding setting a pattern for variances and obtaining other state and federal permits
72. Section 16-309 (a) (2) (b) (3), changes the notification information that a Certified Community gives to applicants
73. Section 16-309 (a) (2) (b), adds considerations of review of variances
74. Section 16-309 (a) (2) (b), adds costs to government services as a consideration for variances
75. Section 16-309 (a) (2) (b) adds historic structure criteria for variances
76. Section 16-309 (a) (2) (b) is re-numbered
77. Section 16-312, adds a procedure for closing inactive petitions.

78. Section 16-313 is re-numbered
79. Section 16-343, adds a requirement for the Administrator to identify critical facilities  
**(amended after municipal comments 4-2-25)**
80. Section 16-343, adds a requirement for the Administrator to have developments meet damage prevention requirements
81. Section 16-343, adds a requirement for the Administrator to have buildings meet the building protection requirements
82. Section 16-343, adds a requirement for the Administrator to review elevation certificates for accuracy
83. Section 16-343, adds a requirement for the Administrator to ensure that water supplies and waster disposal systems meet public health standards
84. Section 16-343, adds a requirement for the Administrator to have applicants obtain all other required permits
85. Section 16-343, adds a requirement for the Administrator to notify INDR/OWR and neighboring communities prior to the alteration or relocation of certain watercourses
86. Section 16-343, adds a requirement for the Administrator to ensure compliance of the regulations
87. Section 16-343, adds a requirement for the Administrator to provide information and assistance to citizens for permit procedures and floodplain construction techniques
88. Section 16-343, adds a requirement for the Administrator to notify FEMA and IDNR/OWR of proposed amendments to the ordinance
89. Section 16-343, adds a requirement for the Administrator to perform site inspections to ensure compliance with the regulations
90. Section 16-343, adds a requirement for the Administrator to maintain accuracy of flood maps
91. Section 16-343, adds a requirement for the Administrator to establish procedures for administering and documenting determinations
92. Section 16-343 is re-numbered
93. Section 16-426 (c) (1), changes process of who applies for a fee in lieu

## **ARTICLE II. STORMWATER MANAGEMENT**

### ***DIVISION 1. GENERALLY***

#### **Sec. 16-21. Stormwater Management Planning Committee.**

The County Board hereby establishes, in accordance with the provisions of 55 ILCS 5/5-1062.2, a Stormwater Management Planning Committee to oversee the consolidation of the existing County and municipal stormwater management framework into a united, County-wide structure along with the establishment of a set minimum standards for floodplain and stormwater management in the County and preparation of a County-wide plan for the management of stormwater runoff, including the management of natural and man-made drainageways. Said Committee shall consist of twelve (12) voting members to be comprised of three (3) County Board and three (3) municipal representatives within District 1 and three (3) County Board and three (3) municipal representatives within District 2. Pursuant to the governing statutes, the County representatives shall be appointed by the County Board Chairman. Municipal members from each County Board District shall be appointed by a majority vote of the mayors of those municipalities that have the greatest percentage of their respective populations residing in that County Board District. Additional members may be appointed to serve on the Committee as either ex-officio (non-voting) or voting members as may be determined by the twelve (12) members of the Planning Committee in the adoption of the bylaws setting forth the rules under which said Committee shall be governed. In accordance with the statutes, said Committee shall be required to meet at least quarterly and shall be required to hold at least one (1) public meeting during the preparation of the Stormwater Management Plan prior to its submittal to the County Board.

(Res. No. 2020-35, 6-16-2020)

#### **Sec. 16-22. Administration.**

The administrator of the regulations set forth in Division II of this article shall be the County Zoning Administrator and designees.

(Res. No. 2020-39, 7-21-2020)

#### **Secs. 16-23—16-47. Reserved.**

### ***DIVISION 2. COUNTY-WIDE STORMWATER MANAGEMENT ORDINANCE***

#### **Subdivision I. In General**

#### **Sec. 16-48. Statutory authority.**

- (a) This division shall be known, and may be cited, as the "Kendall County Stormwater Management Ordinance" (the KCSMO).

- (b) The County Board adopts this division pursuant to its authority to regulate stormwater management and governing the location, width, course, and release rate of all stormwater runoff channels, streams, and basins in the County, in accordance with the County Stormwater Management Plan. The statutory authority for this division is contained in 55 ILCS 5/5-1062.2, 55 ILCS 5/5-1041, 55 ILCS 5/5-1063, 65 ILCS 5/1-2-1, 5/4-12-12, 5/11-30-2, 5/11-30-8, and 5/11-31-2 and other applicable authority, all as amended from time to time.
- (c) As applicable, the Communities within the County adopt and enforce this division or in the alternative adopt and enforce a municipal ordinance that is consistent with and at least as strict as the County Ordinance. Pursuant to 55 ILCS 5/5-1062.2, 55 ILCS 5/5-1041, 55 ILCS 5/5-1063, 65 ILCS 5/1-2-1, 5/4-12-12, 5/11-30-2, 5/11-30-8, and 5/11-31-2 and other applicable authority, all as amended from time to time.

(Res. No. 12-28, § 100, 6-19-2012)

### **Sec. 16-49. County Stormwater Management Plan.**

The County Stormwater Management Plan was recommended by the County Stormwater Management Committee and adopted by the County Board, after review by the appropriate agencies and a public hearing on December 12, 2010. The Plan is available for public inspection in the office of the County Clerk.

(Res. No. 12-28, § 101, 6-19-2012)

### **Sec. 16-50. Purpose.**

- (a) The purpose of this division is to maintain this County's eligibility in the National Flood Insurance Program diminish threats to public health, safety and welfare caused by excess stormwater runoff from new development and redevelopment. This division seeks to establish stormwater management practices and promote sustainable planning and design to counter increases in stormwater runoff quantity and rate and the impairment of water quality from development and land improvement throughout the entire County.
- (b) The further purpose of this division is to accomplish the following objectives:
- (1) — To meet the requirements of 615 ILCS 5/18(g) Rivers, Lakes and Streams Act;
  - (2) To ensure that new development does not create or increase flood hazards or cause damages due to erosion;
  - (32) To protect existing buildings, new buildings and major improvements to buildings from flood damage due to increased stormwater runoff;
  - (43) To protect human life and health from the hazards of increased flooding;
  - (54) To lessen the burden on the taxpayer for stormwater management, flood control projects, repairs to flood-damaged public facilities and utilities and correction of channel erosion conditions from new development;
  - (65) To protect and conserve land and water resources in the context of orderly land development;
  - (76) To comply with the rules and regulations of the National Flood Insurance Program codified as 44 CFR 59-79, as amended;
  - (8) To make Federally-subsidized flood insurance available;
  - (97) To reasonably preserve the natural hydrologic and hydraulic functions of watercourses, floodplains and open space areas and to protect water quality and aquatic habitats;

- (108) To control soil erosion due to development and provide effective sediment management measures on construction sites;
  - (119) To require the design and evaluation of site stormwater management plans consistent with watershed capacities;
  - (129) To require stormwater storage and encouraging the use of and infiltration of stormwater in preference to stormwater conveyance;
  - (134) To minimize conflicts between agricultural and urban drainage systems and maintaining agriculture as a viable and productive land use;
  - (142) To encourage cooperation and consistency in stormwater management activities within and between the units of government having floodplain and stormwater management jurisdiction;
  - (153) To establish requirements and promote regular, planned maintenance of stormwater management facilities;
  - (164) To provide a procedure by which communities throughout the County may petition the Committee for authority to implement and enforce the provisions of this division;
  - (175) To require strict compliance with and enforcement of this division.
- (c) The purposes of this division are intended to be consistent with and supersede the County Unified Stormwater Management Plan for those applicable sections.
- (Res. No. 12-28, § 102, 6-19-2012)

#### **Sec. 16-51. Reference to watershed plans.**

- (a) This division recognizes the integrated nature of the watershed system and the need to study certain flood control alternatives and other stormwater management functions on a watershed-wide basis. A generalized process for development of watershed plans was recommended in the adopted County Stormwater Management Plan. This process includes a public hearing review and approval by the Committee, and adoption by the County.
- (b) Individual watershed plans or interim watershed plans which recognize the unique attributes of each watershed may be prepared and periodically updated for the major watersheds, to identify management projects and establish criteria for development. These plans may also recommend changes to this division effective within the study boundary. Watershed plans or interim watershed plans may be adopted which recommend more or less stringent criteria than the criteria in this division. When adopted by the County Board, these watershed-specific criteria established in such watershed plans or interim watershed plans shall be set forth by the County.

(Res. No. 12-28, § 103, 6-19-2012)

#### **Sec. 16-52. Definitions.**

The following words, terms and phrases, when used in ~~this this division~~ or a ~~Ce~~certified ~~Ce~~community ~~Stormwater Management Q~~ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning; words, terms and phrases not defined shall have the meanings indicated by common dictionary definition:

*Administrator* means the person designated by resolution of the permitting authority to administer and enforce this ~~division-division~~ as provided in Section 16-22.

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*Administrative violation* means an administrative violation of the ordinance occurs when rules and procedures regarding permit applications and stormwater management permits are not followed.

*Agricultural use.* Agriculture includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, aquiculture, dairying, floriculture, horticulture, nurseries, tree farms, sod farms, pasturage, viticulture, wholesale greenhouses, and the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds, including agricultural structures and accessories thereto. In interpreting the foregoing definition, it is the intent of this division to make the definition of the term "agriculture" as used herein identical to the definition of the term "agriculture" used in 55 ILCS 5/5-12001, as amended from time to time, exempting agriculture from the zoning authority of the County Board. Cultivating the ground, including the harvesting of crops, and rearing and management of livestock: tillage; husbandry; farming. In a broader sense, the science and art of the production of plants and animals useful to humans, including, to a variable extent, the preparation of these products for human use, not including a manufacturing activity or use. The term "agriculture" includes grain storage, horse stables, nurseries, animal feed, commercial feeding, dairy and the like.

*Agricultural subsurface drainage* means a water management technique driven by economic and safety concerns, where the rate at which surplus groundwater should be removed is determined primarily by the moisture/air requirements of the vegetation (commonly called tiles, field tiles, etc.).

*Applicable engineering practice* means procedures, methods, or materials recommended in standard engineering textbooks or references as suitable for the intended purpose.

*Applicant* means any person, firm or governmental agency who executes the necessary forms to procure official approval of a development or permit to carry out construction of a development from the County or appropriate, certified local governmental unit.

*Base flood* means the flood having a one (1) percent probability of being equaled or exceeded in a given year.

*Base flood elevation (BFE)* means the highest water surface elevation that can be expected during the base flood expressed in a numeric value relative to North American Vertical Datum of 1988 (NAVD 88).

*Basement* means any area-portion of the building including any sunken room or sunken portion of a room, having its floor subgrade (below ground level) on all sides.

*Best management practices (BMPs)* means a measure used to control the adverse stormwater-related effects of development. BMPs include structural devices (e.g., swales, filter strips, infiltration trenches, and stormwater management basins) designed to remove pollutants, reduce runoff rates and volumes, and protect aquatic habitats. The term "BMPs" also includes nonstructural approaches, such as public education efforts to prevent the dumping of household chemicals into storm drains, street sweeping, etc.

*Building.* See *Structure*.

*Buffer* means an area of predominantly vegetated land located adjacent to channels, wetlands, lakes or ponds for the purpose of reducing contaminants in stormwater that flows to such areas.

*Bulletin 75* means the Precipitation Frequency Study for Illinois by James R. Angel and Momcilo Markus, with contributing authors Kexuan Ariel Wang, Brian M. Kerschner, and Shailendra Singh, dated March 2020.

*Bypass flows* means stormwater runoff or groundwater from upstream properties tributary to a property's drainage system but not under its control.

*Certified community* means a community which has met the requirements to be delegated the responsibility for ordinance enforcement as determined by the Stormwater Committee.

*Channel* means any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or man-made drainageway, which has a

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definite bed and bank or shoreline, in or into which surface, groundwater, effluent, or industrial discharges flow either perennially or intermittently.

*Channel modification* means alteration of a channel by changing the physical dimensions or materials of its bed or banks. The term "channel modification" includes damming, rip rapping (or other armoring), widening, deepening, straightening, relocating, lining, and significant removal of bottom or woody rooted vegetation but does not include the clearing of debris or removal of trash or dredging to previously documented thalweg elevations and side slopes.

*Clearing* means any activity which removes vegetative ground cover.

*Committee* means the County Stormwater Management Committee.

*Community* means the County or any city or village within the County.

*Compensatory storage* means an excavated, hydrologically and hydraulically equivalent volume of storage created to offset the loss of existing flood storage.

*Conditional letter of map revision (CLOMR)*. A CLOMR is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the Special Flood Hazard Area (SFHA).

*Corps of Engineers (COE)* means the United States Army Corps of Engineers.

*Conservation planning* means the practices and procedures associated with the management of soil, water, plants, plant nutrients and other elements of agricultural production. Documentation of the management system shall only be as required by the NRCS or in cases of a complaint, as requested by the Administrator in response to a notification of a complaint.

*Control structure* means a structure designed to limit the rate of flow of stormwater runoff that passes through the structure to a specific rate, given a specific upstream and downstream water surface elevation.

*Critical duration* means the duration of a storm event that results in the greatest peak runoff.

*Critical facility* means any facility ~~which is~~ which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

For purposes of this division a Critical facility shall be a police, fire and other emergency response agency facilities, wastewater treatment and public water supply facilities. Other facilities may be determined to be Critical Facilities by Certified Communities.

*Dam* means any obstruction, wall embankment, or barrier, together with any abutments and appurtenant works, constructed to store or divert water or to create a pool (not including underground water storage tanks).

*Department* means the County Planning, Building and Zoning Department.

*Depressional storage* means the volume contained below a closed contour on a one (1) foot contour interval topographic map, the upper elevation which is determined by the topographic overflow elevation or the critical duration base flood elevation, whichever is less.

*Developer* means a person who creates or causes development.

*Development.*

- (1) The term "development" means the cumulative man-made changes to real property after the effective date of the ordinance from which this division is derived, including:

- a. Construction, reconstruction, demolition or replacement of a building or an addition to a building, with the exception of agricultural structures and accessories thereto outside the floodplain;
  - b. Substantial improvement of an existing building;
  - ~~cb.~~ Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days;
  - d. Installation of utilities, construction of roads, bridges, culverts or similar projects;
  - ee. Drilling, mining, installing utilities, construction of roads, bridges or similar projects;
  - ~~fd.~~ Construction or erection of levees, walls, fences, dams, or culverts, channel modifications, filling, dredging, grading, excavating, paving, or other nonagricultural alterations of the ground surface, storage materials including the placement of gas and liquid storage tanks, deposit of solids or liquid waste;
  - ge. Any other activity of man that might change the direction, height, or velocity of flood or surface water, including extensive vegetation removal.
- (2) The following are not considered development so long as these activities occur outside the floodplain:
- a. Maintenance of existing drainage systems limited to the purpose of agricultural use and for maintaining cultivated areas and crop production;
  - b. Resurfacing of pavement when there is no increase in elevation; construction of farm fencing; or gardening, plowing, and similar practices that do not involve filing, grading, or construction of levees.
  - ~~cb.~~ Improvements undertaken for an agricultural use pursuant to an NRCS conservation plan.

*Director* means the County Board Chairman, or designee by resolution, charged with performing the duties specified in this division.

*Drainage area* means the land area above a given point that may contribute runoff flow at that point from rainfall.

*Effective date* means the date to be determined by the County Board.

*Elevation certificates* means an official record that shows new buildings and substantial improvements in all identified special flood hazard areas (SFHAs) are properly elevated. This elevation information is needed to show compliance with the floodplain management ordinance. Permitting authorities shall use the most current version of the elevation certificate developed by FEMA. Communities participating in the community rating system (CRS) are required to use the FEMA elevation certificate.

*Ephemeral stream* means a stream whose bed elevation does not intersect the groundwater table; it carries flow only during and immediately after a runoff producing rainfall event.

*Erosion* means the general process whereby soil is detached by the action of water, wind or construction activities.

*Existing 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 affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including

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the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*Extended detention* means a volume of runoff temporarily detained and released over a long period of time to reflect pre-development hydrology (see Section 16-81(f)).

*Federal Emergency Management Agency(FEMA)* means the Federal agency and its regulations, at 44 CFR 59—79, effective as of September 29, 1989, or as amended.

*Flood* means a general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal ways or the unusual and rapid accumulation of runoff of surface waters from any source. Flood also includes the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters.

*Flood frequency* means normally expressed as a period of years, based on a percent chance of occurrence in any given year from statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded. For example, the two (2) year flood frequency has a fifty (50) percent chance of occurrence in any given year. Similarly, the one hundred (100) year flood frequency has a one (1) percent chance of occurrence in any given year.

*Flood fringe* means that portion of the floodplain outside of the designated floodway.

*Flood insurance rate map (FIRM)* means a map issued by FEMA that is an official community map, on which map FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the community. This map may or may not depict floodways.

*Flood insurance study (FIS)* means a study of flood discharges and flood profiles for a community, adopted and published by FEMA.

*Floodplain or special flood hazard area (SFHA)*, these terms being synonymous, means the land in the floodplain within the County subject to a one (1) percent or greater chance of flooding in any given year. The floodplains of the Aux Sable Creek, Blackberry Creek, Clear Creek, Dave-Bob Creek, East Branch Little Rock Creek, Big Rock Creek, Fox River, Harvey Creek, Middle Aux Sable Creek, North Arm Saratoga Creek, Waubensee Creek, and West Aux Sable Creek are generally identified on the County-wide Flood Insurance Rate Map of Kendall County prepared by the Federal Emergency Management Agency and dated February 4, 2009 for panels 0005, 0010, 0015, 0020, 0030, 0040, 0051, 0052, 0053, 0054, 0056, 0057, 0058, 0059, 0070, 0078, 0086, 0087, 0089, 0100, 0125, 0176, 0200 and dated January 8, 2014 for panels 0035, 0037, 0039, 0045, 0065, 0130, 0135, 0140, 0145 and 0225. The term "floodplain" also includes those areas of known flooding identified by the County or Administrator.

*Flood protection elevation (FPE)* means the elevation of the BFE, plus two (2) feet of freeboard for structures within the plan limits of the base flood elevation. Outside the plan limits, the water table or one hundred (100) year design water surface elevation of any overland flood path or adjacent stormwater management basin, whichever is higher, plus two (2) feet of freeboard.

*Floodproof* means any combination of structural and nonstructural additions, changes or adjustments to structures or property which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodproofing certificate* means a form published by FEMA that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the FPE.

*Floodway or designated floodway* means that portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of the Aux Sable Creek, Blackberry Creek, Clear Creek, Dave- Bob

Creek, East Branch Little Rock Creek, Big Rock Creek, Fox River, Harvey Creek, Middle Aux Sable Creek, North Arm Saratoga Creek, Waubensee Creek, and West Aux Sable Creek are generally identified on the countywide Flood Insurance Rate Map of Kendall County prepared by the Federal Emergency Management Agency and dated February 4, 2009 for panels 0005, 0010, 0015, 0020, 0030, 0040, 0051, 0052, 0053, 0054, 0056, 0057, 0058, 0059, 0070, 0078, 0086, 0087, 0089, 0100, 0125, 0176, and 0200 and January 8, 2014 for panels 0035, 0037, 0039, 0045, 0065, 0130, 0135, 0140, 0145, and 0225). The floodways for each of the remaining floodplains of Kendall County shall be according to the best data available from the Federal, State, or other sources and includes the channel, on-stream lakes, and that portion of the floodplain adjacent to a stream or channel which is needed to store and convey the critical duration one hundred (100) year frequency flood discharge with no more than a one-tenth (0.1) foot increase in flood stage due to the loss of flood conveyance or storage, and no more than a ten (10) percent increase in velocities.

*Floodway conveyance* means the measure of the flow-carrying capacity of the floodway section and is defined using Manning's equation as,  $K = 1.4863 AR^{2/3n}$ , where "n" is Manning's roughness factor, "A" is the effective area of the cross section, and "R" is the ratio of the wetted area to the wetted perimeter.

*Freeboard* means an increment of height added to the BFE or one hundred (100) year design water surface elevation to provide a factor of safety for uncertainties in calculations, unknown local conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

*Functional* means stormwater facilities which serve their primary purpose but may not be completed.

*Groundwater* means water that is located within soil or rock below the surface of the earth. The term "subsurface water" is synonymous.

*Groundwater control system* means a designed system which may consist of tiles, under drains, French drains, or other appropriate stormwater facilities whose purpose is to lower the groundwater table to a predictable elevation throughout the year.

*Historic Structure* means any structure that is:

- (1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- (3) Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.
- (4) Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

*Hydraulics* means the science and study of the mechanical behavior of water in physical systems and processes.

*Hydraulically connected impervious area* means those areas of concrete, asphalt and gravel surfaces along with roof tops which convey flows directly to an improved drainage system consisting of storm sewers or paved channels. Rooftops whose downspouts discharge to unpaved surfaces which are designed for the absorption and filtration of stormwater runoff shall not be considered as hydraulically connected impervious surfaces. Roadways whose primary conveyance is through open ditches and swales shall not be considered as hydraulically connected impervious surface. Roadways drained by curb and gutter and storm sewer, and driveways hydraulically connected to those roadways shall be considered as directly connected impervious surface.

*Hydraulically equivalent compensatory storage* means compensatory storage either adjacent to the floodplain fill or not located adjacent to the development but can be shown by analysis to be hydrologically and hydraulically equivalent to compensatory storage located adjacent to the development.

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*Hydrologically disturbed* means an area where development causes the land surface to be cleared, grubbed, compacted, or otherwise modified that changes runoff volumes or rates; or that changes runoff direction.

*Hydrology* means the science of the behavior of water, including its dynamics, composition, and distribution in the atmosphere, on the surface of the earth, and underground.

*IDNR/OWR* means the Illinois Department of Natural Resources, Office of Water Resources.

*-IDNR/OWR Jurisdictional Stream* means IDNR/OWR has jurisdiction over any stream serving a tributary area of 640 acres or more in an urban area, or in the floodway of 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 IDNR/OWR. (Ill Admin. Code tit. 17, pt. 3700.30). The IDNR/OWR may grant approval for specific types of activities by issuance of a statewide permit which meets the standards defined in Section 16-140 of this division.

*Impervious surfaces* means areas that cause the majority of rainfall to be converted to direct runoff, including asphalt, concrete, roofing systems and compacted gravel not designed nor constructed to promote infiltration or storage of stormwater runoff.

*Interim watershed plan* means a regional study of a watershed which does not address the entire range of purposes, goals and objectives outlined in the County-wide Stormwater Management Plan approved by the Committee and adopted by the County.

*Intermittent stream* means a stream whose bed intersects the groundwater table for only a portion of the year on the average or any stream which flows continuously for at least one (1) month out of the year but not the entire year.

*Letter of map amendment (LOMA)* means official determination by FEMA that a specific building, defined area of land, or a parcel of land, where there has not been any alteration of the topography since the date of the first NFIP map showing the property within the floodplain, was inadvertently included within the floodplain and that the building, defined area of land, or a parcel of land is removed from the floodplain. FEMA's determination that either an entire legally defined parcel of land, or the lowest grade adjacent to a structure, is above the base flood elevation and is therefore the specific structure is excluded from the SFHA. A LOMA amends the effective flood hazard boundary map, flood boundary floodway map, or flood insurance rate map.

*Letter of map revision (LOMR)* means letter that revises BFEs, floodplains or floodways as shown on an effective FIRM. FEMA's modification to an effective flood insurance rate map (FIRM) or flood boundary and floodway map (FBFM), or both. The term "LOMR" means a formal indication of map change by FEMA to revise base flood elevations, flood insurance rate zones, flood boundaries, or floodways as shown on an effective flood insurance rate map based on approved record drawings. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM or FBFM, and sometimes the flood insurance study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

*Lake* means a natural or artificial body of water encompassing an area of two (2) or more acres, which retains water throughout the year.

*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, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this division.

*Major stormwater system* means that portion of a stormwater facility needed to store and convey flows beyond the capacity of the minor stormwater system. A constructed major stormwater system shall be designed to convey the one hundred (100) year flood frequency runoff event.

*Manufactured home* means a structure transportable in one (1) or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when attached to the required utilities. ~~The term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on site for more than one hundred eighty (180) consecutive days. The term "manufactured home" does not include a recreational vehicle.~~

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

*Mass grading* means development in which the primary activity is a change in topography affected by the movement of earth materials.

*Minor stormwater system* consists of all infrastructure, including, but not limited to, curb, gutter, culverts, roadside ditches and roadside swales, storm sewers, and subsurface drainage systems intended to convey stormwater runoff on a frequent basis. The recurrence frequency for design purposes shall be the ten (10) year event.

*Mitigation* means measures taken to offset negative impacts from development in wetlands or the floodplain.

*National Flood Insurance Program (NFIP)* means a Federal program whose requirements are codified in Title 44 of the Code of Federal Regulations.

*Net watershed benefit in water quality* means the institution of best management practices as part of a development that when compared to the pre-development condition can be judged to reduce downstream sediment loading or pollutant loadings.

*Net watershed benefit in flood control* means a finding that, when compared to the existing condition, the developed project will do one (1) of the following: substantially reduce (more than ten (10) percent ) downstream peak discharges; reduce downstream flood stages (more than one-tenth (0.1) of a foot); or reduce downstream damages to structures occurring in the pre-development condition. The demonstration of one (1) of these conditions must be through detailed hydrologic and hydraulic analysis of watersheds on a regional scale as approved by the Administrator.

*New construction* means, for the purposes of floodplain management, structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community or the County and includes any subsequent improvements to 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, including, at a 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 floodplain management regulations adopted by a community or the County.

*Non-riverine* means areas not associated with a stream or river such as isolated depressional storage areas, ponds and lakes.

NAVD 88 means North American Vertical Datum of 1988. NAVD 88 supersedes the National Geodetic Vertical Datum of 1929 (NGVD).

*Natural Resources Conservation Service (NRCS)* means the United States Department of Agriculture, Natural Resources Conservation Service.

*Observation structures* means structures (manholes) built on a field tile where the pipe inflow and outflow is visible upon removal of a lid.

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*Open channel* means a conveyance system with a definable bed and banks carrying the discharge from field tiles and surface drainage. Open channels do not include grassed swales within farm fields under agricultural production, which are ephemeral in nature.

*Ordinary high water mark (OHWM)* means the point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark, such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

*Overland flow path* means a design feature of the major stormwater system which carries flows in excess of the minor stormwater system design capacity in an open channel or swale, or as sheet flow or weir flow over a feature designed to withstand the particular erosive forces involved.

*Oversight Committee* means a certified community's body of officials charged by said community with overseeing variance of the regulations set forth in this division within said community. The Oversight Committee may be a body of elected or appointed officials. See Section 16-345.

*Perennial streams* means riverine watercourses whose thalweg generally intersects the groundwater table elevation and flows throughout the year.

*Permitting authority* means the County or a certified community.

*Plan* means the County Stormwater Management Plan, as adopted by the County Board on December 21, 2010, and as amended from time to time.

*Pond* means a body of water of less than two (2) acres, which retains a normal water level year round.

*Primary gravity outlet* means the outlet device designed to meet the release rate requirements of this division.

*Professional land surveyor* means a land surveyor registered in the State, under the Illinois Land Surveyors Act (225 ILCS 330/1 et seq.), as amended.

*Professional engineer* means an engineer registered in the State, under the Illinois Professional Engineering Practice Act (225 ILCS 325/1 et seq.), as amended.

*Property* means contiguous land under single ownership or control.

*Public bodies of water* means all open public streams and lakes capable of being navigated by watercraft in whole or in part for commercial uses and purposes and all lakes, rivers and streams, which in their natural conditions were capable of being improved and made navigable, or that are connected with or discharge their waters into navigable lakes or rivers within, or upon the borders of the State, together with all bayous, sloughs, backwaters, and submerged lands that are open to the main channel or body of water directly accessible thereto.

*Public flood control project* means a flood control project, which will be operated and maintained by a public agency to reduce flood damages to existing buildings and structures, which includes a hydrologic and hydraulic study of the existing and proposed conditions of the watershed. Nothing in this definition shall preclude the design, engineering, construction or financing in whole or in part of a flood control project by persons or parties who are not public agencies.

*Public flood easement* means an easement acceptable to the appropriate jurisdictional body that meets the regulations of the IDNR/OWR, the County, and the community, and that provides legal assurances that all areas subject to flooding will remain open to allow flooding.

*Record drawings* means drawings prepared, signed, and sealed by a registered professional engineer or registered land surveyor representing the final as-built record of the actual in-place elevations, location of drainage systems, and topography.

*Recreational vehicle* means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck;
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Redevelopment* means development on a parcel upon which the existing condition prior to the effective date of the ordinance from which this division is derived is a nonagricultural land use and includes infrastructure associated with nonagricultural activities. Widening of an existing street by a unit of local government, including, but not limited to, the County Highway Department and township road districts, may be considered redevelopment.

*Registered structural engineer* means a person licensed under the laws of the State as a structural engineer.

*Regulatory floodplain* means the floodplain as depicted on maps recognized by FEMA as defining the limits of the SFHA.

*Regulatory floodway* means regulatory floodways are those portions of the floodplain depicted on maps as floodway and recognized by the IDNR/OWR for regulatory purposes.

*Removal of vegetation* means cutting vegetation to the ground or stumps, complete extraction, or killing vegetation by spraying.

*Repetitive loss* means flood related damages sustained by a structure on two separate occasions during a ten-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.

*Retention facility* means a retention facility stores stormwater runoff without a gravity release.

*Riverine* means related to, formed by, or resembling a channel (including creeks and rivers).

*Runoff* means the waters derived from melting snow or rain falling within a tributary drainage basin that exceeds the infiltration capacity of the soils of that basin.

*Seasonal high groundwater table* means the upper limits of the soil temporarily saturated with water, being usually associated with spring wetness conditions. This may be indicated by soil mottles with a Munsell color of 2 chroma or less.

*Sedimentation* means the process that deposits hydraulically moved soils, debris, and other materials either on other ground surfaces or in bodies of water or stormwater drainage systems.

*Sediment trap* means a device or area that allows for the temporary deposit and removal or disposal of sediment materials from stormwater runoff.

*Seepage* means the movement of drainable water through soil and rock.

*Special flood hazard area (SFHA)*. See *Floodplain*.

*Start of construction*, ~~for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97—348),~~ includes substantial improvement and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include

the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Stormwater facility* means all ditches, channels, conduits, bridges, culverts, levees, ponds, natural and man-made impoundments, wetlands, riparian environment, tile, swales, sewers, or other natural or artificial drainage systems, devices or measures which serve as a means of draining surface and subsurface water from land.

*Stormwater management basin (detention)* means a constructed stormwater facility for the temporary storage of stormwater runoff at a controlled release rate.

*Stormwater management permit* means the permit issued under Subdivision V of this division.

*Stripping* means any activity that removes the vegetative surface cover, including tree removal, clearing, and storage or removal of topsoil.

*Structure* means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally aboveground, as well as a manufactured home and prefabricated buildings. The term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days per year. One hundred eighty (180) days shall be considered the cumulative installation on a site during any consecutive three hundred sixty-five (365) day period.

*Substantial Damage* means damage of any origin sustained by a structure whereby the cumulative percentage of damage during a ten (10) year period equals or exceeds fifty percent (50%) 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. The term includes "Repetitive Loss Buildings" (see definition).

*Substantial improvement.* Any reconstruction, rehabilitation, addition or improvement of a structure taking place during a ten (10) year period in which the cumulative percentage of improvements equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started.

"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. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

- (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.

When work is performed on an existing building and any of the following three conditions occur, or any combination thereof, the work is classified as a substantial improvement and the entire building must comply with the building protection standards:

- (1) An improvement made to a building whose cost is equal or greater than fifty (50) percent of the structure's market value prior to the start of construction;
- (2) Reconstruction or repair of a building, the cost of which or is equal or greater than fifty (50) percent of the structure's market value prior to the start of construction; or
- (3) Additions to an existing building whose cost or is equal or greater than fifty (50) percent of the structure's market value prior to the start of construction or increases the floor area by more than twenty (20) percent.

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~~Note that if a building is substantially improved, then the entire building must comply with the building protection standards.~~

*Subsurface drainage* means the removal of excess soil water to control water table levels at predetermined elevations for structural, environmental or other reasons in areas already developed or being developed for residential, industrial, commercial, or recreational uses.

*Subsurface water* means water beneath the ground or pavement surface. Subsurface water is sometimes referred to as groundwater or soil water.

*Technical manual* means the manual adopted by the County Board, which refers to this division and provides additional explanations and examples.

*Thalweg* means a line along the lowest point in a channel.

*Transition section* means reaches of the stream or floodway where water flows from a narrow cross section to a wide cross section, or vice versa.

~~*Violation* means the failure of an applicant, their agent, contractor, a structure or other development to be fully compliant with this division.~~

*Water body* means any water holding lake, pond, basin, wetland, quarry, or natural or man-made water impoundment that has a definite bed and banks or shoreline, into which surface water or groundwater flows and is impounded, either perennially or intermittently.

*Water table* means the upper limit of a free water surface in a saturated soil or underlying material.

*Watercourse* means any river, stream, creek, brook, branch, flowage, ravine, or natural or man-made drainageway that has a definite bed and banks or shoreline, in or into which surface water or groundwater flows, either perennially or intermittently.

*Waters of the U.S.* means as defined by the United States Army Corps of Engineers in their Federal Methodology for the Regulation of Wetlands. The term "waters of the U.S." includes wetlands, lakes, rivers, streams, creeks, bogs, fens, and ponds. The term "waters of the U.S." does not include maintained stormwater facilities.

*Watershed* means all land area drained by, or contributing water to, the same stream, lake, stormwater facility, or draining to a point.

*Watershed characteristics* means and includes land use, physiology, habitat, climate, drainage system and community profile.

*Watershed plan* means a study and evaluation of an individual drainage basin's stormwater management, floodplain management, water quality and flood control needs and capabilities.

*Wetland* means land area defined in the 1987 Corps of Engineers Wetland Delineation Manual, Technical Report Y-87-1, U.S. Army Engineers Waterways Experiment Station, Vicksburg, Mississippi ("the 1987 Manual") or other current federal methodology recognized by the U.S. Army Corps of Engineers for regulatory purposes.

(Res. No. 12-28, § 104, 6-19-2012; Ord. No. 2013-25, 12-17-2013; Ord. No. 2021-13, 5-18-2021)

**Secs. 16-53—16-77. Reserved.**

## **Subdivision II. Requirements for Stormwater Management**

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## Sec. 16-78. General information.

All developments shall meet the requirements specified for general stormwater requirements (Section 16-79), site runoff requirements (Section 16-80), sediment and erosion control (Subdivision III of this division), long-term maintenance (Subdivision VI of this division) and performance security (Subdivision XII of this division).

(Res. No. 12-28, § 200, 6-19-2012)

## Sec. 16-79. General stormwater requirements.

- (a) *Requirements applicable to all development.* All development shall ensure the development site is reasonably safe from flooding. No development shall:
  - (1) Result in any new or additional expense to any person other than the developer for flood protection; nor
  - (2) Increase flood elevations or decrease flood conveyance capacity upstream or downstream of the area under the ownership or control of the developer. This requirement shall not prohibit the removal or reduction of built obstructions to flow, such as increasing culvert capacity or lowering roadway elevations.
- (b) *Building permits.* Stormwater facilities shall be functional before building permits are issued for residential and nonresidential subdivisions.
- (c) *Single parcel developments.* Stormwater facilities shall be functional where practicable for single parcel developments before building construction begins.
- (d) *Overland flow paths.* The development shall have an overland flow path that will pass the base flood flow from disturbed areas to the project stormwater facilities or stormwater management basin without increasing damage to structures or property. If the upstream drainage area is less than twenty (20) acres, a storm sewer system and inlets sized for the base flood can be constructed in lieu of providing an overland flow path. Such storm sewer systems shall be considered part of the major stormwater system. Overland flow paths internal to the site shall be considered part of the major stormwater system and shall be designed for conveyance of the base flood (critical duration) or at a minimum one (1) CFS per tributary acre, without damage to structures.
- (e) *Protection of buildings.*
  - (1) All space in new buildings or added to existing buildings hydraulically connected to a stormwater management basin or base flood elevation shall be elevated, floodproofed, or otherwise protected to at least two (2) feet above the one hundred (100) year design water surface elevation or current FIS elevation, whichever is greater. The design water surface elevation of the stormwater management basin is determined as the elevation associated with the design release rate as determined in Section 16-80(c).
  - (2) All space in new buildings or added to existing buildings hydraulically connected to a major stormwater system, or overland flow path with a tributary area of twenty (20) acres or greater shall be elevated, floodproofed, or otherwise protected to at least two (2) feet above the one hundred (100) year design water surface elevation or current FIS elevation, whichever is greater.
  - (3) All space in new buildings or added to existing buildings hydraulically connected to a major stormwater system, or overland flow path with a tributary area less than twenty (20) acres shall be elevated, floodproofed, or otherwise protected to at least one (1) foot above the one hundred (100) year design water surface elevation or current FIS elevation, whichever is greater.

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- (f) *Depressional storage.* The function of existing on-site depressional storage shall be preserved for up to the base flood event. The function of existing on-site depressional storage shall be preserved for both on-site and off-site tributary flows in addition to required site runoff storage volume. When depressional storage is removed it must be compensated for in the stormwater management basin at a one (1) to one (1) ratio, provided that off-site areas tributary to the existing depressional storage are routed through the stormwater management basin. This requirement is in addition to the stormwater management basin required in Section 16-81.

(Res. No. 12-28, § 201, 6-19-2012)

### **Sec. 16-80. Site runoff requirements.**

- (a) *Stormwater facility discharges.* Stormwater facilities shall be required and designed so that runoff exits the site at a point where it exited prior to the subject development and in a manner such that flows will not increase flood damage to adjacent property except when otherwise approved in writing by the Administrator. Concentrated discharges from new developments must enter conveyance systems capable of carrying the design flow rate without increasing flood damages or maintenance costs downstream.
- (b) *Minor stormwater system criteria.* Minor stormwater systems shall be sized to convey runoff from the tributary watershed under pre-development or fully developed conditions as may create the greatest amount of runoff. The recurrence frequency for design purposes shall be the ten (10) year event. The rainfall data shall be from ISWS Bulletin 75. Inlet capacity shall generally be provided such that depth of ponding does not exceed six (6) inches to facilitate the ten (10) year event. Pipe capacity shall generally be provided such that the calculated hydraulic grade line does not exceed the top of pipe elevation. The extent and determination of minor (and major) stormwater systems shall be at the discretion of the permitting authority based on project conditions.
- (c) *Major stormwater system criteria.* Major stormwater systems shall be sized to carry the base flood without causing additional flood damage. A constructed major stormwater system shall be designed to convey the critical duration base flood event from all tributary areas underdeveloped or undeveloped conditions whichever may result in greater flows. The extent and determination of major (and minor) stormwater systems shall be at the discretion of the permitting authority based on project conditions.
- (d) *Existing subsurface and surface drainage systems.* Stormwater systems shall properly incorporate and be compatible with existing subsurface and surface drainage systems, including agricultural systems. Designs shall not cause damage to the existing drainage systems or the existing adjacent or tributary land, including those with agricultural uses. The following principles and requirements shall be observed in the design:
- (1) *Off-site outfall.* Agricultural subsurface and surface drainage systems shall be evaluated with regard to their capacity and capability to properly convey low flow groundwater and stormwater management basin release without damage to downstream drainage systems and land use on the adjacent property. If the outfall drain tile and surface drainage systems prove to be inadequate it will be necessary to modify the existing systems or construct new systems which will not conflict with the existing systems and will not impact the existing agricultural land use. Existing subsurface systems shall only be used as an outfall if extended detention volume is provided in the stormwater management basin.
  - (2) *On site.* Agricultural drainage systems shall be located and evaluated on site. All existing on-site agricultural drain tile not serving a beneficial use shall be abandoned by trench removal prior to other development and documented on record plans. If any existing drain tiles continue to upland watersheds the applicant must maintain drainage service at all times, including during construction.
  - (3) *Off-site tributary.* Existing drainage systems shall be evaluated with regard to existing capabilities and reasonable future expansion capacities. All flows from existing tributary drain tiles shall be facilitated

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by the proposed stormwater conveyance system, including observation structures located at the property limits as appropriate. The proposed stormwater system shall provide a free flow discharge from tributary drain tiles and shall not allow surface runoff to enter the system. Off-site surface flows (including agricultural) shall be facilitated by the proposed project with consideration given to water quality and sediment control and mitigation measures.

- (4) *Existing subsurface systems.* New roadway construction and utility construction shall preserve existing subsurface systems within the right-of-way and the entire project area.
- (e) *Design runoff rate.* Design runoff rates shall be calculated using event hydrograph methods. Acceptable hydrograph methods shall be determined by the Administrator. Design runoff rates for minor stormwater systems may be calculated using the rational method if the tributary area is less than twenty (20) acres.
- (f) *Design rainfall.* Any design runoff rate calculation shall use Illinois State Water Survey Bulletin 75 rainfall data to calculate flow from all tributary area upstream of the point of design. Peak discharges for conveyance design purposes shall be based on the critical duration event considering the appropriate rainfall distribution. Rational method design of conveyance systems shall use Illinois State Water Survey Bulletin 75, Sectional Rainfall Data Based Intensity-Duration-Frequency Curves.
- (g) *Stormwater system easements.* For projects involving subdivision, major and minor stormwater systems shall be located within easements or rights-of-way explicitly providing for public access and maintenance of such facilities. For all other projects requiring a permit, easements are required to provide public access for maintenance of new stormwater facilities (or for modifications) involving stormwater management basins or components of a drainage system that conveys runoff from off-site properties.
- (h) *Flow depths.* Maximum flow depths for new transverse stream crossings shall not exceed one (1) foot at the crown of the road during the base flood condition. The maximum flow depth on a roadway shall not exceed six (6) inches at the crown for flow parallel to the roadway. For flow over a new roadway or parallel to a new roadway the product of the flow depth (in feet) and velocity (in feet per second) shall not exceed four (4) for the base flood condition.
- (i) *Diversion of flow between watersheds.* Transfers of waters between watersheds (diversions) shall be prohibited except when such transfers will not violate the provisions of Section 16-79(a) and are otherwise lawful. Watersheds for the purpose of regulation under this section shall be the watershed divides, as defined in the County Stormwater Plan.

(Res. No. 12-28, § 202, 6-19-2012; Ord. No. 2021-13, 5-18-2021)

## **Sec. 16-81. Site runoff storage requirements.**

### **(a) Applicability of site runoff storage requirements.**

- (1) All developments shall comply with the site runoff storage requirements provided in this section in which:
  - a. A single-family, detached land use property consisting of five (5) or more residential structures having an average lot size of three (3) acres or less;
  - b. A nonresidential land use or a residential land use other than single-family, detached property of contiguous ownership equal to or greater than three (3) acres:
    - 1. Resulting in more than forty-five thousand (45,000) square feet of development; or
    - 2. Resulting in more than thirty-two thousand (32,000) square feet of impervious surface area.

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The area of development and impervious surface and corresponding storage requirements shall be determined on an aggregate basis from the effective date of the ordinance from which this division is derived.

- c. A nonresidential land use or a residential land use other than single-family, detached property of contiguous ownership less than three (3) acres and resulting in disturbance of more than five thousand (5,000) square feet and resulting in twenty-five (25) percent or more of the site area as impervious surface. The area development and corresponding storage requirements shall be determined on an aggregate basis from the effective date of the ordinance from which this division is derived.
- d. Public roadway developments in rights-of-way under the ownership or control of a unit of local governments where the new impervious surface area tributary to any drainage outlet exceeds two (2) acres. New impervious surface includes PCC and asphalt pavement, sidewalks and paved trails but does not include previously paved areas.
- e. 1. The developer of a redevelopment project may request that a fee in lieu of detention (site runoff storage volume) be approved, provided that all of the following are demonstrated to the sole satisfaction of the Administrator:
  - (i) The drainage plan will not increase existing flood damages; and
  - (ii) The drainage plan provides a net watershed benefit in water quality compared to the existing development.
- 2. The Administrator shall determine the appropriate fee to be collected, as defined in Subdivision XIII of this division, and such decision in the matter shall be considered final.
- 3. All impervious area shall be included when considering the threshold for requiring stormwater storage regardless of when it was created. No impervious surface is grandfathered with regard to the threshold. However, stormwater storage is only required on development after the effective date of the ordinance from which this division is derived. Additionally, it is noted that a gravel surface is considered impervious unless it is designed and constructed to promote infiltration or provide stormwater storage.
- (2) The following projects/work activities are not considered development nor subject to the site runoff storage requirements of this section:
  - a. Maintenance or repair of existing buildings and facilities;
  - b. Repair and replacement of existing parking lots outside the floodplain, provided:
    - 1. The net impervious surface is not increased;
    - 2. There is no increase in peak flows;
    - 3. There is no change in the location or type of stormwater discharge (sheet flow or point discharge);
  - c. Repair and replacement of existing parking lots outside the floodplain with an increase in impervious surface, provided:
    - 1. The net impervious surface increases by no more than ten (10) percent of the area of the parking lot but in no case shall the impervious surface increase by more than forty-five thousand (45,000) square feet;
    - 2. Best management practices are constructed;

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3. The best management practices provide a reduction in total runoff volume or reduction in pollutant load. This shall be documented with a quantitative evaluation of before project and after project conditions;
  - d. Resurfacing of streets or highways outside the floodplain;
  - e. Resurfacing publicly owned streets and highways within the floodplain provided elevation changes are limited to two (2) inches or less;
  - f. Excavation or removal of vegetation in rights-of-way or public utility easements for the purpose of installing or maintaining utilities, not including storm sewers.
- (b) *Release rate.* Sufficient excess runoff/flood storage volume shall be provided so that the proposed project will not discharge at a rate greater than fifteen-hundredths (0.15) CFS per acre of disturbance for a rainfall event with a one hundred (100) year recurrence frequency. Additionally, sufficient excess runoff/flood storage volume shall be provided so that the proposed project will not discharge at a rate greater than four-hundredths (0.04) CFS per acre of disturbance for a rainfall event with a two (2) year recurrence frequency. The area of hydrologic disturbance for the entire project shall be used to calculate the site runoff storage volume requirements.
- (c) *Design methods.* Event hydrograph routing methods shall be used to calculate runoff storage volume requirements for stormwater management basins with total tributary areas greater than five (5) acres. The hydrograph routing shall be HEC-1, (SCS methodology), HEC-HMS, TR-20, or TR-55 tabular method or as otherwise approved by the Administrator. Event hydrograph methods shall incorporate the following assumptions:
- (1) Antecedent moisture condition equals two (2);
  - (2) Appropriate Huff rainfall distribution;
  - (3) Twenty-four (24) hour duration storm with a one (1) percent probability (one hundred (100) year frequency) of occurrence in any one (1) year as specified by Illinois State Water Survey Bulletin 75 rainfall data multiplied by a correction factor of one and thirteen-hundredths (1.13) to account for Bulletin 75 rainfall data.

Runoff storage volume requirements for stormwater management basins with total tributary areas equal to or less than five (5) acres may utilize the percent impervious to unit area detention nomograph developed by the Northeastern Illinois Planning Commission (NIPC) (now known as the Chicago Metropolitan Agency for Planning (CMAP)) depicted in Table 16-81.

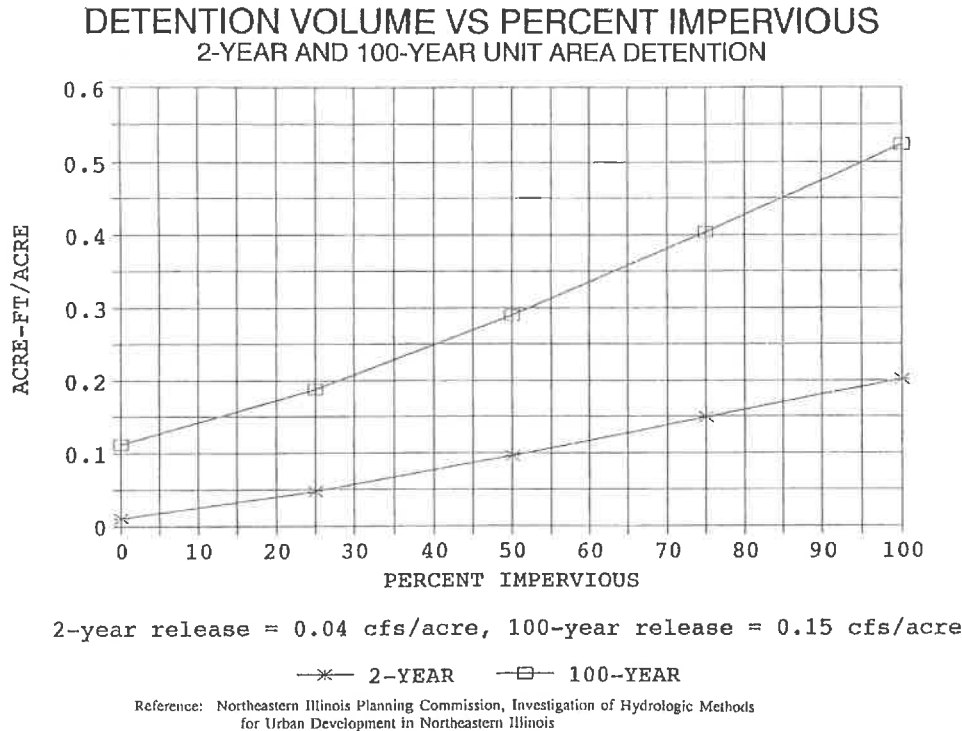
- (d) *Existing release rate less than allowable.* For sites where the undeveloped release rate is less than the maximum release rate in Subsection (b) of this section, the developed release rate and corresponding site runoff storage volume requirement shall be based on the existing undeveloped release rate for the development.
- (e) *Downstream water surface elevations.* All hydrologic and hydraulic computations must utilize appropriate assumptions for downstream water surface elevations, from low flow through the base flood elevation, considering the likelihood of concurrent flood events.
- (f) *Extended detention requirement.*
- (1) The requirements of this section will apply only when the outfall from a stormwater management basin is proposed to connect to an off-site agricultural drain tile system. The first seventy-five-hundredths (0.75) of an inch of runoff from a rainfall event over the hydraulically connected impervious area of the development shall be stored below the elevation of the primary gravity outlet (extended detention) of the stormwater management basin. The facility may be designed to allow for

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- evapotranspiration or infiltration of this volume into a subsurface drainage system and shall not be conveyed through a direct positive connection to downstream areas.
- (2) The hydraulically connected impervious area used in the calculation of required extended detention volume may be reduced by the Administrator if the soils are prepared to maximize infiltration and deep rooted grasses or other plants selected for their ability to promote infiltration or water absorption are planted in areas appropriately dedicated. The reduction in hydraulically connected impervious area used in the calculation shall be equal to the area of the development meeting the above soils/native planting requirement.
  - (3) Subsurface drainage systems may be designed as a component of the extended detention portion of the stormwater management basin to assist in infiltration in accordance with the following criteria:
    - a. The extended detention volume shall be discharged at a rate no greater than that required to empty the calculated extended detention volume within five (5) days of the storm event and at a rate no less than that required to empty the calculated extended detention volume within thirty (30) days of the storm event.
    - b. No subsurface drainage pipe shall be located within ten (10) feet of drainage pipes directly connected to the stormwater management basin.
    - c. For the purposes of meeting the maximum subsurface drainage discharge requirements, flow control orifices and weirs may be used.
    - d. All design extended detention volume shall be provided above the seasonal high groundwater table or the invert elevation of the groundwater control system.
    - e. Farm field tile shall not be considered a subsurface drainage system.
  - (g) *Stormwater management basin design requirements.* Stormwater management basins shall be designed and constructed with the following characteristics:
    - (1) The stormwater management basin shall provide one (1) foot of freeboard above the design high water elevation or BFE.
    - (2) The stormwater management basin shall be located on the site and designed such that they are accessible by motorized maintenance equipment necessary for regular and long-term maintenance operations. The route to the basin shall be formalized with an access easement and that the surface of such route shall be easily traversable by maintenance equipment/operations as determined by the Administrator.
    - (3) All site runoff storage volume shall be provided above the seasonal high groundwater table or above the invert of the groundwater control system.
    - (4) Stormwater management basins shall facilitate sedimentation and catchment of floating material. Unless specifically approved by the Administrator, impervious low-flow ditches shall not be used in stormwater management basins. Stormwater management basins shall maximize the normal flow distance between stormwater management basin inlets and outlets, to the extent possible.
    - (5) Stormwater management basins shall reduce impacts of stormwater runoff on water quality by incorporating best management practices.
    - (6) Stormwater management basins shall be designed with an emergency overflow weir capable of passing the inflow from the critical duration base flood event under developed conditions. The predicted emergency water surface elevation shall be below the top of embankment for any other portion of the stormwater management basin. The weir design shall provide appropriate erosion control measures.

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- (7) Stormwater management basins with single pipe outlets shall have a minimum inside diameter of twelve (12) inches. If design release rates necessitate a smaller outlet, flow control devices such as perforated risers, or flow control orifices shall be used.
  - (8) Stormwater management basins intended to support potential fish habitat with a permanent pool, shall be at least ten (10) feet deep over twenty-five (25) percent of the bottom area.
  - (9) Stormwater management basins shall have a maximum side slope of four to one (4:1).
  - (10) Stormwater management basins with a permanent pool shall have a safety shelf at least eight (8) feet wide a maximum of two (2) feet below the normal water pool.
  - (11) Stormwater management basins shall have a maximum drawdown time of seventy-two (72) hours for a twenty-four (24) hour duration rainfall event with one hundred (100) year recurrence frequency.
  - (12) All stormwater management basins shall comply with IDNR dam safety requirements where applicable.
- (h) *Site runoff storage volume within the regulatory floodplain.* Stormwater management basins and other facilities to satisfy site runoff storage volume requirements located within the regulatory floodplain shall:
- (1) Conform to all applicable requirements specified in this article;
  - (2) Store the required amount of site runoff to meet the release rate requirement under all stream flow and backwater conditions in the receiving stream up to the ten (10) year flood elevation;
  - (3) Site runoff storage volume provided by enlarging existing regulatory floodplain storage without providing a flow control device regulating discharge (on-stream detention) will be allowed only as a variance. The applicant must demonstrate that flood damages are not increased and the development will not increase flood flows for both the two (2) year and one hundred (100) year floods on the stream with developed conditions on the site;
  - (4) The Administrator may approve designs which can be shown by detailed hydrologic and hydraulic analysis to provide a net watershed benefit in flood control not otherwise realized by strict application of the requirements in Subsections (h)(1) through (3) of this section.
- (i) *Site runoff storage volume within the regulatory floodway.* Stormwater management basins and other facilities to satisfy site runoff storage volume requirements located within the regulatory floodway shall:
- (1) Meet the requirements for locating stormwater management basins in the regulatory floodplain;
  - (2) Be evaluated by performing hydrologic and hydraulic analysis consistent with the standards and requirements for any adopted watershed plans;
  - (3) Provide a net watershed benefit in flood control.
- (j) *Site runoff storage volume, channel impoundment.* Flow control structures constructed across any channel to impound water to meet site runoff storage requirements shall be prohibited on any perennial stream unless part of a public flood control project with a net watershed benefit in flood control. Those streams appearing as blue on a USGS Quadrangle map shall be assumed perennial unless better data is obtained. All cross stream flow control structures for the purpose of impounding water to provide site runoff storage in all cases on perennial and intermittent streams must demonstrate that they will not cause short-term or long-term stream channel instability.
- (k) *Off-site stormwater management basins.* Stormwater management basins and other facilities to satisfy site runoff storage volume requirements may be located off site if the following conditions are met:
- (1) The off-site stormwater management basin meets all of the requirements of this article;
  - (2) Adequate storage capacity in the off-site facility is dedicated to the development;

- (3) The development includes means to convey stormwater to the off-site stormwater management basin.

**Table 16-81**



(Res. No. 12-28, § 203, 6-19-2012; Ord. No. 2013-11, 5-21-2013; Ord. No. 2021-13, 5-18-2021)

**Secs. 16-82—16-105. Reserved.**

### **Subdivision III. Soil Erosion and Sediment Control**

#### **Sec. 16-106. General principles.**

- (a) Measures taken to control soil erosion and sediment runoff should be adequate to ensure that sediment is not transported from the site. The following principles shall apply to all development activities within the County:
- (1) Erosion and sediment control planning shall be part of the initial site planning process. In planning the erosion and sediment control strategy, preference shall be given to reducing erosion rather than controlling sediment.
  - (2) Development shall be related to the topography and soils of the site to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required shall be avoided, and natural contours should be followed.

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- (3) Natural vegetation shall be retained and protected. Areas immediately adjacent to natural watercourses, lakes, ponds, and wetlands shall be left undisturbed to the greatest extent possible. Temporary crossings of watercourses, when permitted, must include appropriate watercourse and bank stabilization measures.
  - (4) Special precautions shall be taken to prevent damages resulting from any necessary development activity within or adjacent to any stream, lake, pond, or wetland. Preventative measures shall reflect the sensitivity of these areas to erosion and sedimentation.
  - (5) The smallest practical area of land shall be exposed for the shortest practical time during development.
  - (6) Sediment basins or traps, filter barriers, diversions, and any other appropriate sediment or erosion control measures shall be installed prior to or concurrent with site clearing and grading. Measures implemented on site shall be maintained to prevent erosion and remove sediment from runoff waters from land undergoing development.
  - (7) The selection of erosion and sediment control measures shall be based on assessment of the probable frequency of climatic and other events likely to contribute to erosion (and at a minimum a rainfall event with a twenty-five (25) year recurrence frequency).
  - (8) Provision shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development. Drainageways shall be designed so that their final gradients and the resultant velocities and rates of discharge will not create additional erosion on site or downstream.
  - (9) Permanent vegetation and drainage systems shall be installed and functional at the earliest possible time during development.
  - (10) Those areas being converted from agricultural purposes to other land uses shall be vegetated with an approved protective cover prior to development.
  - (11) All waste generated as a result of site development activity shall be properly disposed of and prevented from being carried off the site by either wind or water.
  - (12) All construction sites shall provide measures to prevent sediment from being tracked onto public or private roadways.
  - (13) Temporary vegetation or, where appropriate, mulching or other non-viable cover shall be used to protect areas exposed during development.
- (b) All development shall comply with the minimum requirements of NPDES regulations for construction activities. This division may provide other requirements but is not intended to relieve NPDES requirements.
- (Res. No. 12-28, § 300, 6-19-2012)

### **Sec. 16-107. Soil erosion and sediment control plan.**

- (a) A soil erosion and sediment control plan shall be provided showing all measures necessary to meet the objectives of this division throughout all phases of construction and permanently after completion of development of the site, including:
  - (1) The plan shall provide a description of the nature of the construction activity, the name of the receiving waters, an estimate of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading or other activities.
  - (2) A site map indicating drainage patterns and approximate slopes anticipated before and after major grading activities.

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- (3) Location and description of all off-site tributary areas that will cause runoff and the potential to cause sediment flow on to the project site and or within the project limits. The extent of off-site area, nature of land use and off-site land cover shall be identified. Depict and identify the on-site erosion control and sediment control measures to facilitate potential off-site flows and sediment.
  - (4) The proposed phasing of development of the site, including stripping and clearing, rough grading and construction, and final grading and landscaping. Phasing should identify the expected dates and the sequences of installation of temporary sediment control measures, installation of temporary soil stabilization measures, clearing and grading, estimated duration of exposure of cleared areas, installation of storm drainage, paving of streets and parking areas, final grading, establishment of permanent vegetative cover, and the removal of temporary measures. It shall be the responsibility of the applicant to notify the permitting authority of any significant changes that occur in the site development schedule after the soil erosion and sediment control plan has been approved.
  - (5) Location and description, including specifications, of all erosion control measures, including temporary or permanent seeding, mulching, erosion control blanket, and types of non-vegetative stabilization measures.
  - (6) Location and description, including standard details and design specifications, of all sediment control measures, including, but not limited to, methods to prevent tracking of sediment off site, diversions, sediment traps, sediment basins, inlets and outlets, as appropriate.
  - (7) Description of dust control measures.
  - (8) Locations of stockpiles and description of stabilization methods.
  - (9) Descriptions of off-site fill or borrow volumes, locations, and methods of stabilization.
  - (10) Provisions for construction dewatering, if needed, to address water that is pumped or discharged from the site during construction. Means shall be provided to prevent erosion from a dewatering operation as well as filter or treat water to prevent sediment from discharging off site.
  - (11) Location of outfalls.
  - (12) Provisions for maintenance of control measures, including type and frequency of maintenance.
- (b) These submissions shall be prepared in accordance with the requirements of this division and the standards and specifications contained in the Illinois Urban Manual (2010 or current edition) which standards and requirements are hereby incorporated into this division by reference. Erosion and sediment control planning shall be in accordance with the Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois (The Green Book, 1988 or current edition).
  - (c) The permitting authority may waive specific requirements for the content of submissions upon finding that the information submitted is sufficient to show that the work will comply with the objectives and principles of this division.

(Res. No. 12-28, § 301, 6-19-2012)

## **Sec. 16-108. Design and operations standards and requirements.**

- (a) *Generally.* This section establishes the design features and the design criteria, standards, and methods to be used in developing a Soil Erosion and Sedimentation Control Plan.
- (b) *Site design requirements.*

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- (1) On-site soil erosion and sediment control measures, as specified by the following criteria, shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.
    - a. Disturbed areas draining less than one (1) acre shall, at a minimum, provide filter barriers (including silt fences, or equivalent control measures) to control all on- and off-site runoff as specified in referenced handbooks. Vegetated filter strips, with a minimum width of twenty-five (25) feet located on the subject property, may be used as an alternative only where runoff in sheet flow is expected.
    - b. Disturbed areas draining more than one (1) but less than five (5) acres, shall, at a minimum, be protected by a sediment trap or equivalent control measure and such protection shall be constructed at the downslope point of the disturbed area as specified in referenced handbooks.
    - c. Disturbed areas draining more than five (5) acres shall, at a minimum, be protected by a sediment basin with a dewatering device or equivalent control measure and such protection shall be constructed at the downslope point of the disturbed area as specified in referenced handbooks.
    - d. Sediment basin and sediment trap designs shall provide for both detention storage and sediment storage. The detention storage shall be composed of equal volumes of wet detention storage and dry detention storage and each shall be sized for the two (2) year, twenty-four (24) hour runoff from the site under maximum runoff conditions during construction. The release rate of the basin shall be that rate required to achieve minimum detention times of at least ten (10) hours. The elevation of the control structure shall be placed such that it only drains the dry detention storage.
    - e. The sediment storage shall be sized to store the estimated sediment load generated from the site over the duration of the construction period with a minimum storage equivalent to the volume of sediment generated in one (1) year. For construction periods exceeding one (1) year, a sediment removal schedule shall be provided.
  - (2) Stormwater conveyance channels, including ditches, swales, and diversions, and the outlets of all channels and pipes shall be designed and constructed to withstand the expected flow velocity from the ten (10) year frequency storm without erosion. All constructed or modified channels shall be stabilized within forty-eight (48) hours.
  - (3) Soil disturbance shall be conducted in such a manner as to minimize erosion. Areas of the development site that are not to be graded shall be protected from construction traffic or other disturbance until final seeding is performed. Soil stabilization methods shall consider the time of year, site conditions and use of temporary or permanent measures.
  - (4) Properties and channels adjoining development sites shall be protected from erosion and sedimentation. At points where concentrated flow leaves a development site, energy dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity of flow from the drainage outlet to the watercourse.
  - (5) Development in excess of twenty (20) acres shall provide a detailed schedule for earthwork, including a timeline in days for stripping, excavating, filling, and establishment of erosion controls. Such schedule shall consider phasing of operations to limit the area of disturbance on site at any one time. The erosion control plan must ensure temporary or permanent soil erosion and sediment control measures can be maintained.
  - (6) Disturbed areas shall be stabilized with temporary or permanent measures within seven (7) calendar days following the end of active disturbance, or re-disturbance, consistent with the following criteria:

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- a. Appropriate temporary or permanent stabilization measures shall include seeding, mulching, erosion control blanket, sodding, and/or non-vegetative measures in accordance with the Illinois Urban Manual.
  - b. Areas having slopes greater than twelve (12) percent shall be stabilized with turf reinforcement mat, or blanket in combination with seeding, or equivalent.
  - c. The seven (7) day stabilization requirement may be precluded by snow cover or when construction activity will resume within fourteen (14) days from when activities have ceased, then stabilization measures do not have to be initiated on that portion of the site by the seventh day after construction activity temporarily ceased given that portion of the site has appropriate soil erosion and sediment controls.
- (7) Land disturbance activities in stream channels shall be avoided, where possible. If disturbance activities are unavoidable, the following requirements shall be met:
- a. Construction vehicles shall be kept out of the stream channel to the maximum extent practicable. Where construction crossings are necessary, temporary crossings shall be constructed of non-erosive material, such as riprap or gravel.
  - b. The time and area of disturbance of stream channels shall be kept to a minimum. The stream channel, including bed and banks, shall be restabilized within forty-eight (48) hours after channel disturbance is completed, interrupted, or stopped.
  - c. Whenever channel relocation is necessary, the new channel shall be constructed dry and fully stabilized before flow is diverted.
- (8) Storm sewer inlets and culverts shall be protected by an appropriate sediment control measure.
- (9) Soil storage piles containing more than ten (10) cubic yards of material shall not be located with a downslope drainage length of less than twenty-five (25) feet to a roadway or drainage channel. Filter barriers, including filter fence, or equivalent, shall be installed immediately on the downslope side of the piles.
- (10) If dewatering devices are used, discharge locations shall be protected from erosion. All pumped discharges shall be routed through an effective sediment control measure (e.g., an appropriately designed sediment traps or basins, or equivalent) and monitored for performance and compliance with the approved plan.
- (11) Each site shall have a stabilized mat of aggregate underlain with filter cloth (or other appropriate measure) of sufficient length and width and stone gradation to prevent sediment or stone from being tracked onto public or private roadways at any point where traffic will be entering or leaving a construction site to or from entrance roads, access drives, and parking areas. Any sediment reaching a public or private road shall be removed by shoveling or street cleaning (not flushing) before the end of each workday and transported to a controlled sediment disposal area.
- (12) The applicant shall provide adequate receptacles for the deposition of all construction material debris generate during the development process. The applicant shall not cause or permit the dumping, depositing, dropping, throwing, discarding or leaving of construction material debris upon or into any development site, channel, watercourse or water body.
- (13) All temporary and permanent erosion and sediment control practices must be maintained and repaired as needed to ensure effective performance of their intended function.
- (14) All temporary erosion and sediment control measures shall be maintained until site stabilization is achieved with permanent soil stabilization measures. In the case of bare ground seeding, erosion controls must be maintained until a minimum of seventy (70) percent density of cover and two (2)

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inches of growth is established. Trapped sediment and other disturbed soils resulting from the disposition of temporary measures should be permanently stabilized to prevent further erosion and sedimentation.

(15) The condition of the construction site for the winter shutdown period shall address proper erosion and sediment control early in the fall growing season so that slopes and other bare earth areas may be stabilized with temporary and/or permanent vegetative cover and other cover types/stabilization methods. All open areas that are to remain idle throughout the winter shall receive temporary erosion control measures prior to the end of the fall growing season. The areas to be worked beyond the end of the growing season must incorporate soil stabilization measures that do not rely on vegetative cover.

(c) *Handbooks adopted by reference.* The standards and specifications contained in the Illinois Urban Manual (2010 or current edition) and the Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois (The Green Book, 1988 or current edition) are hereby incorporated into this section and made a part hereof by reference for the purpose of delineating procedures and methods of operation under site development. In the event of conflict between provisions of said manuals and of this division, this division shall govern.

(Res. No. 12-28, § 302, 6-19-2012)

#### **Sec. 16-109. Maintenance of erosion control measures.**

- (a) All soil erosion and sediment control measures necessary to meet the requirements of this division shall be maintained by the applicant or subsequent landowner during the period of land disturbance and development of the site in a satisfactory manner to ensure adequate performance. Soil erosion and sediment control measures shall be inspected in accordance with NPDES requirements or at least weekly and following an equivalent one-half (½) inch rainfall event and repaired or replaced as necessary.
- (b) With issuance of the stormwater permit by the permitting authority the applicant agrees to maintain the soil erosion and sediment control measures and shall execute a maintenance agreement with future owners of the property to maintain the property's soil erosion and sediment control plan and stormwater pollution prevention plan as applicable.
- (c) The applicant also specifically authorizes representatives or subcontractors of the permitting authority to enter onto the property for the purpose of inspections and maintenance of the drainage system.
- (d) If the permitting authority notifies the property owner in writing of maintenance problems that require correction, the property owner shall make such corrections within seven (7) calendar days of such notification.
- (e) If the corrections are not made within this time period, the permitting authority may issue a stop work order and revoke the permit.

(Res. No. 12-28, § 303, 6-19-2012)

#### **Sec. 16-110. Inspection.**

- (a) The permitting authority or their agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the stormwater permit or soil erosion and sediment control plan, as approved.

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- (b) Plans for grading, stripping, excavating, and filling work approved by the permitting authority shall be maintained during progress of the work. Revisions to the approved plan (including formal revisions and field revisions) shall be maintained at the site.
  - (c) In order to ensure compliance with the stormwater permit and approved soil erosion and sediment control plan, stormwater pollution prevention plan and this division, the permitting authority may perform inspections in conjunction with scheduled building inspections.
  - (d) Performance inspections shall be scheduled by the permittee for all development requiring a stormwater permit.
  - (e) For performance inspections, the permittee shall notify the permitting authority within two (2) working days of the construction stages specified below:
    - (1) After establishment of erosion controls concurrent with the start of stripping and clearing;
    - (2) After final grading;
    - (3) After seeding and landscaping deadlines;
    - (4) After final stabilization and landscaping, prior to removal of sediment controls.
  - (f) If stripping, clearing, grading and/or landscaping are to be done in phases or areas, the permittee shall give notice and request inspection at the completion of each of the above work stages in each phase or area.
- (Res. No. 12-28, § 304, 6-19-2012)

#### **Sec. 16-111. Special precautions.**

- (a) If at any stage of development the permitting authority determines by inspection that the nature of the site is such that further work authorized by an existing permit is likely to imperil any property, public way, stream, lake, wetland, or drainage structure, the permitting authority may require, as a condition of allowing the work to be done, that such reasonable special precautions to be taken as is considered advisable to avoid the likelihood of such peril.
- (b) Special precautions may include, but shall not be limited to, a more level exposed slope, construction of additional drainage facilities, berms, terracing, or cribbing, installation of plant materials for erosion control, and recommendations of a registered soils engineer, a certified professional in erosion and sediment control (CPESC), a registered professional engineer and/or an engineering geologist.
- (c) Where it appears that storm damage may result because the grading on any development site is not complete, work may be stopped and the permittee required to install temporary erosion control devices or measures or take such other measures as may be required to protect adjoining property or the public safety.
- (d) On large developments or where unusual site conditions prevail, the permitting authority may specify the time of starting grading and time of completion or may require that the operations be conducted in specific stages so as to ensure completion of protective measures or devices prior to the advent of seasonal rains.

#### **Sec. 16-112. Amendment of plans.**

Major amendments of the site development plan, soil erosion and sediment control plan, stormwater pollution prevention plan or stormwater permit shall be submitted to the permitting authority and shall be processed and approved or disapproved in the same manner as the original plans. Field modifications of a minor nature may be authorized by the permitting authority by written authorization to the permittee.

(Res. No. 12-28, § 306, 6-19-2012)

**Secs. 16-113—16-137. Reserved.**

## **Subdivision IV. Protection of Floodplain and Floodway**

### **Sec. 16-138. General.**

- (a) This subdivision sets forth requirements for developments within floodplains and floodways. References to IDNR/OWR permits or approvals in this section shall be construed as their designee where a portion or all of their authority has been delegated.
- (b) Development that qualifies for any of the self-issuing Statewide or regional permits administered by IDNR/OWR (Statewide Permit Nos. 2 through 14) are similarly permitted under this article. The developer need only submit a permit application to the Administrator with such information as shall show the Administrator that the development qualifies for the particular Statewide or regional permit in question under the regulations established by IDNR/OWR for such permit and no further submittal need be made under this article. All other provisions of this division applicable to such development, however, continue to apply.

(Res. No. 12-28, § 400, 6-19-2012)

### **Sec. 16-139. Floodplain, regulatory floodplain, base flood elevation (BFE) and regulatory floodway locations.**

The BFE shall be delineated onto the site topography to establish the regulatory floodplain area limits for regulation under this division. Regulatory floodplains shall be delineated onto the site map from the current FEMA FIRM or LOMR and include those areas of the SFHA which are not regulatory floodplains. Each community, whether certified or not, remains responsible for maintaining the effective FIS and a list of FIRM panels for their respective communities.

- (1) Any development located on land that is shown by survey elevation to be below the current BFE is subject to the provisions of this division.
- (2) Any development located on land shown to be below the BFE and hydraulically connected to a flood source, but not identified as floodplain on the current FIRM, is subject to the provisions of this division.
- (3) Any development located on land that can be shown by survey data to be higher than the current BFE and which has not been filled after the date of the site's first flood map showing the site in the floodplain, is not located in a mapped floodway, or located in a Zone A, is not in the floodplain and therefore not subject to Subdivision IV of this division.
- (4) Any development located on land that is above the current BFE but will be graded to an elevation below the BFE, is subject to the provisions of this division.
- (5) Base flood elevation**
  - This division's 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 perform a detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

The BFE shall be:

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- a. The base flood elevation for the floodplains of Aux Sable Creek, Blackberry Creek, Clear Creek, Dave-Bob Creek, East Branch Little Rock Creek, Big Rock Creek, Fox River, Harvey Creek, Middle Aux Sable Creek, North Arm Saratoga Creek, Waubensee Creek, and West Aux Sable Creek shall be as delineated on the one hundred (100) year flood profiles in the County-wide Flood Insurance Study of Kendall County prepared by the Federal Emergency Management Agency on February 4, 2009, for panels 0005, 0010, 0015, 0020, 0030, 0040, 0051, 0052, 0053, 0054, 0056, 0057, 0058, 0059, 0070, 0078, 0086, 0087, 0089, 0100, 0125, 0176, 0200 and dated January 8, 2014, for panels 0035, 0037, 0039, 0045, 0065, 0130, 0135, 0140, 0145 and 0225.
  - b. In the case of FEMA delineated "AH zones" the elevation noted on the map shall be the BFE. In the case of FEMA delineated "AO zones" the BFE shall be the depth number shown on the County-wide flood insurance rate map.
  - c. The base flood elevation for each of the remaining floodplains delineated as an A zone on the County-wide flood insurance rate map shall be according to the best data available from Federal, State, or other sources. All best available data and sources will be verified by the Administrator prior to the use of the data. Should no other data exist, an engineering study must be financed by the applicant to determine the base flood elevations. The base flood elevations shall be determined using a site-specific floodplain study by a professional engineer using appropriate hydrologic and hydraulic models as follows:
    1. Hydrologic models: TR-20, HEC-1, HEC-HMS;
    2. Hydraulic models: HEC-2, HEC-RAS, WSP-2; or
    3. A technique approved by the Administrator and the IDNR/OWR.

Where a channel has a tributary drainage area of six hundred forty (640) acres or more in an urban area or six thousand four hundred (6,400) acres or more in a rural area, the above analyses shall be submitted to the IDNR/OWR for concurrent approval.

- d. For floodplains that are not regulatory, are not draining more than six hundred forty (640) acres in an urban area or six thousand four hundred (6,400) acres or more in a rural area, and with no BFE determined, the Administrator may require a site-specific floodplain study for the purpose of establishing an FPE for the development.

(2) *Floodway.*

- a. The location of the regulatory floodway shall be as delineated on the current effective regulatory maps maintained by each community. The location of the regulatory floodway boundary shall be scaled onto the site plan using references common to both the map and the plan (typically the centerlines of adjacent roadways). Where an interpretation is needed to determine the exact location of the regulatory floodway boundary, IDNR/OWR should be contacted.
- b. Note: If an area of the site is located in the regulatory floodway that is higher than the BFE, that area is subject to the Floodway Standards of Section 16-142 until such time as a LOMR is received from FEMA with concurrence by IDNR/OWR.
- c. General criteria for analysis of flood elevations in the regulatory floodway are as follows:
  1. The flood profiles, flows, and data in the current effective FIS must be used for analysis of the base conditions. If the study data appears to be in error or conditions have changed, FEMA and IDNR/OWR shall be contacted for approval and concurrence on the appropriate base conditions data to use. The Director shall be copied on all related correspondence.
  2. If the BFE at the site of the proposed development is affected by backwater from a downstream receiving stream with a larger drainage area, the proposed development shall

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be shown to meet the requirements of this section with the receiving stream at both the normal water and BFEs.

3. If the applicant is informed by IDNR/OWR, local governments, or a private owner that a downstream or upstream restrictive bridge or culvert is scheduled to be removed, reconstructed, modified, or a regional flood control project is scheduled to be built, removed, constructed or modified within the next five (5) years, the proposed development shall be analyzed and shown to meet the requirements of this section for both the existing conditions and the expected flood profile conditions when the bridge, culvert or flood control project is built, removed or modified as applicable.
4. IDNR/OWR will review all proposed floodway modifications, including BFE, and issue permits for any work modifying the floodway.

(Res. No. 12-28, § 401, 6-19-2012; Ord. No. 2013-25, 12-17-2013)

### **Sec. 16-140. General performance standards.**

- (a) *Regulatory floodplain.* The following general performance standards are applicable to all development in a regulatory floodplain. The standards of this section apply except when superseded by more stringent requirements in other Code sections.
- (1) No development except as allowed in Section 16-142 shall be allowed in the regulatory floodplain that singularly or cumulatively creates an increase in flood stage or velocity off site, or a damaging or potentially damaging increase in flood heights or velocity on site or threat to public health, safety and welfare.
  - (2) For all projects involving a channel modification, fill, stream maintenance or a levee, the flood conveyance and storage capacity of the regulatory floodplain shall not be reduced.
  - (3) If the proposed development would result in a change in the BFE and regulatory floodplain, the applicant shall obtain a LOMR from FEMA. No buildings may be built in the existing or proposed regulatory floodplain until the LOMR receives concurrence from IDNR/OWR and is issued by FEMA and the building meets all the building protection standards (Subsection (c) of this section). Proposed changes to the regulatory floodway delineation and the BFE must also be submitted to IDNR/OWR for concurrence.
  - (4) If the development is located in a public body of water, as defined by IDNR/OWR, a permit or a waiver of a permit must also be received from IDNR/OWR.
  - (5) For public flood control projects, the floodplain management standards will be considered met if the applicant can demonstrate to IDNR/OWR and the County or the certified community that each of the following conditions are met:
    - a. Demonstrate by hydraulic and hydrologic modeling that the proposed project will not singularly or cumulatively result in increased flood heights outside the project site or demonstrate that any increases will be contained in easements for all flood events up to and including the base flood event.
    - b. Demonstrate that the project will be operated and maintained by a public agency.
    - c. Demonstrate that the project will reduce flood damage to an existing building or structure.

These standards do not preclude the design, engineering, construction or financing, in whole or in part of a public flood control project by persons who are not public agencies.

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- (6) Proposals for new subdivisions, planned unit developments (PUDs) and additions to subdivisions or PUDs shall include base flood or one hundred (100) year frequency flood elevation data and floodway delineations.
- (b) *Public health protection standards.* Public health standards must be met for all floodplain development. In addition to the requirements of this article and Sections 16-142 and 16-143 apply:
- (1) No development in the floodplain shall include location 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 Subsection (c) of this section.
  - (2) Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.
  - (3) 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.
  - (4) New on-site waste disposal systems, such as septic systems, shall not be constructed within the floodplain. An applicant seeking a variance to this restriction shall comply with all provisions of Subdivision IX of this division and with the following minimum standards:
    - a. The invert of any wastewater distribution lines shall be a minimum of two (2) feet above the water surface elevation of the base flow of any perennial stream;
    - b. The lateral distance from a ditch, creek, or other riverine source to the wastewater distribution lines shall be a minimum of seventy-five (75) feet;
    - c. The elevation of any areas which are to receive wastewater distribution shall be above the OHWM;
    - d. The soil of the receiving field shall be of a type suitable for septic fields;
    - e. The tank shall be placed out of the floodplain with the invert of the outlet about the BFE.
  - (5) New, substantially improved, or replacement wastewater treatment plants shall have watertight openings for those openings located below the FPE. Such facilities should be located to avoid impairment to the facility or contamination of floodwaters during the base flood.
  - (6) New and replacement water supply facilities shall be designed and constructed to minimize or eliminate infiltration of floodwater.
  - (7) If a proposed building site is in a floodplain, all new construction and substantial improvements shall:
    - a. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
    - b. Be constructed with materials resistant to flood damage;
    - c. Be constructed by methods and practices that minimize flood damages;
    - d. Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  - (8) Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reasonably safe from flooding, including the following requirements:

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- a. All such proposals are consistent with the need to minimize flood damage within the floodprone area;
  - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
  - c. Adequate drainage is provided to reduce exposure to flood hazards.

(9) Critical facilities defined in Section 16-52 and governed by Section 16-144.

- (c) *Building protection standards.* The lowest floor, including basements, of all new construction and substantial improvements must have the lowest floor elevated to the FPE except nonresidential buildings may be dry-floodproofed up to the flood protection elevation instead of having the lowest floor elevated as noted in Subsection (c)(3) of this section. An attached garage for a structure must be elevated up to at least one-half (0.5) foot above the BFE.

(1) The building protection requirements applies to the following situations:

- a. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars (\$1,000.00) or seventy (70) square feet.
- b. Substantial improvements or structural alteration made to an existing building that ~~increases the floor area by more than twenty (20) percent or~~ is equal or greater than fifty (50) percent of the structure market value prior to the start of construction of the improvements. Alteration shall be figured cumulatively during a ten (10) year period from the date of the permit application. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.
- c. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively during the life of the building. If substantially damaged the entire structure must meet the flood protection standards of this section.
- d. Any combination of new construction or improvements, figured cumulatively during a ten (10) year period from the date of the permit application, regardless of whether some or all of the improvements are characterized as repairs, remodeling, reconstruction, addition, improvement, betterment, renewal, etc., that equals or exceeds fifty (50) percent of the market value of the building, must result in a requirement to bring the building into compliance.
- e. Installing a manufactured home on a new site or a new manufactured home on an existing site. ~~(The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage). If the manufactured home was originally placed after the effective date of flood regulations adopted by the County then placing it back on the site after it was removed to avoid flood damage must be in compliance with the regulations (ordinance, FIRM and FIS or FHBM) that were in effect at the time it was originally placed.~~
- f. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.

g. Construction or placement of a new building or alteration or addition to an existing building with the low floor below BFE following a LOMR-F in accordance with the conditions outlined herein.

When construction of a building following a LOMR Based on Fill is requested, the condition where a site in the floodplain is removed due to the use of fill to elevate the site above the BFE, the applicant may apply for a permit from the Certified Community to construct the lowest floor of a building below the BFE in the floodplain.

The Administrator of the Certified Community shall not issue such a permit unless the applicant has demonstrated that the building will be reasonable safe from flooding. The Administrator shall require a professional certification from a qualified design professional that indicates the land or buildings are reasonably safe from flooding, according to the criteria established in FEMA Technical Bulletin 10. Professional certification may come from a professional engineer, professional geologist, professional soil scientist, or other design professional qualified to make such evaluations.

The Administrator shall maintain records, available upon request by FEMA, all supporting analysis and documentation used to make that determination, including but not limited to, all correspondence, professional certification, existing and proposed grading, sump pump sizing, foundation plans, Elevation Certificates, soil testing and compaction data.

- (2) Residential or nonresidential buildings can meet the building protection requirements by one (1) of the following methods:
- a. The building may be constructed on permanent land fill in accordance with the following:
    - 1. The lowest floor (including basement) shall be 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 ~~ten-Twenty~~ (240) feet beyond the foundation before sloping below the flood protection elevation in lieu of a geotechnical report;
    - 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 incorporated debris or refuse material; and
    - 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 and basins shall be incorporated.
  - b. The building may be elevated by structural means in accordance with the following:
    - 1. The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to floodwaters.
    - 2. All components located below the FPE shall be constructed of materials resistant to flood damage.
    - 32. The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meter shall be located at or above the flood protection elevation.
    - 43. If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of floodwaters. Designs must either be certified by a registered professional engineer or by having a minimum of one (1) permanent opening on each wall not more than one (1) foot above grade with a minimum of two (2) openings. 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, the lowest inside grade must match the lowest existing outside grade adjacent to the structure.
    - 54. 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.

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- 65. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.
          - 76. 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 waterproofed.
          - 87. 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.
          - 98. In lieu of the above criteria, the design methods to comply with these requirements shall be certified by a registered professional engineer.
        - c. The building may be constructed with a crawlspace located below the flood protection elevation, provided that the following conditions and requirements of FEMA Technical Bulletin 11, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas, which ever are more restrictive are met:
          - 1. The building must be designed and adequately anchored to resist floatation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
          - 2. 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.
          - 3. All enclosed areas below the FPE shall provide for equalization of hydrostatic pressures by allowing the automatic entry and exit of floodwaters. A minimum of one (1) permanent opening shall be provided on at least two walls that is below the BFE and no more than one (1) foot above finished 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 BFE, or the design must be certified by a Registered P.E. as providing the equivalent performance in accordance with accepted standards of practice. Refer to FEMA Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures, for additional guidance.~~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 (1) opening on each wall having a total net area of not less than (1) square inch per one (1) square foot of enclosed area. The openings shall be no more than one (1) foot above grade.~~
          - 4. The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed four (4) feet at any point.
          - 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.
        - 65. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage.
        - 76. Utility systems within the crawlspace must be elevated above the flood protection elevation.
    - (3) Nonresidential buildings may be structurally dry floodproofed (in lieu of elevation), provided a registered professional engineer or registered structural engineer certifies that:
      - a. Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.

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- b. 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.
  - c. 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 purposes of this subsection.
- (4) Manufactured home or travel trailers to be permanently installed on site shall be:
- a. Elevated to or above the flood protection elevation in accordance with Subsection (c)(3) of this section.
  - b. Anchored to resist floatation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act (210 ILCS 120/1 et seq.) issued pursuant to 77 Ill. Admin. Code and 870.
- (5) Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of Subsection (c)(4) of this section unless the following conditions are met:
- a. The vehicle must be either self-propelled or towable by a light-duty truck.
  - b. The hitch must remain on the vehicle at all times.
  - c. The vehicle must not be attached to external structures such as decks and porches.
  - d. The vehicle must be designed solely for recreation, camping, travel or seasonal use rather than as a permanent dwelling.
  - e. The vehicles largest horizontal projections must be no larger than four hundred (400) square feet - when measured at the largest horizontal projection.
  - f. The vehicle's wheels must remain on axles and inflated.
  - g. Air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain.
  - h. Propane tanks as well as electrical and sewage connections must be quick-disconnect and above the one hundred (100) year flood elevation.
  - i. The vehicle must be licensed and titled as a recreation vehicle or park model and must either:
    - 1. Entirely be supported by jacks; or
    - 2. Have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by use of the hitch jack.
- (6) Garages, sheds, or other minor accessory structures constructed ancillary to an existing residential use may be permitted, provided the following conditions are met:
- a. The garage or shed must be non-habitable.
  - b. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
  - c. The garage or shed must be located outside of the floodway or have the appropriate State and/or Federal permits.
  - d. The garage or shed must be on a single-family lot and be accessory to an existing principal structure on the same lot.

~~e. e. The exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the BFE, must be built with flood-resistant materials. Below the base flood elevation, the garage or shed must be built of material not susceptible to flood damage.~~

~~f.f.~~ All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.

~~g.g.~~ The garage or shed must have at least one (1) permanent opening on ~~at least two (2) each wall~~s not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area.

~~h. -The structure must be no more than one story in height and no more than six hundred (600) square feet in size.~~

~~h. The garage or shed must have a value less than ten thousand dollars (\$10,000.00) in market value or replacement cost whichever is greater or be less than less than five hundred (500) square feet in total floor area.~~

i. The structure shall be anchored to resist floatation and overturning.

j. All flammable or toxic materials (gasoline, paint, insecticides, fertilizer, etc.) shall be stored above the flood protection elevation.

k. The lowest floor elevation should be documented, and the owner advised of the flood insurance implications.

~~l. Accessory structures that do not meet all of the above criteria may be constructed if they are dry floodproofed or elevated at least one-half (½) foot above the BFE.~~

~~(d) All Other Activities. All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.~~

~~(e) Dams. Dams are classified as to their size and their hazard/damage potential in the event of failure. Permits for dams may be required from IDNR/OWR. Contact IDNR/OWR to determine if a permit is required. If a permit is required, a permit application must be made to IDNR/OWR prior to the construction or major modification of jurisdictional dams.~~

~~(f) Letters of Map Revision. The Certified Community Administrator shall require a CLOMR prior to issuance of a development permit for:~~

~~(1) Proposed floodway encroachments that will cause an increase in the BFE; and~~

~~(2) Proposed development which will increase the BFE by more than 0.1 feet in riverine area where FEMA has provided a BFE but no floodway.~~

~~Once a CLOMR has been issued, the development permit may be issued for site grading and structures necessary in the area of the map change to achieve the final LOMR. Upon completion, the applicant shall submit as-built certifications, as required by FEMA, to achieve a final LOMR prior to the release of final development permits. Review Section 16-140 for the construction of buildings in any floodplain issued a LOMR Based on Fill.~~

~~(g) Carrying Capacity and Notification. For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained. In addition, the Certified Community shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse where impacts to flood profiles have been determined.~~

### **Sec. 16-141. Compensatory storage volume standards.**

The following standards apply within the regulatory floodplain:

- (1) Hydraulically equivalent compensatory storage volume will be required for development in a riverine regulatory floodplain and shall be at least equal to the regulatory floodplain flood storage volume displaced. To the greatest extent practicable, storage volume displaced below the existing ten (10) year frequency flood elevation must be replaced below the proposed ten (10) year frequency flood elevation. To the greatest extent practicable storage, volume displaced above the ten (10) year existing frequency flood elevation must be replaced above the proposed ten (10) year frequency flood elevation.
- (2) Compensatory storage volume for development in a non-riverine regulatory floodplain area that is also adjacent to a lake shall be equal to the storage volume displaced.
- (3) Compensatory storage volume requirements for development in a non-riverine regulatory floodplain that is not adjacent to a lake shall be replaced in accordance with the requirements for the loss of depressional storage in Section 16-79(f).
- (4) Compensatory storage areas shall be designed to drain freely and openly to the channel and shall be located adjacent to the development. This standard does not apply to a non-riverine regulatory floodplain.
- (5) A recorded covenant or easement running with the land is required to maintain the compensatory storage volume in areas modified to provide compensatory storage volume.

(Res. No. 12-28, § 403, 6-19-2012)

### **Sec. 16-142. Floodway standards.**

Within any floodway identified on the County-wide flood insurance rate map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

- (1) Except as provided in Subsection (2) of this section, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood height or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:
  - a. Bridge and culvert crossing of streams in rural areas meeting all conditions of the IDNR/OWR Statewide Permit Number 2.
  - b. Barge fleeting facilities meeting all conditions of IDNR/OWR Statewide Permit Number 3.
  - c. Aerial utility crossings meeting all conditions of IDNR/OWR Statewide Permit Number 4.
  - d. Minor boat docks meeting all conditions of IDNR/OWR Statewide Permit Number 5.
  - e. Minor, non-obstructive activities such as underground utility lines, light poles, sign posts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding 70 square feet and raising buildings on the same footprint which does not involve fill and any other activity meeting all conditions of IDNR/OWR Statewide Permit Number 6.
  - f. Outfall pipes, devices and drainage ditch outlets meeting all conditions of IDNR/OWR Statewide Permit Number 7.

- g. Underground pipeline and utility crossings meeting all the conditions of IDNR/OWR Statewide Permit Number 8.
- h. Bank stabilization projects meeting all the conditions of IDNR/OWR Statewide Permit Number 9.
- i. Accessory structures and additions to existing residential buildings meeting all conditions of IDNR/OWR Statewide Permit Number 10.
- j. Minor maintenance dredging activities meeting all conditions of IDNR/OWR Statewide Permit Number 11.
- k. Bridge and culvert replacement structures and bridge widening meeting all conditions of IDNR/OWR Statewide Permit Number 12.
- l. Temporary construction activities meeting all conditions of IDNR/OWR Statewide Permit Number 13.
- ~~m. Special uses of public waters meeting all conditions of IDNR/OWR Statewide Permit Number 14.~~
- ~~ma.~~ Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from state floodway permits requirements.

(2) Other development activities not listed in Subsection (a) of this section may be permitted only if:

- a. The development will result in a change in the regulatory floodway location or a change in the BFE, the applicant shall submit the information required to be issued a conditional letter of map revision (CLOMR) to IDNR/OWR, FEMA and the Administrator. Filling, grading, dredging or excavating may not take place until issuance of a CLOMR from FEMA, an IDNR/OWR permit and approval from the Administrator. Subsequent to completion of work within the floodway the applicant shall submit record plans and information to the Administrator and FEMA for consideration of the final LOMR. No further development activities shall take place in the existing or proposed floodplain until a letter of map revision (LOMR) is issued by FEMA unless such activities meet all the requirements of the Section 16-140. The Director shall be copied on all related correspondence.
- b. At a minimum, the following information is submitted to IDNR/OWR for their review and concurrence:
  - 1. Analysis of the flood profile due to a proposed bridge, culvert crossings and roadway approaches.
  - 2. An engineer's determination that an existing bridge, culvert crossing or approach road is not a source of flood damage and the analysis indicating the proposed flood profile.
  - 3. Alternative transition sections and hydraulically equivalent compensatory storage.

~~c. A permit has previously been issued for the work in an IDNR/OWR Jurisdictional Streams by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required).~~

(Res. No. 12-28, § 404, 6-19-2012)

## **Sec. 16-143. Riverine floodplain.**

The standards provided for in this section apply to riverine regulatory floodplains without a regulatory floodway. The applicant shall obtain approval from IDNR/OWR for all development any portion of which is located partially or completely within the regulatory floodplain (without a delineated regulatory floodway) with a tributary

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drainage area of six hundred forty (640) acres or more in an urban area or six thousand four hundred (6,400) acres or more in a rural area.

- (1) The development shall not singularly or cumulatively result in an obstruction of flood flows or potential flood damages outside the site due to an increase in flood heights, velocities, or loss of floodplain area storage.
- (2) A professional engineer shall submit a study that demonstrates one (1) of the following:
  - a. Determine a floodway which meets the definition of a regulatory floodway and demonstrate that the proposed development meets the floodway standards in Section 16-142; or
  - b. Determine a BFE and demonstrate that the proposed development will maintain the existing conditions conveyance, will not increase flood velocities, will not increase flood profiles and will compensate for any lost floodplain storage.

(Res. No. 12-28, § 405, 6-19-2012)

### **Sec. 16-144. Critical Facilities**

Upon receipt of an application for a critical facility, the Administrator shall identify and determine the elevation of the 0.2% annual chance flood elevation at the site, as established by FEMA regulatory documents.

Critical facilities, are buildings constructed or substantially improved within the floodplain or the 0.2 percent annual chance flood elevation defined by FEMA regulatory documents. These facilities shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 0.2 percent annual chance flood elevation or three feet above the BFE, whichever is greater. Adequate parking shall be provided for operations of the critical facilities at or above the BFE or 0.2 percent chance flood, defined by FEMA regulatory documents. Access routes should be elevated to the BFE or above or provide reasonable access for emergency and critical operations vehicles to access the Critical facility.

Floodproofing and sealing measures may also be used to provide flood protection, as described in Section 16-140 (c), to ensure that toxic substances will not be displaced by or released into floodwaters.

### **Sec. 16-1454. Disclaimer.**

Nothing in this article purports to alter or affect the regulatory program administered by IDNR/OWR. Anything in this article to the contrary notwithstanding, if, under the rules and regulations administered by IDNR/OWR, a submittal need not be made to IDNR/OWR or a review, approval, or permit from IDNR/OWR need not be obtained, then nothing in this division shall be construed to impose a requirement that such a submittal be made or that such a review, approval, or permit be obtained from IDNR/OWR. Similarly, if IDNR/OWR has delegated its regulatory authority to another entity, then anything in this division to the contrary notwithstanding, if required by such entity, such submittal shall be made or such review, approval or permit shall be obtained from such entity.

(Res. No. 12-28, § 406, 6-19-2012)

### **Secs. 16-1465—16-171. Reserved.**

## **Subdivision V. Stormwater Management Permit Submittal Requirements**

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## Sec. 16-172. Generally.

### (a) *Stormwater management and other permits required.*

#### (1) A stormwater management permit shall be required if:

- a. The development or a substantial improvement is located in the regulatory floodplain or there is a regulatory floodplain within the property boundary;
- b. No person, firm, corporation, or governmental body shall commence any development of a Critical Facility as defined in Section 16-52 facility on a site below the 0.2% annual chance flood elevation without first obtaining a Development permit from the Administrator.
- ~~cb.~~ Any land disturbing activity to be performed in a watercourse or water body;
- ~~de.~~ Fill that will exceed three (3) feet in vertical height at its highest point measured from the natural ground surface where such fill violates the purpose or objectives of this division, as determined by the permitting authority;
- ~~ee.~~ Any land disturbing activity requiring a site runoff storage facility; or
- ~~fe.~~ The development disturbs more than forty-three thousand five hundred (43,500) square feet of ground cover, unless the development solely involves one (1) or more of the following:
  1. Installation, renovation, or replacement of a septic system, potable water service line, or other utility to serve an existing structure.
  2. Maintenance, repair, or at grade replacement of:
    - (i) Existing lawn;
    - (ii) Garden or cultivated areas;
    - (iii) Residential driveway;not otherwise requiring a stormwater permit under this division.
  3. Maintenance of an existing stormwater facility, not requiring other State or Federal permits or approvals.
  4. Excavation below final grade for tanks, vaults, tunnels, swimming pools, cellars, or for basements and/or footings of a single-family residence and appurtenant structures on a site that is part of an engineered and final platted subdivision or for which a building permit has been issued by the permitting authority, unless the site would otherwise require a stormwater management permit.
  5. Public roadway or bridge projects; consisting of improvement to an existing public roadway or public bridge sponsored by a public roadway agency and contracted as a public bid project.

#### (2) The following activities shall be exempt from this division and shall not require a stormwater management permit:

- a. Tilling of the soil for fire protection purposes.
- b. Engaging in the following only if in connection with a farming or other agricultural or conservation enterprise, purpose, or use and only if there is no placement of fill within the floodplain:
  1. Construction of sod waterways;

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2. Construction of terraces;
  3. Construction of surface water diversions (but not across watershed boundaries);
  4. Construction of grade stabilization berms or systems;
  5. Tilling of the soil; or
  6. The implementation of conservation measures included in a farm conservation plan approved by the County soil and water conservation district.
- c. Agricultural use of land and development on un-platted residentially zoned property larger than three (3) acres in size, except that the paved surfaces with an impervious area totaling more than forty-three thousand five hundred sixty (43,560) square feet and construction of any structures or any substantial improvement to a building within the floodplain shall require a stormwater management permit.
- (3) All development shall secure all Federal, State, regional and local approvals, including, without limitation, an IDNR/OWR floodway/floodplain construction permit, a USACOE permit and an IDNR/OWR dam safety permit if required, meeting all Federal, State, regional and local approvals prior to the issuance of a stormwater management permit for proposed work and areas of a site requiring such other approvals.
- (b) *Permit review fees.* All permit fees shall be paid at the time of application. Permit fees shall be established by separate resolution of the permitting authorities. Fees may include, but are not limited to, the cost of permit administration, review and inspections prior to construction, during construction and within the permanent cover establishment period following construction.
- (c) *Professional seals and certifications required.*
- (1) The design of stormwater facilities, calculations for the determination of the regulatory floodplain, or calculations of the impacts of development shall meet the standards of this division and shall be prepared, signed, and sealed by a professional engineer. The professional engineer shall provide an opinion that the technical submittal meets the criteria required by this division or the applicable certified community ordinance.
  - (2) For flow control/containment dams, walls, weirs or devices (not including earth embankments) that are subject to a differential water pressure greater than three (3) feet the submittal shall include evidence that the subject design has been reviewed by a qualified professional who shall, as a minimum, have registration as a professional engineer. Such reviews shall include stability of the dam, wall, weir or device under design conditions considering the protection of downstream life and property in the event of a failure. When directed by the Administrator, the calculations submitted for such dam, wall, weir or device shall be reviewed, signed and sealed by a registered structural engineer.
  - (3) For projects which include earth embankments which are subjected to differential water pressure, the submittal shall include evidence that the embankment design and construction specifications are adequate for the design conditions. This review shall include consideration of the existing foundation soils for the embankment, the materials from which the embankment is to be constructed, compaction requirements for the embankment and protection of the embankment from failure due to overtopping. Construction and materials specifications for all such embankments shall be included with the plan set submittal. When directed by the Administrator, or when the impounded water pressure differential exceeds three (3) feet, or when appropriate considering the volume impounded and water surface elevation differential to which the embankment is subjected, these calculations may be required to be reviewed, signed and sealed by a qualified geotechnical or structural engineer.

- (4) A topographical map of the site, record drawings, and other required drawings shall be prepared, signed, and sealed by a professional land surveyor or professional engineer and tied to North American Vertical Datum, 1988 adjustment and any FEMA benchmarks.

(Res. No. 12-28, § 500, 6-19-2012)

### Sec. 16-173. Duration and revision to permits.

- (a) *Expiration.* Permits shall expire and become null and void if the work authorized by the permit has not been commenced within three hundred sixty-five (365) days from the date of permit issuance. Permits expire December 31 of the third year following the date of permit issuance or upon expiration of State or Federal permits required for any development activities.
- (b) *Extension.* If the permitted activity has been started but is not completed by the expiration date of the permit, and the permittee intends to pursue the permitted activity, then the permittee may submit a written request that the expiration date be extended. Upon receipt of such request, the Administrator may extend the expiration date in one (1) year increments a maximum of three (3) times for permitted activities outside regulatory floodplains and floodways. Expiration dates for permitted activities in regulatory floodplains and floodways may be extended in one (1) year increments a maximum of three (3) times, provided the activity is in compliance with then current requirements of this division or the applicable certified community ordinance and the FIRM and FIS in effect at the time the extension is granted.
- (c) *Revision.* If, after permit issuance, the permittee decides to revise the approved plans, the permittee shall submit revised plans to the Director or the Administrator, along with a written request for approval. If the Director or the Administrator determines that the revised plans are in compliance with then-current requirements of this division or the applicable certified community ordinance, an approval of the revised plans may be issued.

(Res. No. 12-28, § 501, 6-19-2012)

### Sec. 16-174. Required submittals.

- (a) *Materials.* All permit submittals shall include the material listed in the sections noted in Table 16-174 for the applicable type of development unless the submittal requirements are specifically modified by the procedure in Subsection (b) of this section.

Table 16-174. Required Submittals (Refer to Sections Listed for Specific Material)							
Section No./Description							
	16-174(c)	16-174(d)	16-174(e)	16-174(f)	16-174(g)	16-174(h)	16-174(i)
	Application and Project Overview Plan	Erosion Control Plan Set Submittal	Engineering Plan Set Submittal	Stormwater Submittal	Floodplain Submittal	Performance Security	Maintenance Schedule and Funding
All development requiring a permit	X	X					X

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All development requiring detention/retention	X	X	X	X		X	X
All development requiring a permit > 20 acres	X	X	X	X		X	X
All developments on sites with floodplains	X	X	X		X	X	X
All applications requesting variances	X	X	X	X	If on site	X	X

- (b) *Modification of submittal requirements.* The Administrator may, at the discretion of the same, modify the submittal requirements on a case-by-case basis considering the size, complexity and likelihood that a development will affect the discharge of stormwater. Such modifications may increase or decrease the submittal requirements noted above. The Administrator shall note in writing the specific submittal requirements and relevant findings to support the modified requirements.
- (c) *Application and project overview plan.* All applicants for a stormwater permit shall provide the following information as a minimum, on forms or in a format approved by the Administrator:
- (1) *Application.*
- The name and legal address of the owners of the site and the permit applicant;
  - The common address, legal description, property identification number (PIN) of the site;
  - The name of the project, area of the site in acres, type of development;
  - A general narrative description of the development, existing and proposed conditions, stormwater management practices being employed and project planning principles considered, including best management practices used;
  - Affidavits signed by the owner or the applicant's authorized representative attesting to their understanding of the requirements of this division or the applicable certified community ordinance and their intent to comply therewith;
  - A statement of opinion by a qualified person either denying or acknowledging the presence of a floodplain on the development site;
  - Copies of other stormwater related permits or permit applications by other jurisdictions or agencies;
  - An engineer's estimate of probable construction cost of the stormwater facilities.
- (2) *Project overview plan.*
- A location map or description providing township, range, and nearest roadways to accurately locate the development site;
  - Acreage and zoning of property area;
  - Property area lines and dimensions, including rights-of-way, easements, and setback lines;

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- d. Existing and proposed site conditions, including all buildings, roads, impervious surfaces, and ground elevations where site grading is proposed;
  - e. Proposed limits and restoration of disturbed areas;
  - f. Existing and proposed drainage features such as culverts, conduits, swales, streams, ponds, wetlands, etc.;
  - g. Location and report of on-site subsurface drains and tiles and all off-site drain tiles (upstream or downstream) potentially impacted by the development;
  - h. Location of wells, septic systems, water mains, and sanitary sewers.
- (d) *Erosion control plan set submittal.* All applicants for a stormwater permit shall submit a sediment and erosion control plan meeting the requirements of Section 16-107, and such submittal shall be accompanied by a notice of intent for construction activities as well as a stormwater pollution prevention plan as required by current NPDES regulation.
- (e) *Engineering plan set submittal.* All applicants required to submit a plan set in accordance with Table 16-174 shall provide the following basic plan exhibits: Site topographic map, general plan view drawing, sediment/erosion control plan, and a vicinity topographic map. Each exhibit may be on more than one (1) drawing for clarity. The specific information to be included on each exhibit shall be as follows:
- (1) Site topographic map meeting the following requirements shall be submitted:
    - a. Map scales as one (1) inch equals one hundred (100) feet (or less) and accurate to plus or minus one-half (0.5) foot;
    - b. Existing and proposed contours on site and within one hundred (100) feet of site;
    - c. Existing and proposed drainage patterns and watershed boundaries;
    - d. Delineation of pre-development regulatory floodplain/floodway limits;
    - e. Delineation of post-development regulatory floodplain/floodway limits;
    - f. Location of cross sections and any other hydrologic/hydraulic computer modeled features;
    - g. Location of all on-site drain tiles and all off-site drain tiles (upstream or downstream) potentially impacted by the development;
    - h. Location of all wells, septic systems, water main, sanitary sewer and storm sewers;
    - i. Boundary of all wetlands, lakes, ponds, etc., with normal water elevation noted;
    - j. Location of all existing buildings and those to remain on the site noted;
    - k. Nearest base flood elevations;
    - l. FEMA and any site-specific benchmarks (~~tied to County benchmarks~~ NAVD 88) used;
    - m. Highlight all contours used in the calculation of depressional storage.
  - (2) General plan view drawing meeting the following requirements shall be submitted:
    - a. Drawing at the same scale as the site topographic map;
    - b. Existing major and minor stormwater systems;
    - c. Proposed major and minor stormwater systems;
    - d. Design details for stormwater facilities (i.e., drainage system and outlet work detail drawings, etc.);

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- e. Scheduled maintenance program for permanent stormwater facilities, including BMP measures;
  - f. Planned maintenance access routes, tasks and schedule;
  - g. Identification of entities responsible for maintenance;
  - h. Permanent public access maintenance easements granted or dedicated to, and accepted by, a government entity;
  - i. Proposed regulatory floodplain and floodway location (with the base flood and flood protection elevations noted);
  - j. Highlight all plan areas at elevations below the one hundred (100) year high water elevation of site runoff storage facilities.
- (3) Vicinity topographic map meeting the following requirements shall be submitted:
- a. Vicinity topographic map identifying all off-site areas draining to the development and downstream to the receiving intermittent or perennial stream. (A two (2) foot contour map is preferred at a scale readable by the reviewer, but a USGS quadrangle map is acceptable);
  - b. Watershed boundaries for areas draining through or from the development;
  - c. Soil types related to hydrologic soils group, vegetation and land cover affecting runoff upstream of the site for any area draining through the site;
  - d. Location of development site within the major watersheds;
  - e. Show the overland flow path from the downstream end of the development to the receiving intermittent or perennial stream.
- (f) *Stormwater submittal.* All applicants required to submit a stormwater submittal in accordance with Table 16-174 shall provide a narrative discussion and calculations to support a finding that the proposed development complies with the technical requirements of the permitting authority's ordinance. The submittal shall consist of, at a minimum, the following material:
- (1) A narrative description of the existing and proposed site drainage patterns and conditions, including description of off-site conditions, which help to identify stormwater issues considered in the design.
  - (2) A schedule for implementation of the site stormwater plan.
  - (3) On-site and off-site runoff calculations which address the following:
    - a. Documentation of the procedures/assumptions used to calculate hydrologic and hydraulic conditions for sizing major and minor systems;
    - b. Cross section data for open channels;
    - c. Hydraulic grade line and water surface elevations under design flow conditions;
    - d. Hydraulic grade line and water surface elevations under base flood flow conditions.
  - (4) Site runoff storage calculations, which address the following:
    - a. Calculation of hydraulically connected impervious area and corresponding retention volume.
    - b. Documentation of the procedures/assumptions used to calculate hydrologic and hydraulic conditions for determining the allowable release rate.
    - c. Documentation of the procedures/assumptions used to calculate on-site depressional storage.
    - d. Documentation of the procedures/assumptions used to calculate hydrologic and hydraulic conditions for determining the storage volume.

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- e. Elevation-area-storage data and calculations for site runoff storage.
  - f. Elevation-discharge data and calculations specifically related to the outlet control structure depicted in the plan.
  - g. The general plan view drawing of Subsection (e)(2) of this section shall indicate all impervious areas, including directly connected impervious areas.
- (g) *Floodplain submittal.* The applicant shall obtain approval from IDNR/OWR and FEMA for those cases in which their permitting authority applies or as noted in Subdivision IV of this division. The stormwater management permit will not be issued until such approval is received. Documentation supporting a finding that the proposed development is in compliance with Subdivision IV of this division shall be submitted with the application. At a minimum, the following material shall be submitted for approval with the application:
- (1) Regulatory floodplain boundary determination. The applicant shall:
    - a. Provide source of flood profile information.
    - b. Provide all hydrologic and hydraulic study information for site-specific floodplain studies, unnumbered Zone A area elevation determinations, and floodplain map revisions.
  - (2) Floodway hydrologic and hydraulic analyses for the following conditions:
    - a. Existing conditions (land used and stream systems).
    - b. Proposed conditions (land used and stream systems).
    - c. Tabular summary of one hundred (100) year flood elevations and discharges for existing and proposed conditions.
    - d. Calculations used for model development.
    - e. Hydraulic/hydrologic computer model input/output.
  - (3) Floodplain fill and compensatory storage calculations for below and above ten (10) year flood elevation up to the base flood elevation.
    - a. Tabular summary for below and above ten (10) year flood elevation of fill, compensatory storage, and compensatory storage ratios provided in proposed plan.
    - b. Cross sections used for the above calculations.
  - (4) Floodproofing measures. Narrative discussion of floodproofing measures, including material specifications, calculations, and design details, operation summary.
  - (5) Flood protection easements when required by this division or the applicable certified community ordinance.
- (h) *Performance security.* Performance security in accordance with Subdivision XII of this division shall be required for any constructed land improvements or temporary erosion control measure prior to permit issuance.
- (i) *Maintenance plan, schedule and funding.* A comprehensive maintenance plan for the stormwater management facilities, floodplain/floodway protection or natural resource protection areas, in accordance with Subdivision VI of this division shall be submitted, including identification of the entity responsible for maintenance, primary funding and back-up funding sources for maintenance in accordance with Subdivision VI of this division.

(Res. No. 12-28, § 502, 6-19-2012)

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## Sec. 16-175. Record drawings.

- (a) The developer is required to submit record drawings of all permitted stormwater management facilities, including, but not limited to, storm sewers, culverts, overland flow paths and stormwater management basins. The record drawings shall include the following:
- (1) The record drawings shall be in the same format and include the same sheet count as the approved permitted engineering plans. Supplemental topographic plans may be added to better detail stormwater management basins or overland flow paths. Submittal of record drawings shall be on such media and in such format as the certified community determines.
  - (2) All storm sewers and culverts shall depict actual location and elevation of all pipe inverts at all manholes and end sections. Rim elevation of all storm sewer frames and grates shall be noted. Pipe material and size shall be noted. All sump pump locations and connections shall be noted.
  - (3) All pipe slopes shall be calculated based on constructed elevations and lengths. The approved slope shall be crossed out and the record slope noted adjacent to the approved slope.
  - (4) All design cross sections shall be surveyed and record elevation and widths noted. Overland flow path slopes shall be surveyed and record elevation and locations noted. Design water surface elevations shall be calculated where cross section area or slope is less than the approved plan.
  - (5) Stormwater management basins and floodplain compensatory storage shall be surveyed and a one (1) foot topographic map provided. The flow control structure shall indicate type, size and elevation of the control device. Overflow measures such as control weirs, etc., shall be surveyed noting material, location, width and elevation. The record drawings shall include calculations verifying that the volumes of detention and compensatory storage required in the permit have been provided. The calculations shall compare proposed to actual volumes at one (1) foot elevation intervals.
  - (6) The plans shall be signed and sealed by a professional engineer who shall state that the project is constructed and will function in substantially conformance and with the approved and permitted plans and calculations.
  - (7) Floodproofing measures must be certified by a registered professional engineer or registered architect as being compliant with applicable floodproofing standards. FEMA Elevation Certificate and Floodproofing Certificate forms may be required as documentation of compliance.
  - ~~(8)~~ The plans shall identify the entity with current maintenance responsibility and the entity with future maintenance responsibility for stormwater management facilities, including, but not limited to:
    - a. Stormwater management basins.
    - b. Storm sewers.
    - c. Drainage ditches.
    - d. Overland flood routes.
    - e. Wetlands and natural areas.
- (b) The plans shall identify a schedule for transfer of maintenance responsibility and the status of funding for maintenance activities.

(Res. No. 12-28, § 503, 6-19-2012)

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## **Sec. 16-176. Issuance or denial of permit and appeal of permit denial.**

- (a) The Administrator shall either issue or deny a stormwater permit within thirty (30) calendar days of receiving a complete permit application and all required submittals and fees unless additional time is agreed upon by both the Administrator and the applicant. Failure of the Administrator to respond in writing within thirty (30) calendar days of the complete submittal shall be construed as approval of the permit as submitted. Denial of a permit shall be provided to the applicant in writing and shall be accompanied by specific reasons for denial.
- (b) If a permit is denied, the applicant may appeal the Administrator's decision to the Director, provided such appeal is made in writing within fifteen (15) business days of the date of the notification of denial. Such appeal shall state the reasons for denial and provide responses demonstrating compliance with this division and certified community ordinance amendments as appropriate. If the permit denial is found to be based on noncompliance with a certified community ordinance amendment, the Director shall not be required to respond. If the permit denial is based on noncompliance with this division only, the Director shall render a decision to issue the stormwater permit or uphold the Administrator's denial of the permit. The Director shall render a decision within thirty (30) calendar days of the appeal. Failure of the Director to respond in writing within thirty (30) calendar days of the appeal shall be construed as approval of the permit as submitted. Denial of a permit shall be provided to the applicant in writing and shall be accompanied by specific reasons for denial.
- (c) Upon denial by the Director, the applicant may file an appeal in writing within fifteen (15) business days of the denial to the County Board. Such appeal shall state the reasons for denial and provide responses demonstrating compliance with this division and certified community ordinance amendments as appropriate. If the permit denial is found to be based on noncompliance with a certified community ordinance amendment, the County Board shall not be required to respond. If the permit denial is based on noncompliance with this division only, the County Board shall render a decision to issue the stormwater permit or uphold the Director's denial of the permit. The County Board shall render a decision within thirty (30) calendar days of the appeal. Failure of the County Board to respond in writing within thirty (30) calendar days of the appeal shall be construed as approval of the permit as submitted. Denial of a permit shall be provided to the applicant in writing and shall be accompanied by specific reasons for denial.

(Res. No. 12-28, § 504, 6-19-2012)

## **Sec. 16-177 Petition Time Frame**

- (a) Kendall County and any Certified Community may establish by separate resolution or division ordinance procedures for declaring requests for permits, amendments, and variances to this division inactive and closed if the party requesting the permit, amendment, or variance ceases communications with Kendall County or the Certified Community for a period of six (6) months.

## **Secs. 16-17~~87~~—16-205. Reserved.**

## **Subdivision VI. Long-Term Maintenance**

### **Sec. 16-206. Long-term maintenance.**

- (a) Unless and until maintenance responsibility has been delegated to and accepted by another qualified entity under this section, the owner shall maintain that portion of a stormwater drainage system and stormwater facilities located upon the land of the same. With the approval of the Administrator, the stormwater drainage system and stormwater facilities, or specified portions thereof, may be:

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- (1) Dedicated or otherwise transferred to and accepted by the certified community or other public entity;
  - (2) Conveyed or otherwise transferred to and accepted by a homeowner's association, or similar entity, the members of which are to be the owners of all of the lots or parcels comprising the development; or
  - (3) Conveyed to one (1) or more persons or in one (1) or more undivided interests to one (1) or more persons.
- (b) Included for all applications for a stormwater permit shall be a plan for the long-term management, operation and maintenance of the stormwater drainage facilities and a description of ownership and the sources of funding therefor.

(Res. No. 12-28, § 600, 6-19-2012)

#### **Sec. 16-207. Transfer to permitting authority or other public entity.**

Those portions of the stormwater facilities to be dedicated or otherwise transferred to the permitting authority or other public entity under Section 16-206(a)(1), shall have reserved appropriate easements for protection of drainage rights, ingress and egress and maintenance of such portions of stormwater facilities for the benefit of the permitting authority and such other public entity on the final plat.

(Res. No. 12-28, § 601, 6-19-2012)

#### **Sec. 16-208. Transfer to homeowners' or similar association.**

If those portions of the stormwater facilities are to be dedicated or otherwise transferred to a homeowner's or similar association under Section 16-206(a)(2), then:

- (1) Appropriate easements for protection of drainage rights, ingress and egress and maintenance of stormwater facilities of such portions of stormwater facilities shall be reserved for the benefit of such association and the permitting authority on the final plat;
- (2) The final plat shall contain a provision reserving the right of the permitting authority to enter upon the land to perform the maintenance required in this section if the owner does not do so and to place a lien against the land for the cost thereof;
- (3) The final plat shall contain a legend imposing the maintenance obligations of this section upon the grantee and successors in interest as a covenant running with the land and incorporating by reference the plan of long-term maintenance set forth in the application for a stormwater management permit, with approved amendments;
- (4) The association shall be duly incorporated and a copy of the certificate of incorporation, duly recorded, and bylaws, and any amendment to either of them, shall be delivered to the Administrator;
- (5) The bylaws of the association shall, at a minimum, contain:
  - a. A provision acknowledging and accepting the association's obligation to maintain certain portions of the stormwater drainage system as required by this division;
  - b. A mechanism for imposing an assessment upon the owners of all of the lots or parcels comprising the development sufficient, at a minimum, to provide for the maintenance of those portions of the stormwater drainage system as required by this division and the payment of all taxes levied thereon;
  - c. A provision adopting the plan of long-term maintenance set forth in the application for a stormwater management permit, with approved amendments;

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- d. A provision identifying the officer of the association responsible for carrying out the obligations imposed upon the association under this division, and an obligation to inform the Administrator of the name, address and telephone number of this officer and any changes thereto;
  - e. A provision requiring the consent of the permitting authority to any amendment of the bylaws changing any of the provisions of the bylaws required by this division;
  - f. A provision requiring the consent of the permitting authority to the dissolution of the association.
- (6) Any conveyance or other instrument of transfer delivered under Section 16-206(a)(2) shall include a covenant affirmatively imposing upon the association the obligations set forth in this section and the association's affirmative acceptance thereof.

(Res. No. 12-28, § 602, 6-19-2012)

### **Sec. 16-209. Conveyance to one or more persons.**

If those portions of the stormwater facilities are to be conveyed to one (1) or more persons under Section 16-206(a)(3), then:

- (1) Appropriate easements for protection of drainage rights, ingress and egress and maintenance of such portions of stormwater facilities shall be reserved for the benefit of such association and the permitting authority on the final plat;
- (2) The final plat shall contain a provision reserving the right of the permitting authority to enter upon the land to perform the maintenance required in this section if the owner does not do so and to place a lien against the land for the cost thereof;
- (3) The final plat shall contain a legend imposing the maintenance obligations of this section upon the grantee and successors in interest as a covenant running with the land and incorporating by reference the plan of long-term maintenance set forth in the application for a stormwater management permit, with approved amendments;
- (4) Any conveyance delivered under Section 16-206(a)(3), and any subsequent conveyance, shall include a covenant affirmatively imposing upon the grantee the obligations, restrictions and provisions set forth in this section and the grantee's affirmative acceptance thereof.

(Res. No. 12-28, § 603, 6-19-2012)

### **Sec. 16-210. Require maintenance plan, permit submittals.**

- (a) All permit submittals where stormwater facilities are proposed shall include a maintenance plan. The entities (public or private) responsible for maintenance of all elements of stormwater facilities shall be identified in the maintenance plan as part of the permit application. All stormwater elements, including, but not limited to, stormwater basins, storm sewers, swales, natural areas and wetlands shall be included. All entities and their respective maintenance responsibilities shall be listed. Maintenance responsibilities proposed shall be approved by the Administrator.
- (b) The maintenance plan shall include the following elements as appropriate and as determined by the designer and approved permitting agency:
  - (1) Emergency procedure and contact list.
    - a. Emergency condition procedure.
    - b. Call list and protocol.

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- (2) Subdivision information.
    - a. Subdivision plat and easements.
    - b. Engineering plans (record drawings in hard copy and electronic format).
    - c. Stormwater management permit and calculations.
    - d. Covenants and by laws.
    - e. HOA official contact list (after established).
    - f. Management company contact list and tenant contact list.
  - (3) Inspections and recordkeeping.
    - a. Routine inspections.
    - b. Post rainfall inspection.
    - c. Incident inspection.
    - d. Annual reporting format.
    - e. Inspector qualifications.
    - f. Inspection checklists.
  - (4) Annual maintenance guidelines and schedule.
    - a. Flushing, cleaning and sediment removal.
    - b. Vegetation management.
    - c. Stormwater management basin.
    - d. Televising, lamping.
    - e. Operations budget.
  - (5) Maintenance and expense log.
  - (6) Inspection/report log.
  - (7) Appendix.
    - a. Guideline copy and revision log.
    - b. Applicability.
    - c. Definitions.
    - d. Additional contacts and resources.
    - e. Quick guide/education resources.
  - (8) Capital budget.

(Res. No. 12-28, § 604, 6-19-2012)

## **Sec. 16-211. Incorporation of maintenance obligations in stormwater management permit.**

The provisions of this subdivision shall be incorporated by reference in the stormwater management permit and the applicant's acceptance of the permit shall be deemed to be the applicant's acceptance and assumption of

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the obligations imposed under this section. At the option of the Administrator, the stormwater management permit may be recorded.

(Res. No. 12-28, § 605, 6-19-2012)

### **Sec. 16-212. Funding for long-term maintenance of stormwater facilities.**

- (a) As a condition of approval of any application for a stormwater management permit, unless the maintenance responsibility for the stormwater facilities in connection therewith has been accepted by a public entity, the Administrator shall require the establishment of a special service area pursuant to 35 ILCS 200/27-5 et seq., as a backup means of providing for the long-term maintenance of the facilities in the event the entity designated by the applicant as having primary maintenance responsibility fails to adequately carry out its duties.
- (b) If the establishment of a special service area is required, the Administrator shall require a good faith estimate by the applicant of the funding levels required to support the maintenance activities identified in the maintenance plan and the tax rate and tax to be levied upon all taxable property within the area benefitted by stormwater facilities. The applicant shall submit the same to the permitting authority for approval. The Administrator shall incorporate the approved rate into its ordinances necessary for enactment and establishment of the tax to support long-term maintenance of the stormwater facilities.

(Res. No. 12-28, § 606, 6-19-2012)

### **Sec. 16-213. Enforcement.**

Failure to comply with the maintenance plan approved with the stormwater permit is considered a violation.

(Res. No. 12-28, § 606, 6-19-2012)

### **Secs. 16-214—16-234. Reserved.**

## **Subdivision VII. Enforcement and Penalties**

### **Sec. 16-235. Inspection and maintenance authority.**

Pursuant to the authority granted by 55 ILCS 5/5-1104 and 5-1062, the County may, after thirty (30) days' notice to the owner or occupant, enter upon any lands or waters within the County for the purpose of inspecting and/or maintaining stormwater facilities or causing the removal of any obstruction to an affected watercourse.

(Res. No. 12-28, § 700, 6-19-2012)

### **Sec. 16-236. Required inspections.**

Any development constructed pursuant to a stormwater management permit shall be subject to periodic inspections by the Administrator, Director, or designee to ensure conformity with permit provisions and conditions.

(Res. No. 12-28, § 701, 6-19-2012)

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**Sec. 16-237. Offenses—Generally.**

- (a) *In general.* Any person who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any provision of this division (ordinance violation) or any requirement or condition in any permit issued pursuant to this division (permit violation), and, in the case of a permit violation, fails to correct such violation, omission or neglect, or cease such disobedience, refusal or resistance after notice and reinspection as provided in Subsection (c) of this section, shall be guilty of an offense under this division.
- (b) *Permit violations; notice.* Whenever the Administrator or Director determines that a permit violation exists, the same shall give notice of the violation in the manner prescribed in Section 16-347 to the permittee. Such notice shall state the nature of the violation and fix a date not less than ten (10) days after the date of the notice when the site will be reinspected.

(Res. No. 12-28, § 702, 6-19-2012)

**Sec. 16-238. Offenses—Penalties; remedies.**

- (a) Any person found guilty of an offense under this division shall pay a civil fine in an amount not less than Twenty-five dollars (\$25.00) and not more than seven hundred fifty dollars (\$750.00). Each calendar day during which such violation continues to exist shall constitute a separate offense.
- (b) In addition to any fine imposed under Subsection (a) of this section, the Administrator or the Director may revoke any stormwater management permit issued to such person.
- (c) In addition to any fine imposed under Subsection (a) of this section or action taken under Subsection (b) of this section, the Administrator or the Director may issue an order requiring the suspension of any further work on the site. Such stop work order shall be in writing, shall indicate the reason for its issuance, and shall specify the action, if any, required to be taken in order to resume work and shall provide a reasonable period to cure deficiencies based on the risks associated with noncompliance. One copy of the stop work order shall be posted on the site in a conspicuous place and one (1) copy shall be delivered in the manner prescribed in Section 16-347 to the permittee, if any, or if none, to the person in whose name the site was last assessed for taxes as disclosed by the records of the Supervisor of Assessments.
- (d) In the enforcement of this division, the Administrator or the Director may bring any action, legal or equitable, including an action for injunctive relief that may be necessary.

(Res. No. 12-28, § 703, 6-19-2012)

**Secs. 16-239—16-269. Reserved.****Subdivision VIII. Miscellaneous Provisions****Sec. 16-270. Scope of regulation.**

This division applies to all development within the County, including that under the control of any governmental entity, agency, or authority. Development within the regulatory floodway, requiring a permit, shall obtain such permit from IDNR/OWR prior to issuance of a stormwater management permit. All units of local government shall obtain stormwater management permits from the permitting authority within whose boundaries the development is located.

(Res. No. 12-28, § 800, 6-19-2012)

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## **Sec. 16-271. Exemptions.**

This division does not apply to:

- (1) Development which has been substantially completed before the effective date of the ordinance from which this division is derived.
- (2) Development, which has been determined to be exempt by the permitting authority.
- (3) Nonconforming structures existing before the effective date of the ordinance from which this division is derived; however, if such structures are replaced, altered or substantially improved within the floodplain they may no longer be exempt and shall comply with Subdivision IV of this division accordingly.

(Res. No. 12-28, § 801, 6-19-2012)

## **Sec. 16-272. Community's list of proposed exempt developments.**

- (a) The County or a community may place a property on its list of exempt developments only if:
  - (1) A site-specific stormwater plan, master plan, or a regional master plan has been submitted and substantially approved by the certified community's professional engineer; or
  - (2) A contractual agreement, specifically exempting the development from the stormwater regulations of the community, was entered into before the effective date of the ordinance from which this division is derived.
- (b) A community's list of exempt developments shall be adopted by an official action of the corporate authorities of the community and shall be included in the stormwater management ordinance adopted by the certified community. Each exempt development shall be defined by a legal description (subdivision plat, annexation agreement, metes and bounds, etc.). Prior to taking such action, the community shall publish the exempt development list in accordance with Section 16-348, a notice in substantially the following form:

On [date], at [time], the [corporate authorities] of the [type of community] of [community] will consider and take formal action with respect to the approval of the following list of developments proposed as exempt from the provisions of the County Stormwater Management Ordinance, adopted by the County Board on Month Date, Year. Any person wishing to do so, may attend the meeting and be heard prior to the [corporate authorities] taking such action.

[List of proposed exempt developments]
- (c) Prior to the effective date of the ordinance from which this division is derived and upon similar notice and by similar official action, a community may revise the list by adding or deleting developments there from. If a development is to be deleted from the list, an additional notice shall be served in the manner set forth in Section 16-347 upon the affected developer. Revisions to the list shall be submitted to the Director. Subsequent to the effective date of the ordinance from which this division is derived, the list may not be changed without review and recommendation by the Committee, which shall be forwarded to the County Board for approval.

(Res. No. 12-28, § 802, 6-19-2012)

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**Sec. 16-273. Interpretation.**

- (a) This division shall be liberally construed to protect the health, welfare, safety, and the environment of the residents of the County and to effectuate the purposes of this division and the enabling legislation.
- (b) Nothing in this division shall be deemed to consent to, license, permit to locate, construct, or maintain any structure, site, facility or operation, or to carry on any trade, industry, occupation, or activity.
- (c) When provisions of this division differ from any other applicable law, statute, ordinance, rule or regulation, the more stringent provision shall apply.
- (d) The provisions of this division are cumulative of all other laws, statutes, ordinances, rules and regulations which relate to the subject matter hereof and, except as otherwise expressly provided herein, nothing in this division shall be construed as a limitation upon the application or enforcement of any such law, statute, ordinance, rule or regulation. To the greatest extent possible, the provisions of this division shall be construed to be consistent with the provisions of such other laws, statutes, ordinances, rules or regulations, and with each other, to the end that all such provisions may be given their fullest application.

(Res. No. 12-28, § 803, 6-19-2012)

**Sec. 16-274. Warning and disclaimer of liability.**

- (a) The degree of flood protection provided by this division is considered reasonable for regulatory purposes and is based upon engineering experience and scientific methods of study. Increased flooding may result from causes beyond the control of any governmental authority. This division does not, therefore, guarantee that areas outside the floodplain or permitted land uses within the floodplain will be free from flooding and associated damages.
- (b) Nothing in this division shall be construed or applied in any manner to create liability on the part of or a cause of action against the County, any municipality or other governmental authority, or any elected official, or any officer, agent, or employee of any of the foregoing, or any certified review specialist for any flood damage resulting from reliance on the provisions of this division.

(Res. No. 12-28, § 804, 6-19-2012)

**Sec. 16-275. Choice of planning jurisdiction.**

Pursuant to 55 ILCS 5/5-1062.2(b), a community that is located in more than one (1) county may choose, at the time of the formation of the Committee, and based upon watershed boundaries, to participate in the stormwater management planning program of either or both of the counties. The Committee shall include such community within the scope of its planning and enforcement jurisdiction unless the community provides evidence of its participation or intent to participate in the stormwater management planning program of another county.

(Res. No. 12-28, § 805, 6-19-2012)

**Sec. 16-276. Violations.**

- (a) It shall be unlawful for any person to undertake any development without first securing a stormwater management permit as required by this division.
- (b) It shall be unlawful for any person to violate, disobey, omit, neglect and refuse to comply with, or resist enforcement of any provision of this division or any condition of a stormwater management permit.

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(Res. No. 12-28, § 806, 6-19-2012)

#### **Sec. 16-277. Severability.**

The several provisions of this division shall be severable in accordance with the following rules:

- (1) If any court of competent jurisdiction shall adjudge any provision of this division to be invalid, such judgment shall not affect any other provision of this division.
- (2) In any court of competent jurisdiction shall adjudge to be invalid the application of any provision of this division, to a particular parcel of land, a particular structure, or a particular development, such judgment shall not affect the application of said provision to any other land, structure or development.

(Res. No. 12-28, § 807, 6-19-2012)

#### **Sec. 16-278. Amendments.**

No amendment to this division may be passed without a public hearing first being held before the County Board upon notice as provided in Section 16-348. Initiation of amendments is limited to the County Board, municipal board of a Certified Community, a committee of the County Board or Certified Community, the Administrator, or the Director, or by a person, firm or corporation having a possessory interest which is specifically enforceable on the land which is subject to the proposed amendment.

- (a) Kendall County and any Certified Community may establish by separate resolution or division ordinance procedures for declaring requests for permits, amendments, and variances to this division inactive and closed if the party requesting the permit, amendment, or variance ceases communications with Kendall County or the Certified Community for a period of six (6) months.

(Res. No. 12-28, § 808, 6-19-2012)

#### **Sec. 16-279. Effective Date**

This division shall take effect upon adoption by the Kendall County Board or the applicable Certified Community. Amendments shall become effective upon approval of the County Board or Certified Community

**Secs. 16-2~~807~~—16-304. Reserved.**

### **Subdivision IX. Variances**

#### **Sec. 16-305. Purpose.**

In order to provide a narrowly circumscribed means by which relief may be granted when strict compliance with the requirements of this division is impossible or impracticable, variances from the specific provisions of this division may be granted according to the standards set forth in this article.

(Res. No. 12-28, § 900, 6-19-2012)

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## Sec. 16-306. Application.

An application for a variance to the certified community and/or this division, signed by the owner or developer of the development shall be filed with the Administrator. No application for a variance will be accepted for filing unless it relates to a previously or contemporaneously filed application for a stormwater management permit. Applications for a variance shall be filed in such number of duplicate copies as the Administrator may designate. No action will be taken on an application for a variance unless it, and the corresponding application for a stormwater management permit to which it relates, are complete as determined by the Administrator.

- (1) *Local variance.* Variances to certified community requirements which are more stringent than this division do not require approval by the Director or the County Board, provided they result in full compliance with this division.
- (2) *County and floodplain variances.* Variances to the requirements of this division or any variance of Subdivision IV of this division require approval by the certified community, the Director and the County Board in accordance with the procedures set forth herein.

No variances shall be granted within a floodway if any increases in the base flood elevation would result.

- (3) *Administrator responsibilities.* The Administrator shall send a copy of the complete application to the Director with a certified community determination of compliance related to certified community and requirements of this division. The Administrator shall also send a copy of the complete application to all other certified communities within the same watershed.
- (4) *Application format.* Applications for a variance need not be made upon any specific form but shall contain the information set forth as follows:
  - a. The common addresses and legal descriptions of all lands comprising the development;
  - b. The names and addresses of all owners of record of the legal title of all lands comprising the development;
  - c. If title to any of the land comprising the development is held in trust, the names and addresses of all beneficiaries of the trust;
  - d. The names and addresses of the developers of the land, if different from the owner;
  - e. The names and addresses of all consultants retained by the developer in connection with the application for a variance;
  - f. The names and addresses of all property owners within two hundred fifty (250) feet of the development;
  - g. The specific features of the development that require a variance;
  - h. The specific provision of the certified community stormwater ordinance from which a variance is sought and the precise extent of the variance therefrom;
  - i. The specific provision of this division from which a variance is sought and the precise extent of the variance therefrom;
  - j. A statement of the characteristics of the development that prevent compliance with the provisions of this chapter;
  - k. A statement that the variance requested is the minimum variance necessary to permit the development;
  - l. A statement as to how the variance requested satisfies the standards set forth in Section 16-309.

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(Res. No. 12-28, § 901, 6-19-2012)

### **Sec. 16-307. Application fee.**

With the filing of the application for a variance, the applicant shall pay all fees prescribed by the Administrator and Director.

(Res. No. 12-28, § 902, 6-19-2012)

### **Sec. 16-308. Public hearing.**

When the application is deemed complete and acceptable by the Administrator, a public hearing on the application before the certified community Oversight Committee may be scheduled and the applicant notified. Not more than thirty (30) nor less than fifteen (15) days before the hearing, notice of the hearing shall be sent by first class mail, postage prepaid, to the applicant, to the Director, to all property owners within two hundred fifty (250) feet of the development as disclosed in the application, and to each certified community within the same watershed as the development and to the certified community Oversight Committee. Within the same time period, notice of the hearing shall be published at least once in a newspaper published within the certified community having jurisdiction over the application, or within the County if the County has jurisdiction over the application. If no newspaper is published within the certified community, then the notice shall be published in a newspaper with a general circulation within the certified community, which is published in the County. The notices given under the section shall set forth the common name, address and legal description of the development and a brief description of the variance is requested.

(Res. No. 12-28, § 903, 6-19-2012)

### **Sec. 16-309. Granting of variances.**

(a) *Variance standards.*

- (1) The Oversight Committee shall not recommend nor shall the County Board or corporate authority grant a variance for a project from the provisions of this division unless the variance is consistent with the purpose of this division (Section 16-50) and meets the following standards based upon substantial evidence submitted with the variance application or at the hearing:
  - a. The variance will not increase the probability of flood damage or create an additional threat to the public health, safety or welfare.
  - b. The development activity cannot be reasonably located outside the floodplain.
  - c. The variance requested is the minimum relief necessary to accomplish the objectives of the development without compromising the objectives of Section 16-50.
  - d. The variance will not result in a reduction of water quality benefits as compared to compliance with ordinance requirements.
  - e. The variance is not requested solely for the purpose of reducing site runoff storage requirements.
  - f. The variance shall not cause conveyance of stormwater from the project to increase peak discharges beyond design capacity of existing off-site conveyance facilities for any storm event from the two (2) year to the one hundred (100) year recurrence frequency.
  - g. The variance shall seek to preserve valuable environmental and biological resources, including, but not limited to, stands of native trees, existing wetlands and natural floodplain storage.

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(2) In addition to the standards noted above, any variance to any part of Subdivision IV of this division shall be restricted as noted herein or meet the following additional standards:

- a. Variances shall not be issued by the permitting agency within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;
- b. Variances may be issued by the permitting agency for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the following procedures of this section:

1. Variances shall only be issued by the permitting agency upon:

- (i) A showing of good and sufficient cause;
- (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
- (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

~~-(iv) The circumstances of the property are unique and do not establish a pattern inconsistent with the intent of the NFIP.~~

~~(v) All other state and federal permits have been obtained.~~

2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3. ~~The Certified Community shall notify an applicant in writing that a variance from the requirements of the building protections standards of this division that would lessen the degree of protection to a building will:~~

~~(i) Result in increased premium rates for flood insurance up to twenty-five dollars (\$25) per one hundred dollars (\$100) of insurance coverage.~~

~~(ii) Increase the risk to life and property.~~

~~(iii) Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.~~

~~A permitting agency shall notify the applicant in writing over the signature of the Administrator that:~~

~~(i) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and~~

~~(ii) Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required in this section.~~

4. ~~Considerations for Review. In reviewing applications for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:~~

- (i) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- (ii) The danger to life and property due to flooding or erosion damage.
- (iii) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
- (iv) The importance of the services provided by the proposed development to the community.
- (v) The availability of alternate locations for the proposed development that are not subject to flooding or erosion.
- (vi) The compatibility of the proposed development with existing and anticipated development.
- (vii) The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
- (viii) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (ix) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

5. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

6. Historic Structures. Variances issued for the reconstruction, repair, or alteration of a historic site or historic structure as defined in "Historic Structures", may be granted using criteria more permissive than the requirements of Subdivision IV of this division subject to the conditions that:

- (i) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.
- (ii) The repair or rehabilitation will not preclude the structure's continued designation as a historic structure.

**74.** The permitting agency shall:

- (i) Maintain a record of all variance actions, including justification for their issuance; and
- (ii) Report such variances issued in its annual or biennial report submitted to the Federal Insurance Administrator.

(b) *Floodway.* No variance shall be granted for any development in the regulatory floodway, the effect of which would be to create regulation less restrictive than the Federal or State minimum standards applicable to development in such areas.

(Res. No. 12-28, § 904, 6-19-2012)

## **Sec. 16-310. Procedure and recommendations.**

(a) *Local variance.*

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- (1) The Administrator shall send a copy of the complete application to the Director with a certified community determination of compliance with this division. The Administrator or designee shall review the application for a variance and present written recommendations to the Oversight Committee at the public hearing with a copy to the Director. Not more than forty-five (45) days after the close of the hearing, the Oversight Committee shall forward the application with its written recommendations to the corporate authorities and the Director. The written recommendations of the Oversight Committee, when forwarded, shall be accompanied by written findings of fact with respect to each of the considerations set forth in Section 16-309 with citations to the evidence taken at the public hearing.
  - (2) The corporate authorities shall grant the variation, grant the variation with modifications or conditions, or deny the variation in writing within forty-five (45) days after receipt of the written recommendations of the Oversight Committee and shall forward its final decision to the Director. In the event the corporate authorities do not act on the recommendations of the Oversight Committee then the recommendation from the Oversight Committee is considered to be endorsed and adopted by the corporate authorities.
- (b) *County and floodplain variance.*
- (1) The Administrator shall send a copy of the complete application to the Director with a certified community determination of noncompliance with this division.
  - (2) The Administrator or designee shall review the application for a variance and present written recommendations to the Oversight Committee at the public hearing with a copy to the Director.
  - (3) Not more than forty-five (45) days after the close of the hearing, the Oversight Committee shall forward the application with its written recommendations to the County Board and the Director. The written recommendations of the Oversight Committee, when forwarded, shall be accompanied by written findings of fact with respect to each of the considerations set forth in Section 16-309 with citations to the evidence taken at the public hearing.
  - (4) The County Board shall grant the variation, grant the variation with modifications or conditions, or deny the variation in writing within forty-five (45) days after receipt of the written recommendations of the Oversight Committee and shall forward its final decision to the Director. In the event the County Board does not act on the recommendations of the Oversight Committee, then the recommendation from the Oversight Committee is considered to be endorsed and adopted by the corporate authorities.

(Res. No. 12-28, § 905, 6-19-2012)

### **Sec. 16-311. Conditions.**

- (a) A variance less than or different from that requested may be granted when the record supports the applicant's right to some relief, but not to the relief requested.
- (b) In granting a variance, the County Board or corporate authority may impose such specific conditions and limitations concerning any matter relating to the purposes and objectives of this division on the applicant as may be necessary or appropriate.
- (c) Whenever any variance is granted subject to any condition or limitation to be met by the applicant, upon meeting such conditions, the applicant shall file evidence to that effect with the Administrator.

(Res. No. 12-28, § 906, 6-19-2012)

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### **Sec. 16-312. Petition Time Frame**

- (a) Kendall County and any Certified Community may establish by separate resolution or division ordinance procedures for declaring requests for permits, amendments, and variances to this division inactive and closed if the party requesting the permit, amendment, or variance ceases communications with Kendall County or the Certified Community for a period of six (6) months.

**Secs. 16-31~~32~~—16-340. Reserved.**

## **Subdivision X. Administration**

### **Sec. 16-341. Responsibility generally.**

- (a) The County Board shall determine policy related to this division.
- (b) The Director and Administrator shall administer this division. In performing their duties, the Director and the Administrator may delegate and oversee enforcement of responsibilities to any named designee.
- (c) Each community shall remain solely responsible for its standing in the National Flood Insurance Program, including:
  - (1) The maintenance of all records and the submission of all reports required for eligibility in the program, including elevation certificates, floodproofing certificates, and lowest floor elevations;
  - (2) The notification of the Director, FEMA and IDNR/OWR of any proposed amendment to this division.
- (d) The Director, or designee, shall be solely responsible for administering this division relative to any County Department of Transportation projects on the County highway system or any township road district project on the township road district system regardless of the jurisdictions in which the project may lie.

(Res. No. 12-28, § 1000, 6-19-2012)

### **Sec. 16-342. Duties of Director.**

The Director shall:

- (1) Supervise the enforcement of this division.
- (2) Supervise the development, revision and implementation of the plan for approval by the Committee and the County Board.
- (3) Supervise the review of complex stormwater management permits for any community that requests such assistance.
- (4) Notify all of the communities in the County, FEMA, IDNR/OWR, USACOE, the State Environmental Protection Agency, and the United States Environmental Protection Agency of any amendments to the Plan or to this division.
- (5) Review variance requests for the Committee.
- (6) Assume the duties of the Administrator for the unincorporated County and non-certified communities, including the County Department of Transportation projects on the County highway system or any township road district project on the township road district system.

(Res. No. 12-28, § 1001, 6-19-2012)

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## Sec. 16-343. Duties of Administrator.

The Administrator shall:

- (1) Receive a listing of all required Federal, State, regional and County permit applications filed for the project prior to issuing a permit under this division for areas covered by other stormwater related jurisdictions. The Administrator may request copies of the stormwater related permit applications;
- (2) Ascertain whether any floodplains/floodways exist on any site which is the subject of an application for a permit under this division and whether or not any new development is within the SFHA;
- (3) Upon submittal of stormwater permit applications, identify Critical Facilities as defined in Section 16-52 and determine the elevation of the 0.2% annual chance flood elevation at the site, as established by FEMA regulatory documents.
- (43) Review permit applications and determine whether to issue or deny permits;
- (5) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of this division.
- (6) Ensure that the building protection requirements for all buildings subject to this division are met and maintain a record of the "as-built" elevation of the lowest floor (including basement), elevation certificate, or floodproofing certificate.
- (7) Review Elevation Certificates for accuracy and require incomplete or deficient certificates to be corrected.
- (8) Ensure that water supply and waste disposal systems meet the Public Health standards of this division.
- (9) Ensure that applicants are aware of and obtain any and all other required local, state, and federal permits; including permits pertaining to IDNR/OWR floodway and dam safety rules, Clean Water Act, Public Water Supply, Endangered Species Act, Illinois Endangered and Species Protection Act.
- (10) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse under the jurisdiction of IDNR/OWR.
- (114) Ensure that the required notice of an application for a variance has been given in accordance with Sections 16-347 and 16-348;
- (125) Notify the Director of an application for a variance, a CLOMR or a LOMR;
- (136) Provide for inspections of developments as required by this division and take action as necessary to ensure compliance with this division;~~division;~~
- (147) Investigate complaints of violations of this division within the community;
- (158) Notify violators within regulatory floodplains that failure to comply with the provisions of the National Flood Insurance Program could make them ineligible to receive flood insurance;
- (169) Initiate any proceeding necessary to enforce this division within the community;
- (179) Advise, consult and cooperate with other governmental agencies to promote the purposes of this division;
- (181) Maintain copies of all applications and submittals, Federal and State permits, variances, CLOMR, LOMR, CLOMA, LOMA and all documentation associated with any of the foregoing for public inspection;
- (192) Maintain documentation and data on the cost of any improvement to a structure in the floodplain in order to enforce the provisions of this division pertaining to substantial improvements to such structures;

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- ~~(20) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.~~
  - ~~(21) Notify FEMA and IDNR/OWR of any proposed amendments to this division.~~
  - ~~(22) Perform site inspections to ensure compliance with this division and make substantial damage determinations for structures within the floodplain.~~
  - ~~(23) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the BFE or result in a change to the floodplain map.~~
  - ~~(24) Establish procedures for administering and documenting determinations, as outlined below, of substantial improvement and substantial damage:
    - ~~(i.) Determine the market value or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building before the start of construction of the proposed work. In the case of repair, the market value of the Building shall be the market value before the damage occurred and before any repairs are made.~~
    - ~~(ii.) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building.~~
    - ~~(iii.) Determine and document whether the proposed work constitutes substantial improvement or substantial damage.~~
    - ~~(iv.) Notify property owner of all determinations and responsibilities for permitting and mitigation.~~~~
  - ~~(13) Notify adjacent communities in writing thirty (30) days prior to issuing a permit for the alteration or relocation of a watercourse affecting the adjacent community.~~

(Res. No. 12-28, § 1002, 6-19-2012)

#### **Sec. 16-344. Representative capacity.**

In all cases, when any action is taken by the Director or the Administrator, or duly appointed designee, to enforce the provisions of this division, such action shall be taken either in the name of the County or the certified community as the case may be, and neither the Director nor the Administrator, nor designee, in so acting shall be rendered personally liable.

(Res. No. 12-28, § 1003, 6-19-2012)

#### **Sec. 16-345. Oversight committees.**

The corporate authorities of each community within the County shall establish an oversight committee to oversee the implementation and enforcement of this division within its jurisdiction and to perform the duties assigned to the oversight committee in this division. The oversight committee may be comprised of the corporate authorities or any committee thereof, plan commission, zoning board of appeals, or other existing body, or the corporate authorities may, according to their own rules and procedures, establish a separate oversight committee. The County Board Committee of the Whole shall act as the oversight committee for the County.

(Res. No. 12-28, § 1004, 6-19-2012)

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**Sec. 16-346. Non-certified communities.**

The Director may delegate the duties of the Administrator for non-certified communities. The County may designate an oversight committee in these non-certified communities.

(Res. No. 12-28, § 1005, 6-19-2012)

**Sec. 16-347. Service.**

Unless otherwise provided herein, service of any notice or instrument under this division may be made upon any person in one (1) of the following manners:

- (1) By certified mail/return receipt requested, postage prepaid and addressed to the address then on file for such person, if any, or if none, to such person's last-known address; or
- (2) By any method prescribed under the Illinois Code of Civil Procedure.

(Res. No. 12-28, § 1006, 6-19-2012)

**Sec. 16-348. Publication.**

Unless otherwise provided herein, publication of any notice or other instrument under this division shall be made by publishing such notice or other instrument once in a newspaper published within the community having jurisdiction over the matter to which the publication relates (or, if no newspapers published within the community then a newspaper published in the County and having a general circulation within the community), such publication being not less than fifteen (15) or more than thirty (30) days before the hearing or other event to which the publication relates.

(Res. No. 12-28, § 1007, 6-19-2012)

**Secs. 16-349—16-369. Reserved.****Subdivision XI. Certified Community Enforcement****Sec. 16-370. Authority.**

Pursuant to Section 5-1062 of the Counties Code (55 ILCS 5/5—1062), the provisions of this division shall not be enforced by the County in any certified community.

(Res. No. 12-28, § 1100, 6-19-2012)

**Sec. 16-371. Petition for certification and waiver of enforcement.**

Any community that desires to enforce the provisions of this division within its borders shall file a petition for certification and waiver of enforcement (petition for certification) on or before December 1, 2012. After December 1, 2012, petitions for such certification may be filed during the month of November of each year.

(Res. No. 12-28, § 1100, 6-19-2012)

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### **Sec. 16-372. Filing and contents of petition for certification.**

A petition for certification shall be filed with the Director. The petition need not be on any particular form but, at a minimum, shall set forth and be accompanied by:

- (1) The agreement of the corporate authorities of the community to adopt, if certified, the provisions of this division by reference;
- (2) The community's plan for the implementation and enforcing of this division, including proposed staffing;
- (3) The agreement of the corporate authorities of the community to include in any new annexation agreement a provision requiring every other party to the agreement to affirmatively agree to comply with the provisions of this division as amended from time to time;
- (4) The agreement of the corporate authorities of the community that the community will be bound by the rules and procedures of the committee by which certification is granted or revoked and County jurisdiction is reasserted over the enforcement of this division within the boundaries of the community;
- (5) The list of projects to which this division or some portion of this division do not apply (grandfathered projects) pursuant to the requirements of Subdivision VIII of this division.

(Res. No. 12-28, § 1102, 6-19-2012)

### **Sec. 16-373. Committee consideration of petition for certification.**

The Committee shall consider each properly filed petition for certification at a regular or special meeting called for such purpose not later than sixty (60) days after the filing of the petition. The meeting may be continued from time to time. The Committee may adopt rules for the taking of evidence and conduct of such meetings.

(Res. No. 12-28, § 1103, 6-19-2012)

### **Sec. 16-374. Standards for grant of petition.**

Upon a finding of the Committee that the community has complied with Sections 16-371 and 16-372, that the community's plan for the implementation and enforcement of this division is reasonably feasible, the Committee shall grant the petition for certification. The Committee's decision shall be in writing and shall specify the reasons for granting or denying the petition.

(Res. No. 12-28, § 1104, 6-19-2012)

### **Sec. 16-375. Certified community records.**

- (a) *Permit records.* Every certified community shall maintain adequate records of every stormwater management permit issued and every variance granted under this division for development within its borders.
- (b) *Stormwater facilities and drainage systems.* Every certified community shall retain record drawings of all drainage systems and stormwater management facilities erected or constructed pursuant to a stormwater management permit issued or variance granted by such community.

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- (c) *Records inspections.* The records of each certified community maintained under this division may be periodically inspected by the Director or Committee.
- (d) *Annual reporting and recertification.*
- (1) The Administrator of every certified community shall report annually to the Director on forms provided by the Director reporting the following information:
- a. Staff and/or consultant staff names performing stormwater permit reviews.
  - b. Stormwater management permits; total number and those involving:
    - 1. Site runoff storage facility.
    - 2. Floodplain fill/modification.
    - 3. Floodway construction.
  - c. Wetland permit (USACE).
  - d. IDNR/OWR permit.
  - e. Variances, local and county ordinance.
  - f. Active construction projects/sites (any time during the reporting period).
  - g. Stormwater facilities formally accepted by the certified community or acknowledged as complete for private maintenance during the reporting period.
  - h. Enforcement actions or complaint responses.
  - i. Backup special service areas (SSA) established; SSAs levied for stormwater management maintenance.
  - j. Fee in lieu of on-site detention received by the certified community.
- (2) The reporting period shall be based on the calendar year January through December. Reports shall be submitted to the Director no later than January 31 of the year following the reporting period. The Director shall review and provide comments to the Administrator by March 15 of the year following the reporting period. Certified communities which do not submit an annual report by January 31 of the year following the reporting period will cause the initiation of an investigation and complaint in accordance with Section 16-377.
- (3) The Director may offer written comments or responses to the certified community annual report, and all permits, records and supporting documents are subject to audit at any time by the Director. If the Director offers no written comments or responses to the annual report, then the certified community is automatically re-certified for an additional calendar year. A certified community's standing as certified remains valid and in effect unless and until it is changed in writing by the County Board.

(Res. No. 12-28, § 1105, 6-19-2012)

### **Sec. 16-376. Committee review of enforcement by a certified community.**

The Committee shall periodically review the implementation and enforcement of this division by each certified community.

(Res. No. 12-28, § 1106, 6-19-2012)

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**Sec. 16-377. Investigations; complaints.**

- (a) *Initiation of investigation and complaint.* The Director, upon the same's own initiative or at the request of any person, may conduct an investigation into a certified community's implementation and enforcement of this division. Such investigation may include, without limitation, making an inspection of all relevant records maintained by the community and making field inspections of relevant developments, drainage systems, or stormwater facilities. If, upon such investigation, the Director determines that the community has failed in some significant way, or has repeatedly failed, to implement or enforce this division, then the same shall prepare a report of the findings along with a complaint for the revocation or partial revocation of the community's certification and then file the same with the Committee. The complaint shall contain a short and plain statement describing how the certified community has failed in some significant way, or has repeatedly failed, to implement or enforce this division.
- (b) *Community notification and response.* Upon receipt of a written complaint, the Committee shall serve a copy thereof along with a copy of the report of the Director upon the community named therein. As appropriate, a copy of the complaint and report shall also be sent to IDNR/OWR, FEMA, impacted communities within the same watershed, and to any person who has requested an investigation of the community's enforcement of this division by the Director within six (6) months immediately preceding the filing of the complaint. The community may file a written answer to the complaint but shall do so within thirty (30) days of being served in order to be considered by the Committee.

(Res. No. 12-28, § 1107, 6-19-2012)

**Sec. 16-378. Hearing on complaint.**

The Committee shall conduct a hearing on the complaint not less than forty-five (45) nor more than ninety (90) days after service of the complaint upon the community. Notice of the hearing shall be given to the community. The hearing may be continued from time to time. The Committee may adopt rules for the taking of evidence and conduct of such hearings.

(Res. No. 12-28, § 1108, 6-19-2012)

**Sec. 16-379. Committee decision.**

Within thirty (30) days of the conclusion of the hearing, the Committee shall recommend to the County Board what action to be taken which may include whether or not to revoke in whole or in part the certification of the community. The recommendation of the Committee shall be in writing and shall include the specific findings and conclusions supporting its determination. The County Board shall decide appropriate remedies and shall take any actions necessary to implement the remedies. A copy of the County Board's decision and order, if any, shall be served upon the community. The decision of the County Board to revoke the certification of the community is final, subject only to the right of the community to reapply for certification at or after such time as the County shall specify in its order of revocation.

(Res. No. 12-28, § 1109, 6-19-2012)

**Secs. 16-380—16-401. Reserved.****Subdivision XII. Performance Security**

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**Sec. 16-402. General security requirements.**

- (a) As security to the County or the certified community for the performance by the applicant to complete the construction of any and all stormwater facilities required by the stormwater management permit, to pay all costs, fees and charges due from the applicant pursuant to the permitting authorities of this division and to otherwise faithfully perform the applicant's developer's undertakings pursuant to this division or the applicable certified community ordinance, the applicant shall post:
  - (1) Construction performance security as provided in Section 16-403 prior to issuance of a stormwater management permit.
  - (2) Sediment and erosion control security as provided in Section 16-404, prior to issuance of a stormwater management permit if a sediment and erosion control plan is required pursuant to Section 16-174.
  - (3) Maintenance security as provided in Section 16-405 prior to acceptance of stormwater management facilities by any public or private entity.
- (b) Nothing contained herein shall prevent the applicant from submitting financial security that combines purposes set forth above, so long as that security is for acceptable by the County or the certified community.
- (c) The applicant/developer or agent shall bear the full cost and responsibility of securing and maintaining the securities required by this section.

(Res. No. 12-28, § 1200, 6-19-2012)

**Sec. 16-403. Performance security.**

- (a) A construction performance security shall be posted and shall include:
  - (1) A schedule, agreed upon by the applicant/developer and the Administrator, for the completion of the construction of any stormwater facilities required by the permit;
  - (2) An irrevocable letter of credit, or such other adequate security as the Administrator may approve, in an amount equal to not less than one hundred ten (110) percent of the estimated probable cost to complete the construction of any stormwater facilities required by the stormwater management permit, which estimated probable cost shall be prepared by a registered professional engineer and shall be approved by the Administrator;
  - (3) A statement signed by the applicant granting the Administrator the right to draw on the security and the right to enter the development site to complete required work in the event that work is not completed according to the work schedule;
  - (4) A statement signed by the applicant that the applicant shall indemnify the community and the County for any additional costs incurred attributable to the concurrent activities of or conflicts between the applicant's contractor and the community or County's remedial contractor at the site.
- (b) The security required by this section shall be maintained and renewed by the applicant and shall be held in escrow by the Administrator until the conditions set forth in this section or other applicable provisions are satisfied.
- (c) The Administrator may approve periodic reductions in the letter of credit based on progress of construction. However, not more than ninety (90) percent of the security provided for in this section may be released prior to approval of record drawings and final inspection.

(Res. No. 12-28, § 1201, 6-19-2012)

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**Sec. 16-404. Sediment and erosion control security.**

- (a) If a sediment and erosion control plan is required pursuant to Section 16-174, then a sediment and erosion control security shall be required. Such a security shall include:
  - (1) An irrevocable letter of credit, or such other adequate security as the Administrator shall approve, in an amount equal to not less than one hundred ten percent (110 percent) of the estimated probable cost to install and maintain the sediment and erosion control measures, which estimated probable cost shall be approved by the Administrator;
  - (2) A statement signed by the applicant granting the Administrator, as applicable, the right to draw on the security and the right to enter the development site to complete or maintain sediment and erosion control measures in the event that such measures are not installed and/or maintained according to the established schedule.
- (b) The security required by this section shall be maintained and renewed by the applicant, and shall be held in escrow by the Administrator, as applicable, until the conditions set forth in this section are satisfied.
- (c) The Administrator may approve periodic reductions in the letter of credit based on progress of construction. However, not more than ninety (90) percent of the security provided for in this section may be released prior to completion of all construction, establishment of vegetation, removal of all sediment from stormwater facilities, and final inspection and approval by the Administrator.

(Res. No. 12-28, § 1202, 6-19-2012)

**Sec. 16-405. Maintenance security.**

- (a) Maintenance security shall be posted and shall include:
  - (1) A schedule, agreed upon by the applicant/developer and the Administrator, for the follow up inspection and maintenance repair of any stormwater facilities required by the permit. Generally, the maintenance period will be a minimum of one (1) year;
  - (2) An irrevocable letter of credit, or such other adequate security as the Administrator may approve, in an amount equal to not less than ten (10) percent of the estimated probable cost to complete the construction of any stormwater facilities required by the stormwater management permit, which estimated probable cost shall be prepared by a Registered professional engineer and shall be approved by the Administrator;
  - (3) A statement signed by the applicant granting the Administrator the right to draw on the security and the right to enter the development site to complete required work in the event that stormwater facilities require maintenance according to the work schedule;
  - (4) A statement signed by the applicant that the applicant shall indemnify the community and the County for any additional costs incurred attributable to the concurrent activities of or conflicts between the applicant's contractor and the community or County's remedial contractor at the site.
- (b) The security required by this section shall be maintained and renewed by the applicant and shall be held in escrow by the Administrator until the conditions set forth in this section or other applicable provisions are satisfied.

(Res. No. 12-28, § 1203, 6-19-2012)

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**Sec. 16-406. Letters of credit.**

- (a) Letters of credit posted pursuant to Sections 16-402 through 16-405 shall be in a form satisfactory to the Director or the Administrator, as applicable.
- (b) Each letter of credit shall be from a lending institution:
  - (1) Acceptable to the Director or the Administrator, as applicable;
  - (2) Having capital resources of at least ten million dollars (\$10,000,000.00), or such other amount acceptable to the Director or the Administrator;
  - (3) With an office in the County or an adjacent County or within the Chicago Metropolitan Area;
  - (4) Insured by the Federal Deposit Insurance Corporation.
- (c) Each letter of credit shall, at a minimum, provide that:
  - (1) It shall not be canceled without the prior written consent of the Director or the Administrator;
  - (2) Shall not expire without written notification of the Director or Administrator at least forty-five (45) days prior to expiration;
  - (3) It shall not require the consent of the developer prior to any draw on it by the Director or the Administrator;
  - (4) If at any time it will expire within forty-five (45) or any lesser number of days, and if it has not been renewed and the renewal submitted to the Director or the Administrator, and if any applicable obligation of the developer for which its security remains uncompleted or is unsatisfactory, then the Director or the Administrator may, without notice and without being required to take any further action of any nature whatsoever, call and draw down the letter of credit and thereafter either hold all proceeds as security for the satisfactory completion of all such obligations or employ the proceeds to complete all such obligations and reimburse the County or the certified community for any and all costs and expenses, including legal fees and administrative costs, incurred by the County or the certified community, as the Director or the Administrator shall determine.
- (d) If at any time the Director or the Administrator determines that the funds remaining in the letter of credit are not, or may not be, sufficient to pay in full the remaining unpaid cost of all stormwater facility construction or sediment and erosion control measures, then, within ten (10) days following a demand by the Director or the Administrator, the developer shall increase the amount of the letter of credit to an amount determined by the Director or the Administrator to be sufficient to pay such unpaid costs. Failure to so increase the amount of the security shall be grounds for the Director or the Administrator to draw down the entire remaining balance of the letter of credit.
- (e) If at any time the Director or the Administrator determines that the bank issuing the letter of credit is without capital resources of at least ten million dollars (\$10,000,000.00), is unable to meet any Federal or State requirement for reserves, is insolvent, is in danger of becoming any of the foregoing, or is otherwise in danger of being unable to honor such letter of credit at any time during its term, or if the Director or the Administrator otherwise reasonably deems the bank to be insecure, then the Director or the Administrator shall have the right to demand that the developer provide a replacement letter of credit from a bank satisfactory to the Director or the Administrator. Such replacement letter of credit shall be deposited with the Director or the Administrator not later than ten (10) days following such demand. Upon such deposit, the Director or the Administrator shall surrender the original letter of credit to the developer.
- (f) If the developer fails or refuses to meet fully any of its obligations under this division or the applicable certified community ordinance, then the Director or the Administrator may, in the discretion of the same,

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draw on and retain all or any of the funds remaining in the letter of credit. The Director or the Administrator thereafter shall have the right to take any action the same deems reasonable and appropriate to mitigate the effects of such failure or refusal, and to reimburse the County or the certified community from the proceeds of the letter of credit for all of its costs and expenses, including legal fees and administrative expenses, resulting from or incurred as a result of the developer's failure or refusal to fully meet its obligations under this division or the applicable certified community ordinance. If the funds remaining in the letter of credit are insufficient to repay fully the County or the certified community for all such costs and expenses, and to maintain a cash reserve equal to the required letter of credit during the entire time such letter of credit should have been maintained by the developer, then the developer shall, upon demand of the Director or the Administrator therefor, immediately deposit with the Director or the Administrator such additional funds as the Director or the Administrator determines are necessary to fully repay such costs and expenses and to establish such cash reserve.

(Res. No. 12-28, § 1204, 6-19-2012)

**Secs. 16-407—16-425. Reserved.**

**Subdivision XIII. Fee in Lieu of Site Runoff Storage**

**Sec. 16-426. Generally.**

- (a) Fee in lieu of site runoff storage shall only be allowed for redevelopment projects as defined by this division.
- (b) The Administrator may allow the payment of a fee in lieu of site runoff storage to fulfill all or part of the site runoff storage requirement for a development. Fee in lieu of site runoff storage shall be the lesser of:
  - (1) The fee computed for each acre-foot or part thereof of detention required and approved in accordance with the procedures and schedules as approved and adopted by the County or the certified community; or
  - (2) The estimated construction cost, as approved by the County or the certified community of the applicant's proposed and approved site runoff storage, including land costs.
- (c) The following fee in lieu of detention procedures apply to communities with adopted procedures for requiring and collecting fee in lieu of revenues for detention requirements:
  - (1) The Administrator may allow ~~and, or the~~ applicant may submit, a written request for the payment of a fee in lieu of site runoff storage to fulfill all or part of the site runoff storage requirement in accordance with Section 16-81. A request for fee in lieu of site runoff storage shall be either rejected or approved within forty five (45) days of the written request unless additional engineering studies are required.
  - (2) Approval of a request for fee in lieu of site runoff storage on a development site shall be determined by the Administrator.
  - (3) A fund will be maintained by the certified community, or the County for non-certified communities, for each of the major watersheds for the purpose of identifying and controlling all revenues and expenses related to stormwater drainage services resulting from fee in lieu of site runoff storage approvals. All monies collected for fee in lieu of site runoff storage shall be deposited in these funds and may only be used for the purposes related to stormwater management as noted in Subsection (c)(4) of this section.
  - (4) Fee in lieu of site runoff storage revenues from development sites may be used to plan, design or construct an upgrade to existing or future stormwater management systems if the upgrade is consistent with a watershed plan, floodplain study or stormwater system improvement that has been

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approved by the County for non-certified communities or the community-elected board of officials in a certified community.

(Res. No. 12-28, § 1300, 6-19-2012)

**Secs. 16-427—16-450. Reserved.**

# 2024 VIOLATIONS

Violation	Name	Parcel #	Address	Subdivision	Description	Opened	Follow up	PBZ	SAO	Court	Closed
V24-001	Gonzalez	03-09-152-019	14 Ridgefield Rd.	Boulder Hill	RV/Trailer parked in F/Y setback	11/6/2023	12/10/2023				1/4/2024
V24-002	Galvan	03-05-430-019	42 S Bereman Rd.	Boulder Hill	Trailer parked in F/Y setback	12/6/2023	1/11/2024				2/22/2024
V24-003	Sanchez	03-08-279-007	110 Circle Drive W	Boulder Hill	Trailer parked in F/Y setback	11/6/2023	1/11/2024		COURT 5/7/2024		7/2/2024
V24-004	Nickels	05-04-178-006	53 Crooked Creek Dr	Crooked Creek	Junk & Debris	11/15/2023	4/2/2024		HOLD SAO	Citation - MA	12/10/2024
V24-005	Masson	03-04-378-018	81 Pueblo Rd.	Boulder Hill	Trailer parked in F/Y setback	11/6/2023	1/11/2024				2/23/2024
V24-006	Silva	03-04-152-013	22 Greenbriar rd.	Boulder Hill	Trailer parked in F/Y setback	11/6/2023	1/11/2024		Court 5/7/2024	\$630 fine 3 mo prob.	7/2/2024
V24-007	Rosler	02-35-151-017	7821 Route 71		Stormwater Violation	11/6/2023	4/2/2024		Court 5/1/2024	\$18,000 fine + \$100	12/2/2024
V24-008	Schuster	03-22-400-001	2142 Woolley Rd.		Landscape Business	1/4/2024	4/24/2024	MA	HOLD SAO		5/24/2024
V24-009	Oak Plaza Properties LLC	02-17-226-004	2215 B Route 47		Junk & Debris	11/7/2023	4/1/2024		HOLD SAO	Citation - MA	12/11/2024
V24-010	Leftfelt	01-29-351-010	16789 Griswold Springs Rd	Billy R Williams	Stormwater Violation	7/31/2023	2/28/2024	MA	9/26/2024	4/29/2025	
V24-011	Bohr	01-29-351-011	16751 Griswold Springs Rd	Billy R Williams	Stormwater Violation	7/31/2023	2/28/2024	MA	9/26/2024	4/29/2025	
V24-012	Ortega	01-29-351-008	16859 Griswold Springs Rd.	Billy R Williams	Stormwater Violation	7/31/2023	2/28/2024	MA	9/26/2024	4/29/2025	
V24-013	Wildice	01-29-351-009	16815 Griswold Springs Rd.	Billy R Williams	Stormwater Violation	7/31/2023	2/28/2024	MA	9/26/2024	4/29/2025	
V24-014	Hurtado	03-04-277-023	2 Afton Dr.	Boulder Hill	Trailer parked in F/Y setback	2/6/2024	4/12/2024		HOLD SAO		8/21/2024

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## 2022 VIOLATIONS

Violation	Name	Parcel #	Address	Subdivision	Description	Opened	Follow up	PBZ	SAO	Court	Closed
V22-001	Aguilar	03-07-277-001	20 Shore Ct.	Marina Village	Parking on Lawn	11/9/2021	1/23/2022				2/9/2022
V22-002	Jones	03-05-279-020	44 Briarcliff Rd.	Boulder Hill	Illegal fence height	8/6/2021	1/23/2022				4/27/2022
V22-003	Cabrera	03-04-306-027	44 Hampton Rd.	Boulder Hill	Multiple Violations	8/3/2021	1/23/2022				5/9/2022
V22-004	Lemaster	03-04-253-024	16 Winrock Rd.	Boulder Hill	Inoperable Vehicles	8/18/2021	1/23/2022		11/8/2022		11/23/2022
V22-005	Johnson	03-04-477-025	54 Springdale Rd.	Boulder Hill	Trailer parking	11/22/2021	1/23/2022				4/22/2022
V22-006	Haehlen	03-04-277-011	235 Ferwood Rd.	Boulder Hill	RV parking	11/24/2021	1/23/2022				2/24/2022
V22-007	Joaquin	03-27-377-015	2543 Simons Rd		Banquet facility	11/15/2021			5/16/2022		5/17/2022
V22-008	Bliek	01-34-300-008	14824 Millhurst Rd		Air B&B	1/3/2022	3/11/2022				2/24/2022
V22-009	VOID										
V22-010	Faulkner	03-26-100-004	1539 Collins Rd.		Multiple Violations	7/13/2021	8/4/2021				Court 4/8/25
V22-011	Amstadt	02-35-380-001	7796 Madeline Dr.	FOFC	RV parking	5/24/2022	6/24/2022		9/7/2022		10/18/2022
V22-012	Gomez	09-27-200-004	2511 Wilcy Rd.		Stormwater	8/1/2022	4/11/2023	1/17/2024	10/17/2024	6/11/2025	
V22-013	Utility Dynamics	03-07-227-002	5327 Light Rd.		Stormwater	9/8/2022	10/11/2022				9/19/2022

complaint_id	complaint_status	complaint_description	complaint_date	date_notice_sent	last_edited_date	complaint_address	complaint_subdivision
1895	Open	Illegal Tree Removal Business	16-Apr-24	19-Apr-24	5-Feb-25	03-12-204- 26 GASTVILLE STREET, AURORA 60503	GASTVILLE
2069	Open	Junk and Debris	18-Sep-24		18-Sep-24	03-16-176- 3595 WOLF ROAD, OSWEGO 60543	FOX BEND
2070	Open	Building pool without a permit in flood zone	18-Sep-24		18-Sep-24	03-16-176- 3595 WOLF ROAD, OSWEGO 60543	FOX BEND
	Submitted	A ComEd Commercial Vehicle has been parked at 52	5-Feb-25		5-Feb-25	05-18-152- 52 COTSWOLD DRIVE,	
	Submitted	Over 12 cars came and went today alone. A UTV was	7-Feb-25		7-Feb-25	02-15-327- 88 BRISTOL RIDGE ROAD,	
2137	30 Day Notice		20-Feb-25	13-Mar-25	14-Mar-25	06-28-300- 3505 CATON FARM ROAD, MINOOKA 60447	- citation 4/13
	Submitted	Owners are operating a trucking company out of prop	23-Feb-25		23-Feb-25	02-26-400- 7404 ROUTE 71,	
	Submitted	Multiple semi trucks being parked and operated on	10-Mar-25		10-Mar-25	02-26-400- 7404 Route 71,	
	Submitted	2 years ago this homeowner moved his yard waste	11-Mar-25		11-Mar-25	03-16-177- 3530 Wolf Road, - Not verified	
2143	30 Day Not	Obscene outdoor sign	12-Mar-25	13-Mar-25	14-Mar-25	03-12-251- 1300 Route 30, Aurora 60503	working on sign permit
2144	Open	Shed No Permit	12-Mar-25		12-Mar-25	05-02-128- 7482 Audrey Avenue, Yorkville 60560	ROSE HILL - permit pending
2145	Open	Not verified	12-Mar-25		12-Mar-25	03-08-280- 10 Cebold Drive, Montgomery 60538	BOULDER17
2146	Open	Not verified	12-Mar-25		12-Mar-25	03-08-253- 15 Cebold Drive, Montgomery 60538	BOULDER17
2147	Open	Abandoned Home	12-Mar-25		12-Mar-25	03-05-276- 29 Aldon Road, Montgomery 60538	BOULDER R15
2148	30 Day Not	Shed no Permit	28-Feb-25	13-Mar-25	14-Mar-25	03-08-227- 72 Circle Drive West, Montgomery 60538	BOULDER17
	Submitted	The neighbor across the street is always working on l	12-Mar-25		12-Mar-25	02-15-327- 88 Bristol Ridge Road,	- close
2151	30 Day Not	Landscape Business without Special Use Permit	12-Mar-25	12-Mar-25	14-Mar-25	03-24-400- 3900 Stewart Road, Oswego 60543	Landscape Permitting
	Submitted	Neighbor bought house is aware of mold infestation	19-Mar-25		19-Mar-25	112 longbeach,	- close
	Submitted	Homeowners are running a 4-5 semi-truck	29-Mar-25		29-Mar-25	02-26-400- 7404 Route 71,	- close

PRE VIOLATION REPORT  
2023

3/29/2023	03-08-253-016	3 Cecold Dr. Montgomery	Boulder Hill	Boat in F/Y setback - new driveway-no permit	4/20/2023	30 Day Warning Notice Reg & Cert		5/4/2023
3/30/2023	09-14-300-001	1910/1920 Route 52 Minooka		Built up berms, changed grade/flooding on Rt 52	4/20/2023	MA - set to WRB 5/8/2023	MA 7/17/23	7/26/2023
3/30/2023	03-04-354-004	64 Hampton Rd. Montgomery	Boulder Hill	Multiple Violations	4/20/2023	30 Day Warning Notice Reg & Cert	6/8/2023	6/20/2023
3/30/2023	03-09-152-019	14 Ridgenfield Rd. Montgomery	Boulder Hill	Inoperable Vehicle	4/20/2023	15 Day Warning Notice Reg & Cert	7/21/2023	7/24/2023
3/30/2023	03-08-228-008	13 Brighton Way Montgomery	Boulder Hill	Inoperable Vehicle	4/5/2023	Removed		4/12/2023
3/30/2023	03-08-227-043	3 Brighton Way Montgomery	Boulder Hill	Boat / trailer parked in grass	4/5/2023	Tires on Paviers	6/5/2023	5/28/2023
3/30/2023	03-04-307-001	62 Circle Drive E Montgomery	Boulder Hill	Parking in grass/vehicle under tarp	4/5 & 5/2/2023	Not enough evidence		4/29/2023
3/30/2023	03-04-456-001	3 Wembley Rd. Montgomery	Boulder Hill	Inoperable Vehicle	4/5/2023	present / operable		4/11/2023
3/30/2023	03-04-178-009	21 Ingleshire Rd. Montgomery	Boulder Hill	Trailer in Front yard setback	4/14/2023	Duplicate	6/5/2023	6/8/2023
3/30/2023	03-09-153-004	40 Fieldpoint Rd. Montgomery	Boulder Hill	Trailer in Front yard setback	4/5/2023	30 Day Warning Notice Reg & Cert	5/19/2023	5/12/2023
3/30/2023	03-04-479-006	51 Eastfield Rd. Montgomery	Boulder Hill	Junk & Debris	4/14 & 4/23/23	30 Day Warning Notice Reg & Cert	6/8/2023	6/29/2023
4/3/2023	03-04-306-005	59 Circle Drive East Montgomery	Boulder Hill	Semi Tractor Trailer	3/22 & 4/14/23	Removed		4/20/2023
4/3/2023	03-03-351-005	71 Sonora Dr. Montgomery	Boulder Hill	Construction business, Junk & Debris, Proh Trailer	3/23 & 4/14/2023	30 Day Warning Notice Reg & Cert	6/8/2023	8/8/2023
4/3/2023	03-04-378-003	49 Pueblo Rd. Montgomery	Boulder Hill	Trailer parking, Addition - no permit	4/3/2023	30 Day Warning Notice Reg & Cert	5/6/2023	8/15/2023
4/3/2023	03-04-428-006	172 Heathgate Rd Montgomery	Boulder Hill	Trailer	4/14/2023	removed		4/20/203
4/3/2023	0304-278-026	116 Heathgate Rd. Montgomery	Boulder Hill	Commercial Vehicle	4/14 5/2/23	Removed		5/4/2023
4/5/2023	03-17-103-008	2162 Route 31 Oswego		Construction - No permit	4/14/2023	No Violation found	4/19/2023	4/25/2023
4/6/2023	01-25-456-001	12331 Mitchell Dr. Plano	Schaefer Woods	Multiple Violations	4/14/2023			4/19/2023
4/11/2023	05-18-400-011	8756 E Highpoint Rd. Yorkville		Semi Parking / storage & Stormwater	4/14/2023	No Business - repairing parking lot		4/19/2023
4/12/2023	03-05-279-021	42 Briardiff Rd. Montgomery	Boulder Hill	Driveway - no Permit	4/14/2023	30 Day Warning Notice Reg & Cert	6/5/2023	6/7/2023
4/14/2023	05-21-300-006	9513 Walker Rd. Yorkville		Parking in ROW/Parking on adjoining property	4/20/2023	Grandfathered situation	6/5/2023	9/11/2023
4/19/2023	01-08-200-008	1426 Creek Rd. Plano		Pond constructed w/o permit & possible floodplain		Applied for Stormwater Permit - MA	5/17/2023	5/26/2023
4/19/2023	01-23-100-002	2970 C Rock Creek Rd Plano		Train car in Floodplain		MA	5/17/2023	5/24/2023
4/24/2023	04-01-401-001	21 Fox Ct.	Fox Station	Inoperable Vehicles(10+) & Junk & Debris	5/2/2023	30 Day Warning Notice Reg & Cert	6/9/2023	6/28/2023
4/25/2023	02-24-177-004	6642 Sundown Ln Yorkville		Multiple Violations	5/25/2023	F/U 9/14/2023 & 9/26/2023		9/29/2023
4/27/2023	08-28-200-005	16296 Route 47 Newark		Inoperable vehicles and Boats	5/12/2023	30 Day Warning Notice Reg & Cert	6/9/2023	11/30/2023
5/1/2023	03-16-176-006	Lot 3 Wolf Rd. Oswego	Fox Bend Estates	Junk & Debris	5/12/2023	30 Day Warning Notice Reg & Cert	6/9/2023	9/11/2023
5/1/2023	01-36-100-009	Lot 1	Minnetonka Springs	Illegal Business & Junk & Debris	5/12/2023	Letter requesting inspection	6/2/2023	6/7/2023
5/5/2023	03-08-253-022	15 Cecold Dr. Montgomery	Boulder Hill	Grass Parking				6/2/2023
5/5/2023	03-05-427-003	9 Greenblair Rd. Montgomery	Boulder Hill	Inoperable Vehicle	5/11/2023	30 Day Warning Notice Reg & Cert	6/26/2023	6/26/2023
5/5/2023	09-09-100-002	13039 McKanna Rd. Minooka		Trucking Business	9/12/2023	10 Day Final Notice to Comply	9/30/2023	10/4/2023
5/5/2023	09-09-100-002	13039 McKanna Rd. Minooka		Closed Business Prev				MA
5/9/2023	02-34-157-006	Lot 8	Owners	Abandoned RV	5/11/2023	30 Day Warning Notice Reg & Cert	8/3/2023	8/14/2023
5/9/2023	03-04-430-006	39 Seneca Dr. Montgomery	Boulder Hill	Multiple Violations	5/11/2023	Removed		5/23/2023
5/9/2023	03-08-277-021	11 Fieldpoint Rd. Montgomery	Boulder Hill	Shed - No Permit	5/5/2023	30 Day Warning Notice Reg & Cert	6/9/2023	6/8/2023
5/10/2023	03-05-432-012	28 Seneca Dr. Montgomery	Boulder Hill	Junk & Debris	5/11/2023	30 Day Warning Notice Reg & Cert	6/26/2023	V23-007
5/12/2023	09-29-400-008	16901 Obrien Rd. Minooka		Pond w/o permit	5/25/2023	Applied for Stormwater Permit - MA	MA	6/1/2023
5/12/2023	03-08-106-018	37 Boat Ln Oswego	Marina Village	Trailer in Front yard setback				6/2/2023
5/15/2023	02-26-100-025	7265 Route 71 Yorkville		Pond, Structure & Driveway - No permit		Req Onsite meeting/Appri for Acc Bldg pending	6/26/2023	6/26/2023
5/16/2023		Behind 131 W Rickard Dr. Oswego		Tall Grass - area behind Grand Reserve		Sent to City of Yorkville		5/17/2023
5/24/2023	03-13-400-005	227 Rance Rd. Oswego		Banquet Center		Referred to Sheriff's Office	Investigating	6/7/2023
5/24/2023	01-18-200-004	17080 Miller Rd. Plano		Possible Event Center		Not enough evidence	5/25/2023	6/30/2023
5/25/2023	09-22-200-003	15070 Jughandle Rd Minooka	Aux Sable Oaks		6/28/2023	No evidence		6/29/2023
5/25/2023	03-04-303-014	10 Marnel Rd. Montgomery	Boulder Hill	Junk & Debris	6/8/2023	30 Day Warning Notice Reg & Cert	7/20/2023	6/8/2023
6/6/2023	03-04-282-007	13 Sonora Dr. Montgomery	Boulder Hill	Multiple Violations	6/26/2023	30 Day Warning Notice Reg & Cert	7/26/2023	V23-006
6/13/2023	07-17-300-003			Unpermitted structures	9/19/2023	In compliance with Home Occ standards		9/19/2023
6/13/2023	06-02-177-007	1551 Cherry Rd. Oswego	County Clerks	Junk & Debris/Home Occ Violations	6/15/2023	30 Day Warning Notice Reg & Cert	10/2/2023	V23-014
6/15/2023	09-24-400-027	15623 County line Rd. Minooka		Illegal Sign	6/20/2023	30 Day Warning Notice Reg & Cert	7/23/2023	V23-008
6/15/2023	03-04-307-003	17 Windham Dr. Montgomery	Boulder Hill	Inoperable Vehicle		Permit Not required		
6/15/2023	03-04-376-003	76 Circle Drive E. Montgomery	Boulder Hill	Building without Permit				
6/20/2023	03-08-227-006	58 Codorus Rd. Montgomery	Boulder Hill	RV/Trailer in Front yard setback	6/28/2023	30 Day Warning Notice Reg & Cert	8/6/2023	8/7/2023

**PRE VIOLATION REPORT**  
2023

9/7/2023	09-04-100-004	12130 McKanna Rd. Minooka		Banquet Facility			Not enough evidence	10/5/2023	10/10/2023
9/13/2023	03-01-351-001	675 Route 30 Aurora		Life Safety regarding a fence		9/21/2023	Not a life safety issue		9/21/2023
9/14/2023	01-29-452-007	16267 Griswold Springs Rd.		Deck/Addition - No Permit		9/20/2023	Notice to owner to contact us	11/2/2023	11/27/2023
9/14/2023	01-26-300-030	13600 Hale Rd. Plano		Addition to Garage & shed(s) - no permit		9/20/2023	office to owner to contact us/Not enough eviden	12/15/2023	1/22/2024
9/14/2023	01-35-100-009	13524 B Hale Rd. Plano		Inground pool - no permit		9/20/2023	Notice to owner to contact us	12/15/2023	1/22/2024
9/14/2023	08-11-100-014	7701 Plattville Rd. Newark		Multiple Violations		9/18/2023	10 Day Final Notice to Comply	9/28/2023	V23-012
9/26/2023	03-15-165-003	2373 Douglas Rd. Oswego	Ketelebeber Acres	Possible business		9/20/2023	No evidence of violation		9/29/2023
9/26/2023	03-12-203-009	17 Gastville St Aurora	Gastville Acres	Rooster, multiple chickens & ducks					10/30/2023
9/26/2023	03-04-151-016	74 Fernwood Rd. Montgomery	Boulder Hill	Chickens & Roosters		9/26/2023	No evidence of violations		9/29/2023
9/26/2023		9155 Kennedy Rd.		Excessive Farm Animals		9/26/2023	Referred to KCHD-not a PR2 violation	8/1/2024	9/29/2023
9/26/2023	05-26-200-006	10141 Church Rd. Yorkville		Junk & Debris. Inoperable Vehicles		9/26/2023	30 Day Warning Notice Reg. & Cert		7/23/2023
9/27/2023	02-16-426-006	2560 Cannonball Trail Bristol	Babbitt	Construction without permit			Sent to Yorkville		9/27/2023
9/29/2023	03-04-378-031	66 Hubbard Way Montgomery	Boulder Hill	Building w/o permit / Multiple units		10/2/2023	Not enough evidence		10/2/2023
10/1/2023	03-04-453-033	84 Sheffield Rd. Montgomery	Boulder Hill	Imp Vehicle/Parking in Grass		10/3/2023	Removed		10/30/2023
10/3/2023	03-01-351-009	991 Harvey Rd. Oswego		Change in Occupancy w/ o permit		10/5/2023	Not enough evidence		10/10/2023
10/4/2023	02-28-252-006	1101 McHugh St. Yorkville		Junk & Debris		10/5 & 10/11/23	30 Day Warning Notice Reg. & Cert	11/13/2023	11/2/2023
10/4/2023	06-03-251-002	2017 Devonshire Ct. Oswego	Southfield Estates	Occupied Camping Trailer		10/5/2023	Occupied RV in R-1 zoning	11/10/2023	10/16/2023
10/10/2023	09-09-100-002	13039 McKanna Rd. Minooka		Stormwater-fill- diesel tank location			MA		7/8/2024
10/13/2023	03-05-426-011	22 Circle Dr E Montgomery	Boulder Hill	Pool - no Permit & too close to property line		10/27/2023	Pool existing		10/25/2023
10/25/2023	03-04-478-031	72 Eastfield Rd. Montgomery	Boulder Hill	Trailer parked in F/Yard setback		10/27/2023	30 Day Warning Notice Reg. & Cert	12/15/2023	12/14/2023
10/25/2023	08-04-100-017	NW corner Rt 47 & Newark Rd.	Lisbon Township	Trailer parked in F/Yard setback		10/27/2023	Re-opened 8/28 file - Reg Letter sent MA	4/15/2023	7/2/2024
11/6/2023	03-04-378-018	83 Pueblo Rd. Montgomery	Boulder Hill	Noxious Weeds		11/10/2023	30 Day Warning notice sent Reg. & Cert	1/4/2024	V24-005
11/6/2023	03-09-152-006	230 Boulder Hill Pass Montgomery	Boulder Hill	Trailer/ RV parked in req front yard setback		11/10/2023	Trailer not present		11/13/2023
11/6/2023	03-09-152-019	14 Ridgfield Rd. Montgomery	Boulder Hill	Trailer/ RV parked in req front yard setback		11/10/2023	Violation found - photos taken		V24-001
11/6/2023	03-08-279-007	110 Circle Drive W. Montgomery	Boulder Hill	Trailer/ RV parked in req front yard setback		11/10/2023	30 Day Warning notice sent Reg. & Cert	1/11/2024	V24-003
11/6/2023	03-08-278-010	102 Circle Drive W. Montgomery	Boulder Hill	Trailer/ RV parked in req front yard setback		11/10/2023	Trailer Removed		11/13/2023
11/6/2023	03-04-152-013	22 Greenbriar Rd. Montgomery	Boulder Hill	Trailer/ RV parked in req front yard setback					V24-006
11/6/2023	02-35-151-017	7821 Route 71 Yorkville		Fill in excess of 1 acre without permit					7/29/2024
11/7/2023	02-17-226-004	2215 B Rt 47		Junk & Debris		11/10/2023	30 Day Warning Notice Reg. - MA	6/5/24-COURT	7/29/2024
11/8/2023	02-15-302-001	2 South St. Bristol		Illegal Towing /Mechanic Business in R-3 zoning		11/10/2023	30 Day Warning Notice Reg. & Cert	12/22/2023	V24-009
11/14/2023	03-04-378-022	48 Hubbard Way Montgomery	Boulder Hill	Fire Investigation		11/12/2023	Letter requesting onsite meeting sent		12/12/2023
11/14/2023	03-09-154-014	128 Circle Drive W. Montgomery	Boulder Hill	Addition without permit		11/21/2023	Meeting 11/30 - 8:30am/Applied for permit 1.4.24		12/22/2023
11/15/2023	05-04-178-006	53 Crooked Creek Dr. Yorkville	Crooked Creek	Illegal Business / Junk & Debris		11/21/2023	30 Day Warning Notice Reg. & Cert	12/22/2023	V24-004
11/18/2023	06-05-153-005	79 Timberlake Trail E. Oswego	Arrowhead Hills	Fire Investigation 11/18 - Pole Barn			30 Day Warning Notice Reg. & Cert	12/22/2023	12/12/2023
11/21/2023	05-02-200-008	6410 Miniker Rd. Yorkville		Dirt piles high along road		12/1/2023	Demo Completed	9/6/2024	1/8/2025
11/27/2023	03-34-201-001	5020 Douglas Rd. Oswego	Douglas Hills	# of chickens on property and No coop in cold temps		12/1/2023	2 coops - not able to determine #		12/12/2023
12/1/2023	09-09-100-020	13237 McKanna Rd. Minooka	Boulder Hill	Added 3 car garage - no permit		12/8/2023	Not enough evidence		1/22/2024
12/6/2023	03-05-430-019	42 S Bereman Rd. Montgomery	Boulder Hill	Trailer parked in F/Yard setback		12/8/2023	30 Day Warning Notice Reg. & Cert	1/11/2024	V24-002
12/7/2023	06-02-177-007	1551 Cherry Rd. Oswego	Oswego Plains/County Clerks	Addition - No Permit		12/8/2023	BLH met with owner		1/24/2024
12/12/2023	05-04-300-032	9630 Route 71 Yorkville		Horse in R-3 zoning & Illegal building					12/13/23 & 1/22/24
12/13/2023	06-01-100-008	902 E Plainfield Rd. Oswego	Condon Acres	Roofing Business		1/4/2024	Horse not observed-bldg has permit/Permit n/a	2/10/2024	1/29/2024
12/22/2023	03-04-152-012	24 Greenbriar Rd. Montgomery	Boulder Hill	Semi Parking		1/4/2024	No Evidence		1/4/2024
12/22/2023	03-05-280-005	49 Briarcliff Rd. Montgomery	Boulder Hill	Semi Parking		1/4/2024	No Evidence		1/4/2024
12/22/2023	03-04-307-018	20 Lombach Rd. Montgomery	Boulder Hill	Semi Parking		1/4/2024	No Evidence		1/4/2024
12/22/2023	03-04-302-002	49 Circle Drive E. Montgomery	Boulder Hill	Junk & Debris		1/4/2024	No Junk & Debris		1/4/2024

**A PROCLAMATION**  
**Declaring Historic Preservation Month in Kendall County, Illinois**

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WHEREAS, historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, “*People Saving Places*” is a theme adopted by the National Trust for Historic Preservation and embraced by Kendall County as we celebrate our historic built environment and work to preserve the places that matter to the citizens of our County; and

THEREFORE, the Board of Kendall County do proclaim May as National Preservation Month, and call upon the people of Kendall County to join their fellow citizens across the United States in recognizing and participating in this special observance.

ADOPTED BY THE COUNTY BOARD THIS 6<sup>TH</sup> DAY OF MAY, 2025.

Attest:

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Matt Kellogg  
County Board Chairman

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Debbie Gillette  
County Clerk

# Permit Summary by Category

## Kendall County

Permit Category	Count	Estimated Cost	Permit Fees	Land Cash
House	5	\$3,163,500	\$30,326	\$18,826
Accessory Buildings	3	\$18,900	\$400	\$0
Additions	2	\$177,872	\$200	\$0
Remodeling	3	\$790,000	\$887	\$0
Barns/Farm Buildings	2	\$168,000	\$0	\$0
Swimming Pools	2	\$17,000	\$200	\$0
Decks	1	\$31,200	\$200	\$0
Electrical Upgrades	2	\$8,700	\$300	\$0
Solar	3	\$118,051	\$900	\$0
	23	\$4,493,223	\$33,412	\$18,826

March 2024 5 Houses  
35 Total

YTD 2024 91 Houses  
61 Total

# Permit Summary by Category by Month

## Kendall County

Permit Category	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
House	11	3	3	5	0	0	0	0	0	0	0	0	0
Accessory Buildings	9	5	1	3	0	0	0	0	0	0	0	0	0
Additions	4	1	1	2	0	0	0	0	0	0	0	0	0
Remodeling	8	2	3	3	0	0	0	0	0	0	0	0	0
Barns/Farm Buildings	5	1	2	2	0	0	0	0	0	0	0	0	0
Swimming Pools	5	1	2	2	0	0	0	0	0	0	0	0	0
Decks	3	0	2	1	0	0	0	0	0	0	0	0	0
Demolitions	2	1	1	0	0	0	0	0	0	0	0	0	0
Electrical Upgrades	4	1	1	2	0	0	0	0	0	0	0	0	0
Solar	8	2	3	3	0	0	0	0	0	0	0	0	0
	59	17	19	23	0	0	0	0	0	0	0	0	0

# Permit Approval Date Report Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
2/26/2025	012024351	01 House	02-35-301-007	MARKS MICHAEL	5971 FIELDS DRIVE YORKVILLE, IL 60560	FIELDS OF FARM COLONY UNIT 2	MICHAEL ANTHONY BUILDERS
1/7/2025	012025012	01 House	04-02-227-005	HOGAN MICHAEL & SHERRY	6195 SOUTH WOODS CT YORKVILLE, IL 60560-	THE WOOD OF SILVER SPRINGS PHASE 2	JEFF HAZDRA HOMES & REMODELING
1/15/2025	012025015	01 House	02-23-303-012	PELIPSEN DAVID & RASHIDA	26 TIMBER RIDGE DR. YORKVILLE, IL 60560	TIMBER RIDGE SUB UNIT 1	ED SALOGA DESIGN BUILD
3/4/2025	012025027	01 House	05-12-228-014	TRATTNER STEVEN & COLLEEN	7161 IRONWOOD CT YORKVILLE, IL 60560-	WHITETAIL RIDGE	DJK CUSTOM HOMES, INC.
3/4/2025	012025052	01 House	02-35-401-002	FROEHLICH ADAM & KELLY	5603 FIELDS DRIVE YORKVILLE	FIELDS OF FARM COLONY UNIT 3	SILVERTHORNE DEVELOPMENT
3/31/2025	012025073	01 House	05-12-276-010	MEADOR JASON & TINA	7653 CLUBHOUSE DR YORKVILLE, IL 60560-	WHITETAIL RIDGE	OVERSTREET BUILDERS
1/28/2025	012025017	01 House	06-07-374-002	ESCOBEDO LARRY & KELLY R	5778 CHAMPIONSHIP CT. YORKVILLE, IL 60560	WHITETAIL RIDGE	JAKE MENARD
3/24/2025	012025054	01 House	06-07-402-011	HEAVENS CRAIG & DEBORAH	7854 FAIRWAY DR YORKVILLE, IL 60560-	WHITETAIL RIDGE	SILVERTHORNE DEVELOPMENT CO
2/10/2025	012025032	01 House	06-07-405-002	PARNELL RYAN & EUGENIA	5516 LEGEND DR YORKVILLE, IL 60560-	WHITETAIL RIDGE	REVOLUTION BUILDERS CUSTOM BUILDERS
3/12/2025	012025038	01 House	06-02-125-001	CARRESCIA BLAKE & MICHAELA	6192 DOVER CT OSWEGO, IL SOUTHFIELD ESTATES 60543-		NICK NAHAS
2/6/2025	012025036	01 House	05-12-277-015	SIEMIANOWSKI JOSEPH R & JULIE T	5929 LEGACY CIR YORKVILLE, IL 60560-	WHITETAIL RIDGE	KING'S COURT BUILDERS

Permit Approval Date Report  
Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number Owner Name	Property Address	Subdivision	Contractor Name
1/3/2025	012025007	01 House	05-12-226-003 BURNETT PTOSHIA A	6005 WHITETAIL RIDGE DR YORKVILLE, IL 60560-	WHITETAIL RIDGE	REVOLUTION BUILDERS CUSTOM BUILDERS
1/31/2025	032025029	03 Accessory Buildings	02-15-327-004 BRUDERLE K CHARLES	88 BRISTOL RIDGE RD BRISTOL, IL 60512-		SELF
3/20/2025	032025063	03 Accessory Buildings	02-22-427-001 SPRATLEY BRETT S & GINA E	36 TIMBERVIEW LN YORKVILLE, IL 60560-	TIMBER RIDGE SUB UNIT 2	
1/13/2025	032025024	03 Accessory Buildings	02-34-127-002 DEBOLT BRIAN & ARMELINDA	4 ACORN LN YORKVILLE, IL 60560-	FOX RIVER GARDENS	SAME AS OWNER
1/13/2025	032025021	03 Accessory Buildings	08-01-300-003 MACKENZIE MARK A	-		
3/12/2025	032025059	03 Accessory Buildings	02-35-384-004 VAN FLEET LIVING TRUST	7645 MADELINE DR YORKVILLE, IL 60560-	FIELDS OF FARM COLONY BOONDOCK BARNS UNIT 3	
3/12/2025	032025039	03 Accessory Buildings	06-02-125-001 CARRESCIA BLAKE & MICHAELA	6192 DOVER CT OSWEGO, IL 60543-	SOUTHFIELD ESTATES	NICK NAHAS
1/23/2025	032025026	03 Accessory Buildings	06-08-101-027 MORRIS PATRICK J & MICHELE R	7251 JOYCE CT OSWEGO, IL 60543-	GROVE ESTATES	
1/13/2025	042025022	04 Additions	07-16-400-006 MARTINEZ DAVID M & BOBBI JO	14560 TOWNHOUSE RD NEWARK, IL 60541-		
3/5/2025	042025051	04 Additions	01-31-300-001 FRIEDERS, JOSPEH; GENE R FRIEDERS	17710 LIONS RD SANDWICH, IL 60548-		
3/12/2025	042025058	04 Additions	02-21-151-013 CLARK THOMAS WILLIAM & SHEGA JEFFERSON & DAVIN	19 AMANDA LN YORKVILLE, IL 60560-	ASHLEY WOODS	GREAT DAY IMPROVEMENTS LLC

# Permit Approval Date Report

## Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number	Property Address	Subdivision	Contractor Name
2/7/2025	052025037	05 Remodeling	05-12-228-003 TESTONE VINCENT & CAROL WESTPHAL	6004 WHITETAIL RIDGE DR YORKVILLE, IL 60560-	WHITETAIL RIDGE	ACCULEVEL, INC.
3/25/2025	052025069	05 Remodeling	02-35-413-011 RUMSHAS LEISA D	7388 GILDA CT YORKVILLE, IL 60560-	FIELDS OF FARM COLONY UNIT 4	SYNERGY BUILDERS INC.
3/25/2025	052025068	05 Remodeling	03-05-176-004 FOX METRO WATER REC DIST	682 ROUTE 31 OSWEGO, IL. 60543		
3/11/2025	052025056	05 Remodeling	03-05-253-032 OSWEGOLAND PARK DISTRICT	0 BOULDER HILL PASS MONTGOMERY, IL 60538-		LEOPARDO CONSTRUCTION
1/27/2025	052025028	05 Remodeling	02-21-151-004 GOSCINIAK TOMASZ	20 PATRICIA LN YORKVILLE, IL 60560-	RICHARDS BLACKBERRY ESTATES	
2/5/2025	052025035	05 Remodeling	03-18-328-007 PATULA ROBERT R & KATHRYN L	9 N CHERRY DR OSWEGO, IL 60543-	OWNERS 2ND SUB SEC 18-37-8	LEADS CONSTRUCTION
1/13/2025	052025023	05 Remodeling	02-34-127-002 DEBOLT BRIAN & ARMELINDA	4 ACORN LN YORKVILLE, IL 60560-	FOX RIVER GARDENS	SAME AS OWNER
1/8/2025	072025010	07 Commercial - B Zone	02-10-300-019 FOX VALLEY FAMILY YMCA INC	1520 N CANNONBALL TRL BRISTOL, IL 60512-		
2/25/2025	082025047	08 Barns/Farm Buildings	03-27-200-008 HIGENS NICHOLAS & MARJORIE	4050 DOUGLAS RD OSWEGO, IL 60543-		
1/28/2025	082025031	08 Barns/Farm Buildings	09-15-200-003 BEST BUDGET TREE SERVICE LLC	2241 ROUTE 52 MINOOKA, IL 60447-		
3/17/2025	082025061	08 Barns/Farm Buildings	07-29-200-004 FRIESTAD JOSHUA & SARAH	16187 ROODS RD NEWARK, IL 60541-		

Permit Approval Date Report  
Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number Owner Name	Property Address	Subdivision	Contractor Name
3/5/2025	082025053	08 Barns/Farm Buildings	01-03-100-001 VARGAS TEODORO & VARGAS THEODORE	14780 GALENA RD PLANO, IL 60545-		
3/31/2025	122025070	12 Swimming Pools	03-18-376-007 RAMIREZ SALVADOR C & ANGELA	6 W PLEASANTVIEW DR OSWEGO, IL 60543-	RIVERVIEW HEIGHTS	
3/4/2025	122025049	12 Swimming Pools	05-12-220-009 FULTON STEPHEN D JR	7365 CLUBHOUSE DR YORKVILLE, IL 60560-	WHITETAIL RIDGE	SWIM SHACK INC.
2/5/2025	122025033	12 Swimming Pools	05-12-228-002 FISHER JUSTIN & RACHELLE	5976 WHITETAIL RIDGE DR YORKVILLE, IL 60560-	WHITETAIL RIDGE	ALL PROPERTY SERVICES INC.
3/31/2025	132025072	13 Decks	01-32-101-002 AVENARIUS DAVID & LAURIE H	16700 GRISWOLD SPRINGS RD PLANO, IL 60545-	SANDY BLUFF DUTCH ACRES	UPPERDECK DESIGNS & CONSTRUCTION
2/19/2025	132025043	13 Decks	04-21-125-008 FREEMAN JON & JAYMIE	15715 HOODS CIR NEWARK, IL 60541-	ESTATES OF MILLBROOK UNIT 2	WEST SUBURBAN DECKS., LLC
2/13/2025	132025041	13 Decks	06-02-400-005 POTTS BRIAN D & KENDRAH	1430 CHERRY RD OSWEGO, IL 60543-		WARNER'S DECKING, INC.
2/25/2025	152025048	15 Electrical Upgrades	02-22-126-004 LEIFHEIT ELMER B & NANCY	26 LAKEVIEW DR YORKVILLE, IL 60560-		TIMOTHY J MCHENRY
3/20/2025	152025064	15 Electrical Upgrades	04-16-376-011 DEPAULO BUILDERS INC % ESTATES OF MILLBROOK UNIT 2	, -		JJJ COMMUNICATIONS LLC
3/12/2025	152025060	15 Electrical Upgrades	02-34-157-002 HEIMSOTH MARK E & BETHANY A	8935 VAN EMMON RD YORKVILLE, IL 60560-	HRUBYS PLAT	THOMAS AAGUIRRE
1/9/2025	152025019	15 Electrical Upgrades	06-13-129-004 JOHNSON RYAN A & JESSICAL	33 VIKING BLVD PLAINFIELD, IL 60586-	EVERGREEN GROVE UNIT H1 - LITE ELECTRIC INC. 1	

Permit Approval Date Report  
Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
3/25/2025	242025067	24 Solar	03-09-153-002	MORALES BRENDA L	36 FIELDPOINT RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 25	SUNRUN INSTALLATION
3/26/2025	242025066	24 Solar	03-31-477-007	COLLIER JOSH & COLLIER ANDREA	10 TOMAHAWK TRL OSWEGO, IL 60543-		ONE EARTH SOAR LLC
3/24/2025	242025065	24 Solar	02-10-400-006	IBARRA JOSE ANTONIO	8371 GALENA RD BRISTOL, IL 60512-		ION DEVELOPER LLC
3/3/2025	242025050	24 Solar	06-07-226-012	TJ BAUMGARTNER CUSTOM HOMES	7295 FAIRWAY DR YORKVILLE, IL 60560-	WHITETAIL RIDGE	CERTASUN LLC
2/25/2025	242025046	24 Solar	06-14-200-017	COUGAR TRUST	8493 OLD RIDGE RD PLAINFIELD, IL 60586-		BRS FIELDS OPS LLC
2/19/2025	242025045	24 Solar	02-10-400-006	IBARRA JOSE ANTONIO	8371 GALENA RD BRISTOL, IL 60512-		ION DEVELOPER LLC
1/27/2025	242025030	24 Solar	03-08-276-004	LOVELACE PATRICK M	4 FIELDPOINT RD MONTGOMERY, IL. 60538	BOULDER HILL UNIT 17	SUNRUN INSTALLATION
1/3/2025	242025016	24 Solar	03-08-202-014	CLEMENTI JOHN P & KAREN K	5 WESTLEIGH CT MONTGOMERY, IL 60538-	BOULDER HILL UNIT 14	INDEPENDENCE RENEWABLE ENERGY

## PLANNING BUILDING & ZONING RECEIPTS 2025

DATE	BUILDING FEES	ZONING FEES	LAND-CASH	OFFSITE ROADWAY	MONTHLY FY 2025	TOTAL FY 2025	MONTHLY FY 24	TOTAL FY 24
December	\$8,244.00	\$0.00	\$3,163.48	\$1,000.00	\$12,407.48	\$12,407.48	\$10,759.44	\$10,759.44
January	\$9,122.50	\$425.00	\$8,141.06	\$2,000.00	\$19,688.56	\$32,096.04	\$6,128.44	\$16,887.88
February	\$7,170.00	\$0.00	\$8,434.67	\$2,000.00	\$17,604.67	\$49,700.71	\$12,449.55	\$29,337.43
March	\$10,925.84	\$74.00	\$10,208.53	\$1,000.00	\$22,208.37	\$71,909.08	\$15,542.46	\$44,879.89
April							\$36,410.16	\$81,290.05
May							\$13,067.18	\$94,357.23
June							\$27,571.20	\$121,928.43
July							\$33,948.83	\$155,877.26
August							\$31,821.36	\$187,698.62
September							\$27,597.57	\$215,296.19
October							\$42,701.26	\$257,997.45
November							\$46,441.83	\$304,439.28
YR END TOTAL	\$35,462.34	\$499.00	\$29,947.74	\$6,000.00	\$71,909.08			