CHAPTER 57: STORMWATER MANAGEMENT

Section

PURPOSE AND DEFINITIONS

§ 57.001 PURPOSES OF THIS CHAPTER.

(A) The principal purpose of this chapter is to promote effective, equitable, acceptable and legal stormwater management measures by establishing reasonable rules and regulations for development. This ordinance is enacted pursuant to the police powers granted to the Village of Romeoville by the Illinois Municipal Code (65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8 and 5/11-31-2).

(B) This chapter shall not in any way impair/remove the necessity of compliance with any other applicable laws, ordinances, regulations, etc. Where this chapter imposes a greater restriction, the provisions of this chapter shall control.

(C) Other purposes of this chapter include:

(1) Managing and mitigating the effects of urbanization on stormwater drainage throughout the village through planning, appropriate engineering practices and proper maintenance;

(2) Protecting from, and reducing the existing potential for, loss of human life, health, safety and property from the hazards of flooding damages on a watershed basis;

(3) Preserving and enhancing the natural hydrologic and hydraulic functions and natural characteristics of watercourses and floodplains to protect water quality, protect aquatic habitats, reduce flood damages, reduce soil erosion, provide recreational and aesthetic benefits and enhance community and economic development;

(4) Controlling sediment and erosion in and from stormwater facilities, developments, agricultural fields and construction sites and reducing and repairing stream bank erosion;

(5) Requiring that planning for development provide for water resource management, taking into account natural features, such as vegetation, wildlife, waterways, wetlands and topography, in order to reduce the probability that new development will create unstable conditions

susceptible to erosion;

(6) Protecting environmentally sensitive areas from deterioration or destruction by private or public actions;

(7) Requiring appropriate and adequate provision for site runoff control, especially when the land is developed with a large amount of impervious surface;

(8) Requiring the design and evaluation of each site stormwater management plan consistent with watershed capacities;

(9) Encouraging the use of stormwater storage and infiltration of stormwater in preference to stormwater conveyance;

(10) Lessening the taxpayers' burden for flood-related disasters, repairs to flood-damaged public facilities and utilities and flood rescue and relief operations;

(11) To meet the requirements of 615 ILCS 5/18g Rivers, Lakes, and Streams Act;

(12) Making federally subsidized flood insurance available in the village by fulfilling the requirements of the national flood insurance program;

(13) Complying with the rules and regulations of the National Flood Insurance Program codified in Title 44 C.F.R.;

(14) Restricting future development in the floodplain to facilities that will not adversely affect the potential for flood damage;

(15) Requiring regular, planned maintenance of stormwater management facilities; and

(16) Allowing the use of simple technologies whenever appropriate and realistic, but requiring the use of more sophisticated techniques when necessary to ensure the adequacy of stormwater controls.
(Prior Code, § 160.001) (Ord. 06-0383, passed 3-15-2006)

§ 57.002 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words and terms not defined shall have the meanings indicated by common dictionary definition.

ADMINISTRATIVE VIOLATION. An administrative violation of the chapter occurs when rules and procedures regarding permit applications and stormwater management permits are not followed.

ADMINISTRATOR. The person designated by the permitting village to administer and enforce this chapter.

AGRICULTURAL REVIEW ADVISORY COMMITTEE. The Agricultural Review Advisory Committee shall be composed of at least three county residents who live and own and operate or tenant operate at least 60 contiguous acres of farmland in the county and representatives appointed by the following agencies: Will and South Cook Soil and Water Conservation District, U.S.D.A., Natural Resource Conservation Service and Will County Farm Bureau. The Stormwater Management Committee will appoint these individuals in accordance with Article 3, § 1D of the Bylaws. The Stormwater Committee will consider committee member nomination recommendations from any active county agricultural not-for-profit organization.

AGRICULTURAL SUBSURFACE DRAINAGE. 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" and the like)

APPLICABLE ENGINEERING PRACTICE. Procedures, methods or materials recommended in standard engineering textbooks or references as suitable for the intended purpose.

APPLICANT. 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 village.

APPROPRIATE USE. Only uses of the designated floodway that are permissible and will be considered for permit issuance. The list of permissible uses is contained in §§ 57.130 through 57.136 and 57.150 through 57.163.

ARMORING. A form of channel modification which involves the placement of materials (concrete, riprap, bulkheads and the like) within a stream channel or along a shore line to protect property above streams, lakes and ponds from erosion and wave damage caused by wave action and stream flow.

BASE FLOOD. The flood having a 1% probability of being equaled or exceeded in a given year.

BASE FLOOD ELEVATION (BFE). The highest water surface elevation that can be expected during the base flood.

BASEMENT. Any portion of the building, including any sunken room or sunken portion of a room, having its floor below ground level (subgrade) on all sides.

BEST MANAGEMENT PRACTICES (BMP). A measure used to control the adverse stormwater-related effects of development. ***BMPs*** include structural devices (e.g., swales, filter strips, infiltration trenches and detention basins) designed to remove pollutants, reduce runoff rates and volumes and protect aquatic habitats. ***BMPs*** also include nonstructural approaches, such as public education efforts to prevent the dumping of household chemicals into storm drains.

BOUNCE. The difference between the normal water level and the design high water level in a wet bottom pond, and the invert of the outlet control and the design high water level for a dry bottom pond.

BUILDING. A structure that is principally aboveground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, mobile home or a prefabricated building. This term also includes recreational vehicles and travel trailers to be installed on a site for more than 180 days, unless fully licensed and ready for highway use.

BUILDING PERMIT. A permit issued by the village for the construction, erection or alteration of a structure or building.

BUFFER. 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.

BULKHEAD. A retaining wall that protects property along water.

BULLETIN 75. "Precipitation Frequency Study for Illinois" by James R. Angel and Momcilo Markus of the Illinois State Water Survey (March 2020).

BYPASS FLOWS. Stormwater runoff or groundwater from upstream properties tributary to a property's drainage system but not under its control.

CHANNEL. Any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash or natural or human-made drainage way, which has a definite bed and bank or shoreline, in or into which surface, groundwater, effluent or industrial discharges flow either perennially or intermittently.

CHANNEL MODIFICATION. Alteration of a channel by changing the physical dimensions or materials of its bed or banks. ***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.

CHANNELIZATION. A severe form of channel modification involving a significant change in the channel cross-section and typically involving relocation of the existing channel (e.g., straightening).

CLEARING. Any activity which removes vegetative ground cover.

COMMERCIAL. Sale of goods to the public at-large where the traffic generated warrants construction of site improvements.

COMMERCIAL REDEVELOPMENT. Development on a parcel upon which the existing condition is buildings, parking lots and infrastructure associated with commercial activities. Additions to existing buildings and new impervious surfaces added after the effective date of the chapter are specifically excluded from this definition.

COMMITTEE. The Will County Stormwater Management Planning Committee.

COMMUNITY. The Village of Romeoville.

COMPENSATORY STORAGE. An excavated, hydrologically and hydraulically equivalent volume of storage created to offset the loss of existing flood storage.

CONDITIONAL LETTER OF MAP AMENDMENT (CLOMA). A FEMA comment letter conditionally removing a development proposed to be located in, and affecting only that portion of, the area of floodplain outside the regulatory floodway and having no impact on the existing regulatory floodway or base flood elevations.

CONDITIONAL LETTER OF MAP REVISION (CLOMR). A letter that indicates that FEMA will revise base flood elevations, flood insurance rate zones, flood boundaries or floodways as shown on an effective FIRM or FBFM after the record drawings are submitted and approved.

COE. The United States Army Corps of Engineers.

CONSERVATION PLANNING. 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. A structure designed to limit the rate of flow that passes through the structure to a specific rate, given a specific upstream and downstream water surface elevation.

COUNTY. Will County, Illinois.

CULVERT. A structure designed to carry drainage water or small streams below barriers, such as roads, driveways or railway embankments.

CRITICAL DURATION. The duration of a storm event that results in the greatest peak runoff.

DAM. 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. County Land Use Department.

DEPRESSIONAL AREA. Any area which is lower in elevation on all sides than surrounding properties (i.e., does not drain freely), or whose drainage is severely limited such as by a restrictive culvert. A ***DEPRESSIONAL AREA*** will fill with water on occasion when runoff into it exceeds the rate of infiltration into underlying soil or exceeds the discharge through its controlled outlet. Large ***DEPRESSIONAL AREAS*** may provide significant stormwater or floodplain storage.

DEPRESSIONAL STORAGE. The volume contained below a closed contour on a one-foot contour interval topographic map, the upper elevation which is determined by the invert of a surface gravity outlet.

DETENTION BASIN (SITE RUNOFF STORAGE FACILITY). A constructed structure for the temporary storage of stormwater runoff with a controlled release rate.

DEVELOPER. A person who creates or causes a development.

DEVELOPMENT.

(1) Any man-made change to improved or unimproved real estate, including but not limited to:

(a) Construction, reconstruction, repair, demolition or replacement of a building or an addition to a building;

(b) 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 180 days. If the travel trailer or recreational vehicle is on-site for less than 180 days, it must be fully licensed and ready for highway use;

(c) Drilling, mining, installing utilities, construction of roads, bridges or similar projects;

(d) Construction or erection of levees, walls, fences, dams or culverts, channel modifications, filling, dredging, grading, excavating, paving or other non-agricultural alterations of the ground surface, storage materials, deposit of solids or liquid waste;

(e) Any other activity of humans that might change the direction, height or velocity of flood or surface water, including extensive vegetation removal; and

(f) Plowing and cultivation and other similar agricultural practices that do not involve filling, grading or construction of levees as regulated in §§ 57.090 through 57.094.

(g) Installation of utilities, construction of roads, bridges, culverts or similar projects.

DIRECT DISCHARGE SITES. Parcels of land, or portions thereof, which are immediately adjacent to the banks of the Des Plaines River, and Chicago Sanitary and Ship Canal and which are tributary to these waterways in the natural course of drainage.

DIRECTOR. The County Executive, or their designee, charged with performing the duties specified in the Will County Stormwater Management Ordinance.

DISTRICT. District means the Lowland Conservancy Overlay District, as defined in §§ 57.150 through 57.163.

DRAINAGE AREA. The land area upstream of a given point that may contribute runoff flow at that point from rainfall.

EFFECTIVE DATE. The effective date of the overall Will County Stormwater Ordinance - January 1, 2005.

ELEVATION CERTIFICATES. A form published by FEMA, or its equivalent, that is used to certify the base flood elevation and the lowest elevation of usable space to which a building has been constructed.

EPHEMERAL STREAM. A stream whose bed elevation does not intersect the groundwater table, it carries flow only during and immediately after a runoff producing rainfall event.

EMERGENCY OVERLAND FLOW ROUTE. The flow path of stormwater runoff calculated assuming all enclosed storm sewers are inoperable.

EROSION. The process whereby soil is detached by the action of water or wind.

EXCAVATION. Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

EXISTING GRADE. The vertical location of the existing ground surface prior to excavation or filling.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. 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) has been completed before April 1, 1990.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

EXTENDED DETENTION. A volume of runoff temporarily detained and released over a long period of time as specified in § 57.074.

FEE-IN-LIEU OF DETENTION. A fee paid by a developer to the permitting authority, commensurate with the costs and fee schedules adopted by the county and/or the certified community based on the detention volume required for the development to meet the ordinance release rates. Rules and procedures for fee in lieu of detention are contained in § 57.350.

FILL. Any act, by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by humans to a new location and shall include the conditions resulting therefrom.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). The Federal Agency and its regulations, at 44 C.F.R. pts. 59 through 79 as amended.

FILTERED VIEW. The maintenance or establishment of woody vegetation of sufficient density to screen

developments from a stream or wetland, to provide for streambank stabilization and erosion control, to serve as an aid to infiltration of surface runoff and to provide cover to shade the water. The vegetation need not be so dense as to completely block the view. ***FILTERED VIEW*** means no clear cutting.

FINAL GRADE. The vertical location of the ground or pavement surface after the grading work is completed in accordance with the site development plan.

FLOOD. 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 BOUNDARY AND FLOODWAY MAP (FBFM). A floodplain management map issued by FEMA that depicts, based on detailed analysis, the boundaries of the base flood, the two-tenth percent probability flood and the floodway.

FLOOD FREQUENCY. 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-year ***FLOOD FREQUENCY*** has a 50% chance of occurrence in any given year. Similarly, the 100-year ***FLOOD FREQUENCY*** has a 1% chance of occurrence in any given year.

FLOOD FRINGE. The portion of the floodplain outside of the designated floodway.

FLOOD HAZARD BOUNDARY MAP (FHBM). A map issued by FEMA that is an official community map, which depicts generalized areas of floodplains, replaced by a detailed flood insurance study.

FLOOD INSURANCE RATE MAP (FIRM). A map prepared by FEMA that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways or show BFEs. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

FLOOD INSURANCE STUDY (FIS). A study of flood discharges and flood profiles for a community, adopted and published by FEMA.

FLOODPLAIN. That land typically adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation, including detached special flood hazard areas, ponding areas and the like. The ***FLOODPLAIN*** is also known as the special flood hazard areas (SFHA). Those lands within the jurisdiction of the community and the extraterritorial jurisdiction of the community, or that may be annexed into the community, that are subject to inundation by the base flood. The floodplains of the community are identified as such on panel number(s) of the countywide FIRM prepared by the FEMA. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. SFHA may also refer to areas identified by the community that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

FLOOD PROTECTION ELEVATION (FPE). The elevation of the BFE, plus two feet of freeboard for structures within the plane limits of the base flood elevation. Outside the plane limits, the water table or 100-year design water surface elevation of any adjacent stormwater facility, including emergency overland flow routes, whichever is higher, plus one foot of freeboard.

FLOODPROOF. Any combination of structural and non-structural 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. 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.*** The floodway 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 100-year frequency flood discharge with no more than a 0.1 foot increase in flood stage due to the loss of flood conveyance or storage, and no more than a 10% increase in velocities.

FLOODWAY CONVEYANCE. The measure of the flow carrying capacity of the floodway section and is defined using Manning's equation as:

$$K = \underline{1.4863\ AR^{2/3}}$$

n

where “n” is Manning’s roughness factor, “A” is the effective area of the cross-section and “R” is ratio of the wetted area to the wetted perimeter.

FREEBOARD. An increment of height added to the BFE or 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. In the context of the usage in this chapter, ***FUNCTIONAL*** refers to stormwater facilities, which serve their primary purpose of meeting developed release rate requirements but do not meet all of the final design conditions. For example, a detention basin, which has been excavated but has not had the side slopes graded, nor the final landscaping placed, may be considered ***FUNCTIONAL*** as a site runoff storage facility.

GOOD HUSBANDRY. Generally accepted agricultural practices found in good farm management.

GRADING. Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

GROUNDWATER. Water that is located within soil or rock below the surface of the earth. Also known as ***SUBSURFACE WATER***.

GROUNDWATER CONTROL SYSTEM. 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. 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 preliminary determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on the State Inventory of Historic Places by the State Historic Preservation Agency; or

(4) Individually listed on a local inventory of historic places that has been certified by the State Historic Preservation Agency.

HYDRAULICS. The science and study of the mechanical behavior of water in physical systems and processes.

HYDRAULIC CHARACTERISTICS. The features of a watercourse that determine its water conveyance capacity. These features include, but are not limited to: size and configuration of the cross-section of the watercourse and floodway; texture and roughness of materials along the watercourse; alignment of watercourse; gradient of watercourse; amount and type of vegetation within the watercourse; and size, configuration and other characteristics of structures within the watercourse. In low-lying areas, the characteristics of the overbank area also determine water conveyance capacity.

HYDRAULICALLY CONNECTED IMPERVIOUS AREA. Hydraulically connected impervious area shall consist of 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. Compensatory storage either adjacent to the floodplain fill or not located adjacent to the development but can be shown by hydrologic and hydraulic analysis to be equivalent to compensatory storage located adjacent to the development.

HYDROLOGICALLY DISTURBED. An area where the land surface has been cleared, grubbed, compacted or

otherwise modified that changes runoff, volumes, rates or direction.

HYDROLOGY. 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. The State Department of Natural Resources, Office of Water Resources.

IMPERVIOUS. Surfaces that cause the majority of rainfall to be converted to direct runoff. Asphalt, concrete and roofing systems are to be considered ***IMPERVIOUS***.

INDUSTRIAL REDEVELOPMENT. Development on a parcel upon which the existing condition is buildings, parking lots and infrastructure associated with industrial activities. Additions to existing buildings and new impervious surfaces added after the effective date of the chapter are specifically excluded from consideration as ***INDUSTRIAL REDEVELOPMENT***.

INTERIM WATERSHED PLAN. A regional study of a watershed which does not address the entire range of purposes, goals and objectives outlined in the countywide stormwater management plan, approved by the Committee and adopted by the county.

INTERMITTENT STREAM. 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 month out of the year but not the entire year.

LAKE. A natural or artificial body of water encompassing an area of two or more acres, which retains water throughout the year.

LETTER OF MAP AMENDMENT (LOMA). The official determination by FEMA that a specific structure is not in a regulatory floodplain. A ***LOMA*** amends the effective FHBM, FBFM or FIRM.

LETTER OF MAP REVISION (LOMR). A letter from FEMA that revises base flood elevations, flood insurance rate zones, flood boundaries or floodway as shown on an effective FHBM, FBFM or FIRM.

LOT. An area of land, with defined boundaries, that is designated in official assessor's records as being one parcel.

LOWEST FLOOR. 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 design requirements for such an enclosure.

MAJOR STORMWATER SYSTEM. The portion of a stormwater facility needed to store and convey flows beyond the capacity of the minor stormwater system.

MANUFACTURED HOME. A structure transportable in one 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 180 consecutive days. The term ***MANUFACTURED HOME*** does not include a recreational vehicle.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MASS GRADING. Development in which the primary activity is a change in topography affected by the movement of earth materials.

MINOR STORMWATER SYSTEM. Shall consist of all infrastructure including curb, gutter, culverts, roadside ditches and swales, storm sewers and subsurface drainage systems intended to convey stormwater runoff at less than a 100-year flood frequency. The design frequency for ***MINOR STORMWATER SYSTEMS*** shall be in accordance with the applicable ordinances of the local community or Highway Department jurisdiction.

MITIGATION. Measures taken to offset negative impacts from development in wetlands or the floodplain.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP). A federal program whose requirements are codified in Title 44 C.F.R.

NATURAL. In reference to watercourses, means those stream channels, grassed waterways and swales formed by the existing surface topography of the earth prior to changes made by unnatural causes. A ***NATURAL*** stream tends to follow a meandering path; its floodplain is not constrained by levees; the area near the bank has not been cleared, mowed or cultivated; the stream flows over soil and geologic materials typical of the area with no alteration of the course or cross-section of the stream caused by filling or

excavating.

NATURAL DRAINAGE. Channels formed in the existing surface topography of the earth prior to changes caused by unnatural causes.

NET BENEFIT IN WATER QUALITY. 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. A finding that, when compared to the existing condition, the developed project will do one of the following: substantially reduce (more than 10%) downstream peak discharges; reduce downstream flood stages (more than 0.1 feet); or reduce downstream damages to structures occurring in the pre-development condition. The demonstration of one of these conditions must be through detailed hydrologic and hydraulic analysis of watersheds on a regional scale as approved by the Administrator.

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION. 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) has been completed on or after April 1, 1990.

NON-RIVERINE. Areas not associated with a stream or river, such as isolated depressional storage areas, ponds and lakes.

NRCS. The United States Department of Agriculture, Natural Resources Conservation Service.

OBSERVATION STRUCTURES. Structures built on a field tile where the pipe inflow and outflow is visible upon removal of a lid.

OPEN CHANNEL. 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). 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. 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. The Village Planning and Zoning Commission (PZC). See § 57.319.

PARCEL. All contiguous land under common ownership or control including right(s)-of-way to be dedicated in conjunction with the proposed development.

PERENNIAL STREAMS. Riverine watercourses whose thalweg generally intersects the groundwater table elevation and flows throughout the year.

PERMITTING AUTHORITY. The Village of Romeoville.

PLAN. The Will County Comprehensive Countywide Stormwater Management Plan, adopted by the County Board on October 13, 1998, as amended from time to time.

POND. Any inland water body, fed by spring or surface water flow that is not a lake.

PRIMARY GRAVITY OUTLET. The outlet structure designed to meet the release rate requirements of this chapter.

PROFESSIONAL ENGINEER. An engineer registered in the state, under the Illinois Professional Engineering Practice Act (225 ILCS 325/1 et seq.), as amended.

PROFESSIONAL LAND SURVEYOR. A land surveyor registered in the state, under the Illinois Land Surveyors Act (225 ILCS 330/1 et seq.), as amended.

PROPERTY. Contiguous land under single ownership or control.

PUBLIC BODIES OF WATER. 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. 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. An easement acceptable to the appropriate jurisdictional body that meets the regulations of the IDNR/OWR, the Department and the community, and that provides legal assurances that all areas subject to flooding in the created backwater of the development will remain open to allow flooding.

QUALIFIED PROFESSIONAL. A person trained in one or more of the disciplines of biology, geology, soil science, engineering or hydrology whose training and experience ensure a competent analysis and assessment of stream, lake, pond and wetland conditions and impacts.

RECORD DRAWINGS. 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 structures and topography.

RECREATIONAL VEHICLE or ***TRAVEL TRAILER.*** A vehicle which is: built on a singe chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling, but as a temporary living quarters for recreational camping travel or seasonal use.

REGISTERED STRUCTURAL ENGINEER. A person licensed under the laws of the state as a structural engineer.

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

REGULATORY FLOODPLAIN. The floodplain as depicted on maps recognized by FEMA, as defining the limits of the SFHA.

REMOVAL. Cutting vegetation to the ground or stumps, complete extraction or killing by spraying.

REPETITIVE LOSS. 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 average equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

RETENTION FACILITY. A retention facility stores stormwater runoff without a gravity release.

RIVERINE. Related to, formed by or resembling a channel (including creeks and rivers).

RUNOFF. 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. 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 two chroma or less.

SEDIMENTATION. 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. A structure or area that allows for the temporary deposit and removal or disposal of sediment materials from stormwater runoff.

SEEPAGE. The movement of drainable water through soil and rock.

SETBACK. The horizontal distance between any portion of a structure or any development activity and the ordinary high water mark of a perennial or intermittent stream, the ordinary high water mark of a lake or pond or the edge of a wetland, measured from the structure's or development's closest point to the ordinary high water mark or edge.

SITE. A parcel on which development is proposed or has occurred. The area of the ***SITE*** shall include

right-of-way to be dedicated in conjunction with the development.

SITE DEVELOPMENT PERMIT. A permit issued by the village which permits development, or limited development, of a site in accordance with approved plans and in accordance with this chapter.

(SFHA) SPECIAL FLOOD HAZARD AREA. An area having special flood, mudslide or mudflow or flood-related erosion hazards, and which area is shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, V, M or E.

START OF CONSTRUCTION. Start of Construction includes substantial improvement and means the date the building permit was issued. This, 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 placement of a manufactured home on a foundation. For a substantial improvement, 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. All ditches, channels, conduits, bridges, culverts, levees, ponds, natural and human-made impoundments, wetlands, riparian environment, tile, swales, sewers or other natural or artificial structures or measures which serve as a means of draining surface and subsurface water from land.

STORMWATER MANAGEMENT PERMIT. The permit issued under §§ 57.175 through 57.177, 57.190 through 57.192, 57.205 through 57.210 and 57.225 through 57.229.

STRUCTURE. The results of a built change to the land constructed on or below the ground, including the construction, reconstruction or placement of a building or any addition to a building; installing a manufactured home on a site; preparing a site for a manufactured home; or installing a travel trailer on a site for more than 180 days unless they are fully licensed and ready for highway use.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the (cumulative) percentage of damage (pick either: "subsequent to the adoption of this ordinance ", "during the life of the building" or "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. If any one of the following three conditions applies when work is performed on an existing building, then the work will be classified as a ***SUBSTANTIAL IMPROVEMENT***:

(1) An improvement made to a building whose cost is equal to or exceeds 50% of the buildings' market value before the improvement;

(2) Reconstruction or repair of a building, the cost of which equals or exceeds 50% of the market value of the building before reconstruction or repair; or

(3) Additions to an existing building whose cost equals or exceeds 50% of the market value of a structure, or increases the floor area by more than 20%. Note that if a

building is substantially improved, then the entire building must comply with the building protection standards.

SUBSURFACE DRAINAGE. 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 agricultural, residential, industrial, commercial or recreational uses.

SUBSURFACE WATER. Water beneath the ground or pavement surface. Sometimes referred to as ***GROUNDWATER*** or ***SOIL WATER***.

T FACTOR. The soil loss tolerance. It is defined as the maximum amount of erosion at which the quality of a soil as a medium for plant growth can be maintained. Erosion losses are estimated by Universal Soil Loss Equation (USLE) and Revised Universal Soil Loss Equation (RUSLE).

TECHNICAL MANUAL. The manual adopted by the County Board, which refers to this chapter and provides additional explanations and examples.

THALWAG. A line along the lowest point in a channel.

TRANSITION SECTION. Reaches of the stream or floodway where water flows from a narrow cross-section to a wide cross-section, or vice versa.

USABLE SPACE. Space used for dwelling, storage, utilities or other beneficial purposes, including, without limitation, basements.

VARIANCE. A grant of relief by a community from the terms of stormwater, floodplain, or other management regulation.

VEGETATION. All plant growth, especially trees, shrubs, mosses and grasses.

VILLAGE. The Village of Romeoville, Will County, Illinois.

VIOLATION. The failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

WATER TABLE. The upper limit of a free water surface in a saturated soil or underlying material.

WATERS OF THE UNITED STATES. As defined by the United States Army Corps of Engineers in their Federal Methodology for the Regulation of Wetlands. For purposes of this chapter, waters of the United States include wetlands, lakes, rivers, streams, creeks, bogs, fens and ponds. ***WATERS OF THE UNITED STATES*** do not include maintained stormwater facilities.

WATERCOURSE. Any river, stream, creek, brook, branch, natural or artificial depression, ponded area, slough,

gulch, draw, ditch, channel, conduit, culvert, swale, grass waterway, gully, ravine, wash or natural or human-made drainageway, which has a definite channel, bed and banks, in or into which stormwater runoff and floodwater flow either regularly or intermittently.

WATERSHED. All land area drained by, or contributing water to, the same stream, lake, stormwater facility or draining to a point.

WATERSHED BENEFIT. (See ***NET WATERSHED BENEFIT***).

WATERSHED CHARACTERISTICS. Watershed characteristics include land use, physiology, habitat, climate, drainage system and community profile.

WATERSHED PLAN. A study and evaluation of an individual drainage basin's stormwater management, floodplain management, water quality and flood control needs and capabilities.

WETLAND. An area of land, which meets the criteria as defined in current federal methodology recognized by the United States Army Corps of Engineers regardless of whether or not the area of land is subject to the regulatory authority of United States Army Corps of Engineers or any other regulatory authority.

(Prior Code, § 160.002) (Ord. 06-0383, passed 3-15-2006; Ord. 19-1532, passed 1-16-2019)

REQUIREMENTS FOR STORMWATER MANAGEMENT

GENERAL INFORMATION

§ 57.015 OTHER APPLICABLE SECTIONS.

All developments shall meet the requirements specified for general stormwater development (§§ 57.030 through 57.036), site runoff (§§ 57.050 through 57.059), sediment and erosion control (§§ 57.105 through 57.118) and performance security and maintenance (§§ 57.240 through 57.245).
(Prior Code, § 160.010) (Ord. 06-0383, passed 3-15-2006)

§ 57.016 APPLICABILITY OF SITE RUNOFF STORAGE REQUIREMENTS (DETENTION).

All developments shall comply with the site runoff storage requirements provided in §§ 57.070 through 57.079 in which:

(A) More than two single-family structures or one multi-family structure are to be constructed on a parcel or site more than one acre in size;

(B) Nonresidential land use is to be constructed on a parcel or site more than one acre in size;

(C) Existing multi-family or nonresidential land uses on a site one acre or more in size, on which new development after the effective date of this chapter in the aggregate exceeds 25,000 square feet;

(D) Roadway developments in rights-of-way under the ownership or control of a unit of local governments when the contiguous area of new roadway construction (excluding previously paved areas) exceeds two acres;

(E) The developer of a commercial or industrial redevelopment may request that a fee-in-lieu of detention be approved provided that all of the following are demonstrated to the sole satisfaction of the Administrator:

(1) The drainage plan will not increase existing flood damages; and

(2) The drainage plan provides a net benefit in water quality compared to the existing development.

(F) The Administrator shall determine the appropriate fee to be collected as defined in § 57.350, and their decision in the matter shall be considered final.
(Prior Code, § 160.011) (Ord. 06-0383, passed 3-15-2006)

§ 57.017 EXEMPTIONS FROM SITE RUNOFF STORAGE REQUIREMENTS (DETENTION).

Site runoff storage is not required under the following circumstances:

(A) Direct discharge industrial sites; and

(B) Non-industrial direct discharge sites 160 acres or less having the following minimum river frontage:

Site Area	*Required Frontage*
0 to 2 acres	50 feet
Up to 5 acres	100 feet
Up to 10 acres	150 feet
Up to 40 acres	200 feet
Up to 80 acres	350 feet
Up to 160 acres	500 feet

§ 57.031 REQUIREMENTS APPLICABLE TO ALL SUBDIVISIONS AND COMMERCIAL DEVELOPMENTS.

All developments shall:

(A) Extend the storm sewer system through the proposed development to serve upstream properties in the natural drainage area. The storm sewer system should reflect the ultimate development of the drainage area;

(B) Assure that subdivision proposals and other development will be reasonably safe from flooding, have adequate drainage and minimize flood damage.

(Prior Code, § 160.012) (Ord. 06-0383, passed 3-15-2006)

GENERAL STORMWATER REQUIREMENTS

§ 57.030 REQUIREMENTS APPLICABLE TO ALL DEVELOPMENT.

No development shall:

(A) Result in any new or additional expense to any person other than the developer for flood protection;

(B) 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; and

(C) (1) Increase runoff rates (from the ten-year event up to the 100-year event) to any downstream properties unless the developer can demonstrate that the increased runoff rates can be safely conveyed via storm sewers, ditches (if allowed) or overland flow paths to the next downstream receiving stream, lake or pond.

(2) If the developer is significantly raising runoff rates to downstream properties and cannot demonstrate downstream conveyance capacity, some amount of on-site stormwater management may be required in order to reduce the proposed runoff rate down to existing runoff rates.
(Prior Code, § 160.013) (Ord. 06-0383, passed 3-15-2006)

(C) Provide a stormwater drainage system that consists of a minor drainage system, a major drainage system and an emergency overland flow route;

(D) The storm sewer drainage system is assumed to consist of such components as sewers, channels, swales, natural drainageways, inlets, catch basins, manholes, streets, detention/retention basins and other necessary facilities;

(E) The engineering plans shall have a certification by a registered professional engineer as follows:

> "I, _____, hereby certify that adequate stormwater storage and drainage capacity has been provided by this development, such that surface water from the development will not be diverted onto and cause damage to adjacent property for storms up to and including the one hundred (100) year event, and that the design plans are in compliance with all applicable federal, state, county, and village laws and ordinances."

(F) The storm sewer system shall be entirely separate from the sanitary sewer system;

(G) Storm sewers shall be designed to convey the peak flow from a ten-year rainfall event with a hydraulic grade line that is entirely within the pipe. Rainfall frequency data shall be obtained from Chapter 57, Appendix A, Table 1. Storm sewers and outfalls shall be designed to function at their design capacity during flooding conditions on the receiving stream or other body of water.

(H) At the discretion of the Stormwater Administrator, private industrial storm sewer may be designed with the hydraulic grade line up to one foot below the rim elevation. Any sewer that conveys off-site flow or flow from more than one acre of tributary area are not allowed to surcharge with this condition.

(I) The storm sewers shall be a minimum of 12 inches in diameter and shall be constructed of reinforced concrete pipe only;

(J) No ditch system shall be permitted. The minor drainage system shall be constructed so that the drainage from each lot or parcel is conveyed entirely through storm sewer pipe;

(K) The major drainage system may be permitted to flow over roadways, rear yard and side yard swales and other open conveyances as long as the maximum depth of ponding or flow is no more than nine inches at any location and the maximum water surface elevation is a least one foot below

the lowest opening of any nearby structure. The design of the major drainage system may account for the minor drainage system (storm sewers) to be fully functional. No flow is allowed over the road, perpendicular to the roadway;

(L) Rear yard and side yard swales shall meet the following conditions:

(1) The maximum side slopes shall be a six to one (6:1) ratio; and

(2) The appropriate easements are provided, a minimum of 20 feet wide.

(M) Inlets on roadways shall be located as necessary to collect surface water, but spacing shall not exceed a maximum of 400 feet. Catch basins shall be placed before a storm sewer enters a manhole. Manholes shall be located at the junction of two or more storm sewer pipes or at any change in grade alignment or size of pipe. Maximum spacing of manholes shall be 400 feet;

(N) All storm sewers shall use materials, and be installed in the manner meeting or exceeding the requirements, standards, and specifications contained in the Standard Specifications for Water and Sewer Main Construction in Illinois, the most current edition as amended, supplemented and amended by the Village Engineer. These standards and specifications, with the modifications, amendments and amplifications of the Village Engineer, are available for purchase or inspection and review in the office of the Village Engineer;

(O) All public storm sewer must be televised with said recording submitted to the Department of Public Works prior to acceptance of all projects; and

(P) At the discretion of the Stormwater Administrator, dual inlets are required at low points in public roads.
(Prior Code, § 160.014) (Ord. 06-0383, passed 3-15-2006; Ord. 19-1532, passed 1-16-2019)

§ 57.032 BUILDING PERMITS.

Stormwater facilities shall be functional before building permits are issued for residential and nonresidential subdivision.
(Prior Code, § 160.015) (Ord. 06-0383, passed 3-15-2006)

§ 57.033 SINGLE PARCEL DEVELOPMENTS.

Stormwater facilities shall be functional where practicable for single parcel developments before building construction begins.
(Prior Code, § 160.016) (Ord. 06-0383, passed 3-15-2006)

§ 57.034 OVERLAND FLOW PATHS.

(A) The development shall have an overland flow path at the downstream limit of the property that will pass the base flood flow without increasing damage to structures or property. Overland flow paths internal to the site shall be considered as part of the major stormwater system and shall be designed for conveyance of the base flood (critical duration) and shall be a minimum of one cfs per tributary acre without damage to structures. If the storm sewer pipe and inlet sized for the base flood can be constructed in lieu of providing an overland flow path as a part of the major drainage system, then the overland flow path shall be considered an emergency overland flow path and it shall not be considered a part of the major stormwater system but must still meet the protection of buildings criteria in § 57.075.

(B) For all overland flow routes, whether a part of the major drainage system or an emergency overland flow

route, the water surface elevation for determining the FPE (flood protection elevation) shall be calculated assuming that the storm sewers are inoperable.

(C) Structures of any kind, including fences, shall not be permitted in overland flow paths draining more than 20 acres, unless the structures are otherwise permissible and certified by a professional engineer or professional landscape architect that the proposed structure will not cause any adverse upstream impacts as a result of blocking or impeding the flow of stormwater. A fence, if permitted, shall conform to the village's fence ordinance provisions for fences located in drainage easements as applicable.
(Prior Code, § 160.017) (Ord. 06-0383, passed 3-15-2006)

§ 57.035 PROTECTION OF BUILDINGS.

All usable space in new buildings or added to existing buildings hydraulically connected to a major stormwater system, site runoff storage facility or overland flow path shall be elevated, floodproofed or otherwise protected to at least the FPE.
(Prior Code, § 160.018) (Ord. 06-0383, passed 3-15-2006)

§ 57.036 DEPRESSIONAL STORAGE.

(A) The function of existing on-site depressional storage shall be preserved for both on-site and off-site tributary flows in addition to required detention.

(B) When depressional storage is removed, it must be compensated for in the site runoff storage facility at a one-to-one ratio (1:1); provided that off-site areas tributary to the existing depressional storage are routed through the site runoff storage facility.

(C) This requirement is in addition to the site runoff storage required in §§ 57.070 through 57.079.

(D) The Administrator may allow the function of depressional storage to be preserved if the applicant performs detailed pre- and post-project hydrologic and hydraulic modeling to identify the effect of the depressional storage on discharges over a range of rainfall frequencies.
(Prior Code, § 160.019) (Ord. 06-0383, passed 3-15-2006; Ord. 19-1532, passed 1-16-2019)

SITE RUNOFF REQUIREMENTS

§ 57.050 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 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.
(Prior Code, § 160.020) (Ord. 06-0383, passed 3-15-2006)

§ 57.051 MINOR STORMWATER SYSTEM CRITERIA.

Minor stormwater systems shall be sized to convey runoff from the tributary watershed under fully developed conditions for the ten-year storm event. Minor stormwater systems shall be enclosed systems (e.g., storm sewers) unless otherwise approved by the Administrator.
(Prior Code, § 160.021) (Ord. 06-0383, passed 3-15-2006)

§ 57.052 MAJOR STORMWATER SYSTEM CRITERIA.

Major stormwater systems shall be sized to carry the base flood without causing additional flood damage. Maximum flow depths shall be nine inches in streets, parking lots and driveways, except that parking lots and driveways intended for access only by commercial trucks may permit maximum flow depths of 12 inches. The maximum depth of flow in non-paved drainage easements shall be 12 inches. The tailwater used for the major drainage system shall be the ten-year water surface elevation in the receiving system or, in the case of stormwater detention facilities, the two-year design water surface elevation plus one foot.
(Prior Code, § 160.022) (Ord. 06-0383, passed 3-15-2006)

§ 57.053 EXISTING SUBSURFACE AND SURFACE DRAINAGE SYSTEMS.

(A) 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 system(s) or the existing adjacent or tributary land including those with agricultural uses.

(B) The following principles and requirements shall be observed in the design.

(1) *Off-site outfall.* Agricultural subsurface and surface drainage systems shall be evaluated regarding their capacity and capability to properly convey low flow groundwater and site runoff storage facility release without damage to downstream structure 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 with extended detention design and at the discretion of the Administrator.

(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 recorded on record plans. If any existing drain tiles continue to upland watersheds, the developer must maintain drainage service during construction until new sewers can be installed for a permanent connection.

(3) *Off-site tributary.* Existing drainage systems shall be evaluated with regard to existing capabilities and reasonable future expansion capacities. All existing tributary drain tiles shall be incorporated into the new conduits including observation structures located at the property limits, shall provide a free flow discharge and shall not allow surface runoff to enter the system.

(4) *Subsurface systems.* New roadway construction shall preserve existing subsurface systems within the right-of-way. Inspection wells shall be placed at the right-of-way (ROW) and tiles found to not be flowing between inspection wells at the end of the construction shall be replaced.
(Prior Code, § 160.023) (Ord. 06-0383, passed 3-15-2006)

§ 57.054 DESIGN RUNOFF RATE.

Design runoff rates for conveyance (i.e., pipe design) may be calculated using the rational method for drainage areas of less than 20 acres. For drainage areas greater than 20 acres, the Administrator may require the use of hydrograph routing.
(Prior Code, § 160.024) (Ord. 06-0383, passed 3-15-2006)

§ 57.055 DESIGN RAINFALL.

Any design runoff rate calculation method for conveyance shall use the data presented in Table 1: Will County Stormwater Technical Guidance Manual Rainfall Depths and Intensities. (See Chapter 57, Appendix A.)
(Prior Code, § 160.025) (Ord. 06-0383, passed 3-15-2006)

§ 57.056 STORMWATER SYSTEMS EASEMENTS.

(A) For subdivision projects, the minor, major and emergency stormwater systems shall be located within easements or rights-of-way explicitly providing for public access for maintenance of such facilities. For all other projects requiring a permit, easements are required for public access for maintenance of stormwater facilities only for new construction or modifications involving components of a drainage system that conveys runoff from off-site properties.

(B) Easements and rights-of-way shall be of sufficient width. Storm sewers shall be installed at such locations therein as to permit open cut installation, maintenance and repair within the confines of the easement or right-of-way without relocation or other unreasonable interference with other public utilities located therein, and so as to meet the following minimum standards: 15 feet in width, plus, for storm sewers in excess of 24 inches in diameter, two additional feet for each 12 inches or portion thereof of additional storm sewer diameter rounded up to the next multiple of five feet. Sewers with depths of greater than 15 feet may require additional width as determined by the Administrator.
(Prior Code, § 160.026) (Ord. 06-0383, passed 3-15-2006)

§ 57.057 FLOW DEPTHS.

Maximum flow depths for new transverse stream crossings shall not exceed the crown of the road during the base flood condition. The maximum flow depth on a roadway shall not exceed nine inches at the curb line for flow parallel to the roadway. For flow parallel to a new roadway, the product of the flow depth (in feet) and velocity

(in feet per second) shall not exceed four for the base flood condition.
(Prior Code, § 160.027) (Ord. 06-0383, passed 3-15-2006)

§ 57.058 DIVERSION OF FLOW TO ANOTHER WATERSHED.

Transfers of waters between watersheds (diversions) shall be prohibited except when such transfers will not violate the provisions of § 57.030 and are otherwise lawful. Watersheds for purpose of regulation under this section shall be the major watershed divides as defined in the county plan.
(Prior Code, § 160.028) (Ord. 06-0383, passed 3-15-2006)

§ 57.059 BEST MANAGEMENT PRACTICES REQUIREMENTS.

(A) (1) The village strongly encourages stormwater quality management within the village.

(2) The developments are encouraged to incorporate the following:

(a) All best management practices as may be required pursuant to the United States Clean Water Act, 33 U.S.C. §§ 1251 et seq., as amended;

(b) Manage parcels as unified sites by incorporating watershed-based planning;

(c) Create designs that promote a healthy aquatic ecology, provide for sustainability, minimize maintenance and human intervention; and

(d) Treat stormwater as a multiple-use resource.

(B) The village does reserve the right to require stormwater quality best management practices at a particular site if the Administrator deems that the discharge is to a sensitive ecological area or that the intended use of the property produces a particularly detrimental water quality of the discharge.
(Prior Code, § 160.029) (Ord. 06-0383, passed 3-15-2006)

SITE RUNOFF STORAGE REQUIREMENTS (DETENTION/EXTENDED DETENTION)

§ 57.070 RELEASE RATE.

(A) If no release rate is specified in an adopted watershed plan, then sufficient flood storage shall be provided so that the site will not discharge at a rate greater than 0.15 cfs/acre of development during and after a rainfall event with a 100-year frequency except for sites exempted in § 57.017. Unless exempted in § 57.017, sites shall not discharge at a rate greater than 0.04 cfs/acre of development during and after a rainfall event with a two-year frequency.

(B) This area of hydrologic disturbance on the site shall be used to calculate the required site runoff storage volume. The on-site watershed area tributary to the point of discharge shall be used to calculate the allowable release rate for the site runoff storage facility, which shall be the maximum release rate allowed considering only the on-site watershed area runoff.
(Prior Code, § 160.030) (Ord. 06-0383, passed 3-15-2006)

§ 57.071 DESIGN METHODS.

(A) (1) Event hydrograph routing methods shall be used to calculate design runoff volumes for site runoff facilities. The methods must be HEC-1 (SCS methodology), HEC-HMS, TR-20 or TR-55 tabular method. For sites of 40 acres or more, the methods used must be acceptable to FEMA.

(2) Event methods shall incorporate the following assumptions:

(a) Antecedent moisture condition equals two;

(b) Appropriate Huff rainfall distribution; and

(c) Twenty-four-hour duration storm with a 1% probability (100-year frequency) of occurrence in any one year as specified by the Illinois State Water Survey (Bulletin 75) Northeast Sectional Rainfall Statistics.

(B) Figure 1may be used for sites of 20 acres or less when acceptable to the Administrator. The rational method is not acceptable. (See Chapter 57, Appendix E.)
(Prior Code, § 160.031) (Ord. 06-0383, passed 3-15-2006)

§ 57.072 EXISTING RELEASE RATE LESS THAN ALLOWABLE.

For sites where the undeveloped release rate is less than the maximum release rate in § 57.070, the developed release rate and corresponding site runoff storage volume shall be based on the existing undeveloped release rate for the development.
(Prior Code, § 160.032) (Ord. 06-0383, passed 3-15-2006)

§ 57.073 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.
(Prior Code, § 160.033) (Ord. 06-0383, passed 3-15-2006)

§ 57.074 EXTENDED DETENTION REQUIREMENT.

(A) The requirements of this section will apply only when an existing agricultural land use is downstream of and adjacent to a site runoff storage facility outlet. The runoff from a 0.75-inch rainfall event over the hydraulically connected impervious area of the new development shall be stored below the elevation of the primary gravity outlet (extended detention) of the site runoff storage facility. The facility may be designed to allow for evapotranspiration or infiltration of this volume into a subsurface drainage system and shall not be conveyed through a direct positive connection to downstream areas.

(B) 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.

(C) Subsurface drainage systems may be designed as a component of the extended detention portion of the detention basin to assist in infiltration in accordance with the following criteria.

(1) The extended detention volume shall be discharged at a rate no greater than that required to empty the calculated extended detention volume within five days of the storm event.

(2) No subsurface drainage pipe shall be located within ten feet of drainage pipes directly connected to the detention basin.

(3) For purposes of meeting the maximum subsurface drainage discharge requirements, flow control orifices and weirs may be used.

(4) All design extended detention volume shall be provided above the seasonal high groundwater table or the invert elevation of the groundwater control system.

(5) Farm field tile shall not be considered a subsurface drainage system.
(Prior Code, § 160.034) (Ord. 06-0383, passed 3-15-2006)

§ 57.075 SITE RUNOFF STORAGE FACILITY DESIGN REQUIREMENTS.

Storage facilities shall be designed and constructed with the following characteristics.

(A) The site runoff storage facility shall provide one foot of freeboard above the design high water elevation.

(B) The storage facilities shall be accessible and easily maintained. Side slopes above the NWL shall not exceed four to one (4:1) (horizontal to vertical) under any circumstances. For storage facilities with a bounce of greater than four feet, the maximum side slope shall not exceed five to one (5:1) (horizontal to vertical). For industrial or commercial areas that do not adjoin schools, residential or planned residential areas, the Administrator

may approve four to one (4:1) side slopes for a bounce up to six feet. The Administrator may require that access roads or paths on the top of berms shall be provided with an H10 design load rating and meeting village design criteria.

(C) Storage facilities shall facilitate sedimentation and catchment of floating material. Unless specifically approved by the Administrator, concrete lined low-flow ditches shall not be used in detention basins.

(D) Storage facilities shall minimize impacts of stormwater runoff on water quality by incorporating best management practices.

(E) Storage facilities shall maximize the normal flow distance between detention inlets and outlets, to the greatest extent possible.

(F) Storage facilities shall be designed such that the existing conditions pre-development peak runoff rate from the 100-year, critical duration rainfall will not be exceeded assuming the primary restrictor is blocked.

(G) Storage facilities with single pipe outlets shall have a minimum inside diameter of 12 inches. If design release rates necessitate a smaller outlet, structures such as perforated risers or flow control orifices shall be used.

(H) The following criteria are proposed as moderately conservative standards for design of stormwater basins within the village. If a developer wishes to exceed the standards, it is recommended that they (via their landscape contractor/designer) bear the burden of proof that the landscape will be successful. The following limits of acceptable fluctuation and drawdown times are based on best professional judgment for landscape treatments typical to wet and dry stormwater basin designs.

(1) *Wet bottom pond.*

Depth	Over 25% of the bottom area at least 10 feet deep
Landscape options	Natural, ornamental hybrid, low maintenance turf and turfgrass (depending on site conditions and adjacent/adjoining land uses); public access via stone outcroppings, groomed areas and the like are recommended
Maximum area	No maximum
Maximum bounce	100-year: 4 feet - residential (industrial/commercial may be greater based on approval by Administrator) 2-year: 1 feet
Maximum drawdown time	100-year: above NWL by 0.5 feet for 72 hours 2-year: above NWL by 0.5 feet for 36 hours
Maximum slopes	Freeboard elevation to 2-year water level: 4:1 2-year water level to NWL: 8:1 NWL to 1.5 feet below NWL: 20:1 (safety shelf) >1.5 feet below NWL: 2:1 Freeboard to 1.5 feet below NWL: 5:1 average maximum
Minimum area	1.0 acre at NWL
Safety shelf	0.5 to 1.5 feet inundation at NWL, 10 feet average width (variable 8 to 12 feet), with 25% of the shoreline 2 feet shorter than maximum width
Shoreline protection	Natural vegetation (shall be used unless otherwise approved); armoring (conditioned upon village review and approval); biotechnical stabilization (depending on site-specific conditions); erosion control measures
Water quality enhancements	Maximize distance between inlets and outlets; no low-flow channel to be provided; energy dissipation measures at outlets; measures, such as aerators, cascading streams, waterfalls and the like are recommended for aesthetic appeal and to promote water circulation and aeration

(2) *Naturalized detention basin.*

Depth	Ranging from 0.5 to 5 feet (average 3 feet); at least 5% of the area below NWL having pockets up to 5 feet deep
Landscape options	Natural, ornamental hybrid and low maintenance turf; public access via stone outcroppings, groomed areas and the like are recommended. A planting and maintenance report, provided by a recognized wetlands firm, must be submitted and approved.
Maximum area	No maximum
Maximum bounce	100-year: 4 feet residential (industrial/commercial may be greater based on approval by Administrator) 2-year: 1 foot
Maximum drawdown time	100-year: above NWL by 0.5 feet for 72 hours 2-year: above NWL by 0.5 feet for 36 hours
Maximum slopes	Freeboard elevation to 2-year water level: 4:1 2-year water level to 0.5 feet below NWL: 8:1 0.5 to 1.5 feet below NWL: variable 8:1 to 12:1 (safety ledge) >1.5 feet below NWL: 2:1 Freeboard to 1.5 feet below NWL: 5:1 average maximum
Minimum area	8,000 square feet at NWL
Minimum topsoil	18 inches
Shoreline protection	Natural vegetation; biotechnical stabilization (depending on site-specific conditions); erosion control measures
Water quality enhancements	Maximize distance between inlets and outlets; no low-flow channel to be provided; energy dissipation measures at outlets; measures, such as aerators, cascading streams, waterfalls and the like are strongly recommended to maintain cooler water temperatures, promote water circulation and aeration and provide aesthetic appeal
Reporting	Reports that present a comparison of the approved Performance Standards (i.e., FQI, % coverage, % evasive species, etc.) must be submitted annually to the Village. The basin will not be accepted by the Village until all Performance Standards have been met and documented in a written report. Please note all annual reports are due to the Village by January 31st for the previous year.

(3) *Dry basin design.*

Maximum area	8,000 square feet, unless approved by the Administrator
Maximum bounce	4.0 feet residential (industrial/commercial may be greater based on approval by Administrator)
Minimum area	No minimum
Safety shelf	Not applicable

(Prior Code, § 160.035) (Ord. 06-0383, passed 3-15-2006; Ord. 19-1532, passed 1-16-2019)

§ 57.076 SITE RUNOFF STORAGE FACILITY REQUIREMENTS WITHIN THE REGULATORY FLOODPLAIN.

Storage facilities located within the regulatory floodplain shall:

(A) Conform to all applicable requirements specified in §§ 57.130 through 57.136 and 57.150 through 57.163;

(B) 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-year flood elevation;

(C) Detention volume provided by enlarging existing regulatory floodplain storage without providing a structure controlling 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-year and 100-year floods on the stream with developed conditions on the site; and

(D) The Administrator may approve designs which can be shown by detailed hydrologic and hydraulic analysis to provide a net watershed benefit not otherwise realized by strict application of the requirements in divisions (A) through (C) above.
(Prior Code, § 160.036) (Ord. 06-0383, passed 3-15-2006)

§ 57.077 SITE RUNOFF STORAGE FACILITY REQUIREMENTS WITHIN THE REGULATORY FLOODWAY.

Storage facilities located within the regulatory floodway shall:

(A) Meet the requirements for locating storage facilities in the regulatory floodplain;

(B) Be evaluated by performing hydrologic and hydraulic analysis consistent with the standards and requirements for any adopted watershed plans; and

(C) Provide a net watershed benefit.
(Prior Code, § 160.037) (Ord. 06-0383, passed 3-15-2006)

§ 57.078 OFF-SITE FACILITIES.

Site runoff storage facilities may be located off-site if the following conditions are met:

(A) The off-site storage facility meets all of the requirements of §§ 57.015 through 57.017, 57.030 through 57.036, 57.050 through 57.059 57.070 through 57.079 and 57.090 through 57.094;

(B) Adequate storage capacity in the off-site facility is dedicated to the development; and

(C) The development includes means to convey stormwater to the off-site storage facility.
(Prior Code, § 160.038) (Ord. 06-0383, passed 3-15-2006)

§ 57.079 CROSS-STREAM STRUCTURES FOR SITE RUNOFF STORAGE FACILITIES.

Structures constructed across the channel to impound water to meet detention requirements shall be prohibited on any perennial stream unless part of a public flood control project with a net watershed benefit. Those streams appearing as blue on a USGS quadrangle map shall be assumed perennial unless better data is obtained. All cross-stream structures for the purpose of impounding water to provide detention in all cases on perennial and intermittent streams must demonstrate that they will not cause short-term or long-term stream channel instability.
(Prior Code, § 160.039) (Ord. 06-0383, passed 3-15-2006)

STORMWATER REQUIREMENTS FOR AGRICULTURAL LAND USE INCLUDING CROPLANDS, PASTURE LANDS AND FARMSTEADS

§ 57.090 APPLICABILITY.

Regulations under this section apply only to croplands, pasturelands, farmsteads and outbuildings associated with those agricultural practices. Compliance with the requirements of this subchapter shall be construed as compliance with the stormwater ordinance for the above land uses and no further regulation under the chapter will apply. Any other land use, including greenhouses, nurseries, container grown plants, equestrian facilities, the sale of agricultural products to the public or where commercial activities involving the new construction of gravel or paved parking facilities or buildings whose aggregate area is 25,000 square feet or more, are required to comply with all applicable sections of this chapter.
(Prior Code, § 160.040) (Ord. 06-0383, passed 3-15-2006)

§ 57.091 CONSERVATION PLANNING AND PERFORMANCE STANDARDS.

(A) To comply with this section, landowners shall practice conservation planning whose product shall be a management system, which addresses site runoff, soil erosion and sediment control, surface and subsurface drainage. Any acreage with a signed and approved NRCS conservation plan is exempt from the requirements of this section and the chapter.

(B) Applicable approved practices include:

(1) Vegetated grass waterways;

(2) Contour buffer strips;

(3) Critical area planting and cover crops;

(4) Terrace ridges and diversions;

(5) Contour strip cropping;

(6) Contour fanning;

(7) Crop rotation;

(8) Conservation tillage and crop residue management; and

(9) Other standard practices for conservation planning in accordance with the NRCS Field Office Technical Guide (current edition) or as otherwise approved by the County NRCS District Conservationist or the County Agricultural Administrator.

(C) The performance standard for conservation planning shall be a management system which will develop a set of field practices which will reduce the calculated actual soil loss to the "tolerable soil loss" (T) as calculated by the revised universal soil loss equation for the actual site conditions. Cropland tillage and resource management methods shall be consistent with the Technical Guide Notice IL-108 and shall be considered evidence of compliance with the "T" performance standard.
(Prior Code, § 160.041) (Ord. 06-0383, passed 3-15-2006)

§ 57.092 DRAINAGE PRACTICES, REQUIREMENTS AND DESIGN CRITERIA.

(A) Drainage for agricultural purposes shall be consistent with those practices identified as appropriate for "good husbandry," given the soil types, slopes and crops. An agricultural drainage system may consist of both subsurface drainage systems and surface drainage systems. Where active drainage districts maintain drainage systems, they shall be consulted on surface and subsurface drainage within the district boundaries.

(B) Requirements applying to subsurface and surface drainage system shall be as follows.

(1) *Subsurface drainage systems.* Drain tile systems shall be maintained and constructed in accordance with subsurface drainage recommendations for the appropriate soil drainage group as specified by the Illinois Drainage Guide, University of Illinois Extension Service Circular No. 1226. Surface inlets into the subsurface drainage system shall be allowed only to maintain good husbandry. Where their use cannot be practicably avoided due to topography, they shall be installed using flow controls such as orifices and perforated risers with gravel filters and/or vegetative filters.

(2) *Surface drainage systems.* Surface drainage systems shall be maintained and constructed in accordance with surface drainage recommendations for the appropriate soil drainage group as specified by the Illinois Drainage Guide, University of Illinois Extension Service Circular No. 1226. Surface drainage systems shall be built with geotechnically stable slopes and the surface when applicable shall be further stabilized utilizing the establishment of cool and warm season grass mixes as identified in Field Office Technical Guide (Illinois 108).

(3) *Buffer strips.* Open channels with a definable bed and banks shall use buffer strips in order to reduce the amount of erosion occurring from the conveyed flows as well as to help filter the runoff from the site into the waterway. Buffer strips shall be a minimum of 15-feet wide from the top of bank except where smaller widths are necessary due to site limitations and when approved by the Administrator.

(4) *Agricultural drainage systems.* Agricultural drainage systems shall also comply with all regulations regarding wetlands as enforced by federal, state and local agencies.
(Prior Code, § 160.042) (Ord. 06-0383, passed 3-15-2006)

§ 57.093 SEDIMENT CONTROL FOR OPEN CHANNELS.

(A) All open channel drainage systems shall maintain practices adjacent to the open outlet channel that will reduce the transportation of sediment off-site. Runoff from agricultural fields must pass through a sediment control system prior to discharge into the open channel conveyance system.

(B) Approved sediment control systems may consist of the following:

(1) Vegetated buffer zones planted with permanent grasses appropriate for soil stabilization and filtering;

(2) Grade control structures for over fall stabilization;

(3) Sediment traps adjacent to the stream channel; or

(4) Other standard practices for conservation planning in accordance with the NRCS Field Office Technical Guide (current edition) or as otherwise approved by the County NRCS District Conservationist or the Administrator.
(Prior Code, § 160.043) (Ord. 06-0383, passed 3-15-2006)

§ 57.094 MAINTENANCE AND CONSTRUCTION OF DRAINAGE SYSTEMS.

Agricultural drainage systems shall be maintained so as to convey the expected flows for good drainage practices. The existing agricultural surface drainage systems shall not be enlarged unless such enlargement is consistent with all other sections of this subchapter. Maintenance and construction of subsurface drainage systems will not be subject to the requirements of other sections of this chapter except as they are regulated by other agencies. Maintenance projects by legally functioning drainage districts on existing agricultural drainage systems will not be subject to further permitting requirements under this chapter except as they relate to the jurisdiction of other agencies.
(Prior Code, § 160.044) (Ord. 06-0383, passed 3-15-2006)

SEDIMENT AND EROSION CONTROL

§ 57.105 SITE PLANNING.

(A) Sediment and erosion control planning shall be part of the initial site planning process. In planning the development of the site, the applicant shall consider the susceptibility of existing soils to erosion and topographic features, such as steep slopes and stream corridors, which must be protected to reduce the amount of sediment and erosion which occurs. Where appropriate, existing vegetation shall be protected from disturbance during construction by fencing or other means.

(B) In the planning process, the applicant shall also address the following.

(1) For projects that involve phased construction, existing land cover for those areas not under current development shall be addressed. If existing land cover does not consist of an appropriate ground cover, then these phases shall be planted temporarily to reduce erosion from idle land.

(2) In planning the sediment and erosion control strategy, preference shall be given to reducing erosion rather than controlling sediment. In order to accomplish this, the plan must carefully consider the construction sequence of the phases so that the amount of land area exposed to erosive forces is the minimum consistent with completing construction. In no case shall more than 20 acres of ground cover be disturbed at one time without permanent or temporary stabilization at one time without unless authorized by the Administrator.
(Prior Code, § 160.055) (Ord. 06-0383, passed 3-15-2006)

§ 57.106 STANDARDS AND SPECIFICATIONS.

(A) Specifications for erosion control measures shall be in accordance with the Illinois Urban Manual or latest edition. Sediment and erosion control planning shall be in accordance with “An Erosion and Sediment Control Best Management Practice Manual” (revised June 2013) by the Urban Committee of the Association of Illinois Soil and Water Conservation Districts (formerly the Green Book) Sections 1 to 8. Where the Illinois Urban Manual supercedes sections of the Green Book, the Illinois Urban Manual shall prevail.

(B) All projects that will result in the development of one acre or more, except for agricultural projects regulated solely under §§ 57.090 through 57.094, shall be required to obtain coverage under an appropriate NPDES permit. The permittee shall certify to the village that all required permits, plans and inspections have been prepared and maintained in accordance with the NPDES permit. Specifically, the permittee shall prepare, and adhere to, a stormwater pollution prevention plan (SWPPP) prepared for the development project that shall meet of the conditions in

the permit for SWPPPs. A copy of such plan shall be maintained on the construction site at all times that workers are present, and a copy of the permit, SWPPP and/or inspection logs shall be provided to the village upon request. Failure to obtain an NPDES permit or to comply with the conditions of an NPDES permit for the construction activity shall constitute a violation of this chapter.
(Prior Code, § 160.056) (Ord. 06-0383, passed 3-15-2006)

§ 57.107 GENERAL REQUIREMENTS.

(A) The runoff from disturbed areas shall not leave the development site without first passing through sediment control facilities. This requirement shall apply to all phases of construction and shall include an ongoing process of implementation of measures and maintenance of those measures during both the construction season and any construction shut down periods.

(B) The smallest practical area shall be exposed for the shortest practical time during development. However, in no case shall more than 20 acres be exposed at one time on a development unless a larger area is approved by the Administrator.

(C) All applicants for developments of one acre or more shall submit an application for an NPDES permit or a notice of intent (NOI) to be covered under a general NPDES permit. A copy of any stormwater pollution prevention plan (SWPPP) required by such permit shall be provided to the village prior to commencement of development activities and a copy shall be kept on the development site at all times.
(Prior Code, § 160.057) (Ord. 06-0383, passed 3-15-2006)

§ 57.108 EXTENDED CONSTRUCTION SHUTDOWN PERIODS.

The condition of the construction site for the winter shut down period shall address proper sediment and erosion 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. All open areas that are to remain idle throughout the winter shall receive temporary erosion control measures, including temporary seeding, mulching and/or erosion control blanketing 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 such as erosion control blankets and heavy mulching. In no case shall requirements less than those required by IEPA NPDES permit ILR10 apply to projects disturbing more than one acre.
(Prior Code, § 160.058) (Ord. 06-0383, passed 3-15-2006)

§ 57.109 HYDRAULIC AND HYDROLOGIC DESIGN REQUIREMENTS.

(A) In the hydraulic and hydrologic design of major erosion control measures (those whose tributary drainage area is greater than three acres), such as sediment basins and traps, diversions and the like, the design frequency shall be commensurate with the risk of the design event being exceeded.

(B) The following design frequencies shall be regarded as minimum design frequencies for the construction period:

(1) For those projects whose construction period is less than six months, then the storm event having a 50% chance (two-year event) of being exceeded in any year shall be used for design purposes;

(2) For those projects whose construction period is greater than six months but less than one year, the design frequency for major sediment basins shall be a rainfall event with a 20% (five-year event) chance of being exceeded in any one year; and

(3) For those construction projects expected to last more than one year, major sediment basins shall be designed for a rainfall event with a 10% (ten-year event) chance of being exceeded in any one year.
(Prior Code, § 160.059) (Ord. 06-0383, passed 3-15-2006)

§ 57.110 “AS-NEEDED” PRACTICES ON THE PLANS.

(A) The sediment and erosion control plan shall designate a series of practices which shall be implemented either at the direction of the permittee or the permittee’s representative on-site or at the direction of the Administrator should an inspection of the site indicate a deficiency in soil and sediment erosion control measures.

(B) As a minimum, these measures shall include the following:

(1) Sedimentation basins;

(2) Sediment traps;

(3) Diversion swales;

(4) Silt fences;

(5) Temporary seeding;

(6) Mulching;

(7) Dust control; and

(8) Erosion control blankets.

(Prior Code, § 160.060) (Ord. 06-0383, passed 3-15-2006)

§ 57.111 SEDIMENT AND EROSION CONTROL PLAN REQUIREMENTS.

Sediment and erosion control plans shall be in accordance with §§ 57.175 through 57.177, 57.190 through 57.192, 57.205 through 57.210 and 57.225 through 57.229 but shall include the following.

(A) Detailed construction phasing plan identifying sediment and erosion control measures to be in place for each phase shall be submitted prior to stripping the site of existing vegetation or cover.

(B) Sediment and erosion control measures to be installed initially prior to stripping existing vegetation or mass grading shall be indicated on the plans.

(C) Permanent stabilization measures shall be indicated on a separate plan.

(D) The expected two-year and ten-year runoff rates from all off-site areas draining into the site shall be identified on the plan.

(E) Methods for conveying flows through the site during construction shall be indicated. These methods must include the temporary and permanent stabilization measures to be used to reduce velocity and erosion from flow through the construction zone.

(F) A maintenance schedule of each measure used shall be indicated on the plan. At a minimum, all sediment and erosion control measures on-site shall be inspected weekly and also by the applicant's designee or after a one-half inch or greater rainfall event and any required repairs shall be made to keep these measures functional as designed. All repairs and modifications shall be reviewed by the Administrator or their designee.

(Prior Code, § 160.061) (Ord. 06-0383, passed 3-15-2006)

§ 57.112 CONVEYANCE OF OFF-SITE FLOW.

To the extent practicable, proposed ditches and waterways which are to convey off-site flows through the site shall be stabilized upon construction. Where new waterways are constructed, they shall be stabilized to the extent practicable prior to their use to convey flood flows.

(Prior Code, § 160.062) (Ord. 06-0383, passed 3-15-2006)

§ 57.113 STOCKPILES.

Stockpiles of soil and other erodible or floatable building materials (sand, limestone and the like) shall not be located in floodplains, overflow routes or areas subject to frequent inundation. If a stockpile is to remain in place for more than three days, then sediment and erosion control shall be provided for the stockpile.

(Prior Code, § 160.063) (Ord. 06-0383, passed 3-15-2006)

§ 57.114 STORM SEWER INLETS.

Storm sewer inlets, catch basins and manholes with open lid grates shall be protected with manufactured filtration devices developed to prevent sediments from entering the drainage system. Silt screens, hay bales and filter fabrics under storm grates are not allowed.

(Prior Code, § 160.064) (Ord. 06-0383, passed 3-15-2006) Penalty, see § 57.999

§ 57.115 CONSTRUCTION DEWATERING.

Water pumped or which is otherwise discharged from the site during construction dewatering shall be filtered and a means provided to reduce erosion.

(Prior Code, § 160.065) (Ord. 06-0383, passed 3-15-2006) Penalty, see § 57.999

§ 57.116 PROTECTION OF PUBLIC/PRIVATE ROADWAYS.

Graveled roads, access drives, parking areas of sufficient width and length and vehicle wash down facilities, if necessary, shall be provided to prevent soils from being tracked onto public or private roadways. Any soil tracked onto a public or private roadway shall be removed before the end of each workday or sooner as directed by the authority maintaining the roadway.
(Prior Code, § 160.066) (Ord. 06-0383, passed 3-15-2006) Penalty, see § 57.999

§ 57.117 TEMPORARY STREAM CROSSINGS.

Temporary stream crossings of intermittent and perennial streams used only for and during construction shall be designed to convey a two-year flood (minimum) or other flood event approved by the Administrator without overtopping unless a more frequent design event is allowed by the Administrator. The entire crossing shall be designed to withstand hydrodynamic forces and erosive forces up to the base flood event without washing out. Ephemeral streams may be crossed at temporary at-grade crossings; provided that the crossing point is stabilized with materials resistive to the erosive forces produced by runoff from the upstream drainage area, and the design is approved by the Administrator. Temporary stream crossings shall be removed upon completion of construction activities. All temporary stream crossing shall be completely removed and the stream restored to its preconstruction condition upon completion of construction. Restoration shall incorporate appropriate vegetation consistent with the adjacent existing vegetation prior to construction or in accordance with a restoration plan approved by the Administrator.
(Prior Code, § 160.067) (Ord. 06-0383, passed 3-15-2006) Penalty, see § 57.999

§ 57.118 INSPECTIONS.

The Administrator or persons designated by the Administrator shall be permitted on the site to inspect the erosion and sediment control measures and records related to the NPDES permit at any time.
(Prior Code, § 160.068) (Ord. 06-0383, passed 3-15-2006)

PROTECTION OF SPECIAL MANAGEMENT AREAS

§ 57.130 FLOODPLAINS AND FLOODWAYS.

(A) This subchapter sets forth requirements for developments within floodplains and floodways. In addition, developments in the SFHA draining more than one square mile with no designated floodway must meet IDNR/OWR 17 I.A.C. Part 3700 Rules. Projects which meet all the requirements and conditions to be considered permitted under IDNR/OWR statewide, regional and general permits, and are not in designated floodways, shall be considered to have met the technical requirements of this subchapter. 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) All development shall meet the requirements set forth in Chapter 57, Appendix B, Table 2 - Summary of Applicable Chapter Section for Development in Floodplains. The table is intended only as a guide to indicate the applicable chapter sections for development in floodplains.
(Prior Code, § 160.080) (Ord. 06-0383, passed 3-15-2006)

§ 57.131 FLOODPLAIN, REGULATORY FLOODPLAIN, BASE FLOOD ELEVATION (BFE) AND REGULATORY FLOODWAY LOCATIONS.

(A) The BFE shall be delineated onto the site topography to establish the regulatory floodplain area limits for regulation under this chapter. Regulatory floodplains shall be delineated onto the site map from the current FEMA FIRM, FBFM or LOMR and include those areas of the SFHA which are not regulatory floodplains. The village is responsible for maintaining the effective FIS and a list of FIRM panels listed in Chapter 57, Appendix F (which may be updated from time to time).

(B) The BFE shall be:

(1) The elevation of the 100-year profile corresponding to the location of the development as indicated in the flood profiles in the FEMA flood insurance studies listed in Appendix F (which may be updated from time to time);

(2) 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 map added to the highest adjacent grade, or at least two feet above the highest adjacent grade if no depth number is provided;

(3) (a) For all "A Zones" of any size tributary drainage area or unmapped channels having a tributary drainage area of 640 acres or greater, when no BFE information exists, the BFE shall be determined using a site-specific floodplain study by a professional engineer using appropriate hydrologic and hydraulic models as follows acceptable to FEMA and IDNR/OWR. For other situations and circumstances not described here, a BFE shall be determined using a site-specific study or other best available BFE and floodway data at the discretion of the Administrator. The use of other best available data should first be confirmed with and accepted for use by the Administrator.

(b) Where a channel has a tributary drainage area of 640 acres or more, the above analyses shall be submitted to the IDNR/OWR for concurrent approval.

(c) For a non-riverine regulatory floodplain, the historic flood of record plus three feet may be used for the BFE instead of performing a detailed hydrologic and hydraulic study for developments of less than 40 acres, at the discretion of the Administrator.

(4) For floodplains that are not regulatory, are not draining more than 640 acres and with no BFE determined, the Administrator may require a site-specific floodplain study for the purpose of establishing an FPE for the development. A site-specific study is required for all developments greater than 50 lots or 5 acres that have regulatory floodplain on any portion of the site. At the discretion of the Administrator, developments less than 50 lots or 5 acres may be required to complete a site-specific study.

(C) The location of the regulatory floodway shall be as delineated on the current effective regulatory maps maintain by the village. 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.

(D) 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 § 57.134, including the appropriate use criteria, until such time as a LOMR is received from the IDNR/OWR and FEMA.

(E) 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 and Administrator 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 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 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) If the appropriate use 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 and FEMA. A public notice inviting public comment on the proposed change in the BFE or location of the regulatory floodway will be issued by IDNR/OWR or its designee before a CLOMR is issued. Filling, grading, dredging or excavating may take place upon issuance of a conditional approval from IDNR/OWR and the Administrator. 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 § 57.132. The Director shall be copied on all related correspondence.

(5) For those circumstances listed below and located in a regulatory floodway, the following information shall be submitted to IDNR/OWR for their review and concurrence:

(a) Analysis of the flood profile due to a proposed bridge, culvert crossings and roadway approaches;

(b) 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;

(c) Alternative transition sections and hydraulically equivalent compensatory storage;

(d) Stormwater management permits to local units of government for regulatory floodway and floodplain development; and

(e) IDNR/OWR will issue permits for any IDNR/OWR projects, dams and the like all other state, federal or WCSMC or certified community projects. (Prior Code, § 160.081) (Ord. 06-0383, passed 3-15-2006; Ord. 19-1532, passed 1-16-2019)

§ 57.132 GENERAL PERFORMANCE STANDARDS.

(A) *General performance standards.* 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 the subsequent sections.

(1) No development 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) All development sites must be determined whether proposed building sites will be reasonably safe from flooding. All new construction and substantial improvements development 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, and

(d) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are located so as to prevent water from entering.

(3) For all projects involving channel modification, fill, stream maintenance or a levee, the flood conveyance and storage capacity of the regulatory floodplain shall not be reduced.

(4) If the proposed development would result in a change in the regulatory floodplain or BFE, the applicant shall obtain a LOMA/LOMR from FEMA. A CLOMR is required prior to issuance of a development permit for:

a) Proposed floodway encroachments that will cause an increase in the BFE; and
b) 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.
c) A CLOMR may be required by the Administrator for circumstances not described herein.

Once a CLOMR has been issued by FEMA, the permit may be issued for site grading and structures necessary in the area of the map change to achieve the final LOMR. Within six (6) months of completion, the applicant shall submit as-built certifications, as required by FEMA, to achieve a final LOMR prior to the release of final permits. No buildings may be built in the existing or proposed regulatory floodplain until the LOMA/LOMR receives concurrence from IDNR/OWR and is issued by FEMA and

the building meets all the building protection standards (division (B) below). Proposed changes to the regulatory floodway delineation and the BFE must be submitted to IDNR/OWR for concurrence.

(5) If the development is located in a public body of water, as defined by IDNR/OWR, a permit must also be received from IDNR/OWR.

(6) Prior to the commencement of any construction, modification or removal of a dam, the developer shall obtain an IDNR/OWR dam safety permit or letter indicating a permit is not required.

(7) (a) For public flood control projects, the floodplain management standards will be considered met if the applicant can demonstrate to IDNR/OWR and WCSMC that each of the following conditions are met:

1. 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 (any increase in the regulatory floodway must have a CLOMR);

2. Demonstrate that the project will be operated and maintained by a public agency; and

3. Demonstrate that the project will reduce flood damage to an existing building or structure.

4. Demonstrate that any increases to not impact existing buildings or structures.

(b) 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.

(8) Proposals for new subdivisions, manufactured home parks, planned unit developments (PUDs) and additions to manufactured home park and additions to subdivisions shall include base flood or 100-year frequency flood elevation data and floodway delineations.

(B) *Public health protection standards.*

(1) New and replacement water supply systems, wells and sanitary sewer lines may be permitted if all manholes or other aboveground openings located below the FPE are watertight.

(2) New or replacement on-site waste disposal systems are not allowed in the regulatory floodplain within village limits.

(3) 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.

(C) *Building protection standards.*

(1) The building protection standards apply to all buildings located in the regulatory floodplain; however, it should be noted that most new and replacement buildings are not appropriate uses of the regulatory floodway.

(a) The lowest floor including basements of all new residential structures, substantially improved structures and additions shall be elevated up to at least the FPE. An attached garage for a structure must be elevated up to at least 0.1 feet above the BFE.

1. If placed on fill, the top of the fill for the residential structure shall be above the FPE. The top of fill for an attached garage shall be at least 0.1 foot above the BFE. The fill shall be placed at that elevation for a distance of 20 feet out from the building unless the building design is certified by a registered structural engineer to be protected from damages due to hydrostatic pressures. Additionally, the fill shall not settle below the FPE for the residential structure and not below 0.1 feet above the base flood for an attached garage, and shall be adequately protected against erosion, scour and differential settlement. The building shall meet all of the requirements of FEMA Technical Bulletin 10 (TB-10).

2. If elevated by means of walls, pilings or other foundation, the building's supporting structure must be permanently open to flood waters and not subject to damage by hydrostatic pressures of the base flood. The permanent openings shall be no more than one foot above existing grade and consist of a minimum of two openings. The openings must have a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the BFE. The lowest inside grade must match the lowest existing outside grade adjacent to the structure. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures to minimize exposure to known hydrodynamic forces such as current, waves, ice and floating debris. All areas below the FPE shall be constructed of materials resistant to flood damage. The lowest floor (including basement) for the residential structure and all electrical, heating, ventilating, plumbing and air conditioning equipment and utility meters shall be located at or above the FPE. An attached garage must be elevated to at least 0.1 feet above the BFE. Water and sewer pipes, electrical and telephone lines, submersible pumps and other waterproofed service facilities may be located below the FPE. No area below the FPE shall be used for storage. Area below the FPE can only be used for parking and access.

(b) The lowest floor including the basement of all new or substantially improved nonresidential buildings shall be elevated at least to the FPE as described above or be structurally dry floodproofed to at least the FPE. A nonresidential building may be structurally dry floodproofed (in lieu of elevation); provided that a professional engineer or registered structural engineer shall certify that the building has been structurally dry floodproofed below the FPE and the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy and impacts from debris or ice. Floodproofing measures shall be operable without human intervention and without an outside source of electricity. (Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this division (C)(1)(b).)

(c) Manufactured homes or recreational vehicles to be installed on a site for more than 180 days shall be at or above the FPE and shall be anchored to resist flotation, collapse or lateral movement in accordance with the Illinois Manufactured Home Tie-Down Code (77 I.A.C. § 870), as amended.

(d) Recreational Vehicles that are temporarily (less than 180 days) stored in the floodplain at or below the BFE must be either self-propelled or towable by a light duty truck. The hitch must always remain on the vehicle. The vehicle must not be attached to external structures such as decks or porches. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling. The vehicle must have a total area not exceeding four hundred (400) square feet measured at the largest horizontal projection. The vehicle's wheels must remain on axles and inflated. Air conditioning units must be attached to the frame to be safe for movement of the floodplain. Propane tanks as well as electrical and sewage connections must be quick-disconnect. The vehicle must be licensed and titled as a recreational vehicle or park model and must either be: 1) entirely 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.

(e) Accessory structures, such as tool sheds and detached garages which are not substantial improvements on an existing single-family lot, may be constructed with the lowest floor below the FPE in accordance with the following criteria.

1. The building shall not be used for human habitation.

2. All areas below the FPE shall be constructed with waterproof material. Structures located in

a regulatory floodway shall meet the floodway standards in § 57.134.

3. The structure shall be anchored to prevent flotation and movement.

4. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to the FPE.

5. The building shall be no greater than 600 square feet in floor size, and be valued at less than $7,500. The building shall meet the permanent opening criteria of division (B)(1)(b) above.

6. The building shall be used only for the storage of vehicles or tools and may not contain basements or other rooms, workshops, greenhouses or similar uses.

(2) 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 of one foot above the BFE.

(D) *Nonconforming structures.* A nonconforming structure damaged by flood, fire, wind or other disaster may be restored unless the damage meets or exceeds 50% of its market value before it was damaged, in which case it shall conform to the building protection standards of this chapter. (Prior Code, § 160.082) (Ord. 06-0383, passed 3-15-2006; Ord. 19-1532, passed 1-16-2019) Penalty, see § 57.999

§ 57.133 COMPENSATORY STORAGE VOLUME STANDARDS.

The following standards apply within the regulatory floodplain or, for sites draining more than 640 acres, the limits of the delineated floodplain as accepted by the Administrator.

(A) 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. The storage volume displaced below the existing ten-year frequency flood elevation must be replaced below the proposed ten-year frequency flood elevation. The storage volume displaced above the ten-year existing frequency flood elevation must be replaced above the proposed ten-year frequency flood elevation. Additional storage of not less than 50% of the net volume displaced shall be provided based upon the total volume filled below the BFE. The additional 50% need not be hydraulically equivalent. The volume of storage lost shall be calculated based on the existing BFE and the volume of compensatory storage shall be calculated based upon the final with project BFE.

(B) 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. Additional storage of not less than 50% of the net volume displaced shall be provided. The volume of storage lost shall be calculated based on the existing BFE and the volume of compensatory shall be calculated based upon the final with project BFE.

(C) 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 § 57.036.

(D) The hydraulically equivalent 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 non-riverine regulatory floodplain.

(E) A recorded covenant running with the land is required to maintain the compensatory storage volume in areas modified to provide compensatory storage volume. (Prior Code, § 160.083) (Ord. 06-0383, passed 3-15-2006)

§ 57.134 FLOODWAY STANDARDS.

(A) The only development in a regulatory floodway which will be allowed are appropriate uses which will not cause an increase in flood heights or velocities for all flood events up to and including the base flood as demonstrated through hydrologic and hydraulic analyses. Only those appropriate uses listed below will be allowed in the regulatory floodway.

(B) Appropriate uses do not include the construction or placement of any new structures, fill, building additions, buildings on stilts, fencing (including landscaping or planting designed to act as a fence) and storage of materials except as specifically defined below as an appropriate use. If the development is proposed for the regulatory floodway portion

of the regulatory floodplain, the following standards apply in addition to the standards for the regulatory floodplain.

(1) Only the construction, modification, repair or replacement of the following appropriate uses will be allowed in the regulatory floodway:

(a) Public flood control structures and private improvements relating to the control of drainage and flooding of existing buildings, erosion, water quality or habitat for fish and wildlife;

(b) Structures or facilities relating to functionally water dependent uses, such as additions, modifications and improvements to existing wastewater treatment plants (except for additions to habitable structures on the site) and facilities and improvements relating to recreational boating (this does not include new wastewater treatment plants);

(c) Storm and sanitary sewer outfalls;

(d) Underground and overhead utilities;

(e) Recreational facilities, such as playing fields, open pavilions, gazebos and trail systems, including any related fencing (at least 50% open when viewed from any one direction) built parallel to the direction of flood flows;

(f) Detached garages, storage sheds, boat houses or other non-habitable structures without sanitary facilities that are accessory to existing buildings and will not block flood flows nor reduce regulatory floodway storage;

(g) Bridges, culverts and associated roadways, sidewalks and railways required for crossing the regulatory floodway or for access to other appropriate uses in the regulatory floodway and any modification thereto;

(h) Parking lots built at or below existing grade provided that either:

1. The BFE is less than one foot above the proposed parking lot; or

2. The parking lot is accessory to short-term outdoor recreational facilities, and the owner agrees to restrict access during periods of inundation and agrees to accept liability for all damage caused by vehicular access during flooding events.

(i) Regulatory floodway grading, without fill, to create a positive non-erosive slope toward a channel;

(j) Floodproofing activities to protect previously existing lawful structures, including the construction of water-tight window wells, elevating structures or the construction of flood walls or berms around residential, commercial or industrial principal structures where the outside toe of the floodwall or berm shall be no more than ten feet away from the exterior wall of the existing structure, and which are not considered to be substantial improvements to the structure;

(k) The repair, replacement or reconstruction of a damaged building; provided that none of the outside dimensions of the building are increased and provided that the cost of repair is less than 50% of the building's value before it was damaged. When damage is 50% or more (a substantial improvement), the activity shall conform to § 57.132; and

(l) Modifications to an existing building that would not increase the enclosed floor area of the building below the BFE and which will not block flood flows. These modifications include fireplaces, bay windows, decks, patios and second story addition. No enclosed floor areas may be built on stilts. The modifications may not singularly or cumulatively equal 50% or more of the building's market value.

(2) Additions or changes to the above list of appropriate uses must be approved by the Committee prior to the adoption by the County Board and IDNR/OWR.

(3) All development in the regulatory floodway shall require a permit from IDNR/OWR and must be in accordance with all provisions of this chapter.

(4) Construction of an appropriate use will be considered permissible provided that the proposed project meets the following engineering and mitigation criteria and is so stated in writing with supporting plans, calculations and data prepared and signed by a professional engineer.

(a) All effective regulatory floodway conveyance lost due to the development of appropriate uses,

other than bridge or culvert crossings or on-stream structures or dams, shall be replaced for all flood events up to and including the base flood.

(b) The following expansion and contraction ratios shall be used to determine transition sections in calculations of effective regulatory floodway conveyance.

1. Flowing water will expand no faster than at a rate of one foot horizontal for every four feet of the flooded stream's length.

2. Flowing water will contract no faster than at a rate of one foot horizontal for every one foot of the flooded stream's length.

3. Flowing water will not expand or contract faster than one foot vertical for every ten feet of flooded stream length.

4. All cross-sections used in the calculations shall be located perpendicular to flood flows.

5. Transition sections must be used to determine the effective conveyance areas on adjacent properties.

(c) Development of an appropriate use will not result in an increase in the average channel or regulatory floodway velocities or stage. However, in the case of bridges or culverts or on stream structures built for the purpose of backing up water in the stream during normal or flood flows, velocities may be increased at the structure site if scour, erosion and sedimentation will be avoided by the use of rip-rap or other design measures.

(5) In the case of on-stream structures built for the purpose of backing up water during normal or flood flows, the increase in flood stage when compared to existing conditions for all storm events up to and including the base flood event shall be contained within recorded easements or the channel banks. A dam safety permit or letter indicating a dam safety permit is not required must be obtained from IDNR/OWR for such structures.

(6) IDNR/OWR will issue permits for any IDNR/OWR projects, dams and the like and for all other state, WCSMC or certified community projects.
(Prior Code, § 160.084) (Ord. 06-0383, passed 3-15-2006)

§ 57.135 RIVERINE FLOODPLAIN.

(A) These standards apply to riverine regulatory floodplains without a regulatory floodway.

(B) 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 drainage area of 640 acres or more.

(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 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 § 57.134; 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.
(Prior Code, § 160.085) (Ord. 06-0383, passed 3-15-2006)

§ 57.136 BRIDGE AND CULVERT STANDARDS.

These standards are for the reconstruction, modification or new construction of bridges, culvert crossings and roadway approaches located in the regulatory floodplain.

(A) A proposed new structure shall not result in an increase of upstream flood stages greater when compared to the existing conditions for all flood events up to and including the base flood event unless contained within the channel banks or recorded easements. The evaluation must be submitted to the IDNR/OWR for review and a permit obtained.

(B) If the proposed new structure will increase upstream flood stages, the applicant must contact IDNR/OWR for a dam safety permit or

waiver. The Director shall be copied on all related correspondence.

(C) Lost regulatory floodplain storage must be replaced as required in § 57.133, except that artificially created storage lost due to a reduction in head loss behind an existing bridge or culvert crossing shall not be required to be replaced; provided no flood damage will be incurred downstream.

(D) Velocity increases must be mitigated by use of appropriate measures to avoid scour, erosion and sedimentation at the structure.

(E) For modification or replacement of existing structures, the existing structure must first be evaluated in accordance with IDNR/OWR Rules (17 I.A.C. Part 3708) to determine if the existing structure is a source of flood damage. If the structure is a source of flood damage, the applicant's engineer shall submit justification to allow the damage to continue and evaluate the feasibility of relieving the structure's impact. Modifications or replacement structures shall not increase flood stages (0.0 feet) compared to the existing condition for all flood events up to and including the base flood event. The evaluation must be submitted to IDNR/OWR, for review and concurrence before a permit is issued. The Director shall be copied on all related correspondence.

(F) If any work is proposed in, near or over a public body of water, a permit or letter indicating a permit is not required must be obtained from IDNR/OWR.

(G) The hydraulic analysis for the backwater caused by the bridge showing the existing condition and proposed regulatory profile must be submitted to IDNR/OWR for concurrence that a CLOMR is not required.

(H) Construction vehicles shall cross streams by the means of existing bridges or culverts. Where an existing crossing is not available, a temporary crossing that has been issued a permit or waiver by IDNR/OWR shall be constructed in which the following apply.

(1) The approach roads will be 0.5 feet or less above existing grade.

(2) The crossing will allow stream flow to pass without backing up the water above the stream bank vegetation line or above any drainage tile or outfall.

(3) The top of the roadway fill in the channel will be at least two feet below the top of the lowest bank. Any fill in the channel shall be non-erosive material, such as rip-rap or gravel.

(4) The access road and temporary crossings will be removed within one year after installation, unless an extension of time is granted by the Administrator.
(Prior Code, § 160.086) (Ord. 06-0383, passed 3-15-2006)

STREAM AND WETLANDS PROTECTION

§ 57.150 AUTHORITY.

The Lowland Conservancy Overlay District is adopted by the Mayor and Board of Trustees of the village under the authority of the Ill. Rev. Stat., Chapter 34, Paragraphs 3151 et seq. of the Ill. Rev. Stat. and 65 ILCS 5/11-13-1 et seq. The village also asserts its jurisdiction over all isolated wetlands within the village corporate limits and facilities planning areas that were formerly under the jurisdiction of the United States Army Corps of Engineers prior to January 9, 2000.
(Prior Code, § 160.087) (Ord. 06-0383, passed 3-15-2006)

§ 57.151 TITLE.

This subchapter shall be known and may be cited as the "Village of Romeoville Lowland Conservancy Overlay District Ordinance."
(Prior Code, § 160.088) (Ord. 06-0383, passed 3-15-2006)

§ 57.152 PURPOSE AND INTENT.

(A) It is the purpose and intent of this subchapter to promote the health, safety and general welfare of the present and future residents of village and downstream drainage areas by providing for the protection, preservation, proper maintenance and use of village watercourses, lakes, ponds, floodplain and wetland areas. All work to be done in a Lowland Conservancy District will require a permit from the Army Corps of Engineers. The responsibility for obtaining the permit is by the applicant. If requested by the village, a sign-off from the Army Corps of Engineers will be required if the site appears to be near a wetland area.

Absolutely no work shall be undertaken until the Administrator has received an approved permit by the Army Corps of Engineers.

(B) This subchapter is more specifically adopted:

(1) To prevent flood damage by preserving storm and floodwater storage capacity (including depressional storage);

(2) To maintain the normal hydrologic balance of streams, floodplains, ponds, lakes, wetlands and groundwater by storing and providing for infiltration of wet-period runoff in floodplains and wetlands, and releasing it slowly to the stream to maintain in-stream flow;

(3) To manage stormwater runoff and maintain natural runoff conveyance systems, and minimize the need for major storm sewer construction and drainageway modification;

(4) To improve water quality, both by filtering and storing sediments and attached pollutants, nutrients and organic compounds before they drain into streams or wetlands, and by maintaining the natural pollutant-assimilating capabilities of streams, floodplains and wetlands;

(5) To protect shorelines and stream banks from soil erosion, using natural means and materials wherever possible;

(6) To protect fish spawning, breeding, nursery and feeding grounds;

(7) To protect wildlife habitat;

(8) To preserve areas of special recreational, scenic or scientific interest, including natural areas and habitats of endangered species;

(9) To maintain and enhance the aesthetic qualities of developing areas; and

(10) To encourage the continued economic growth and high quality of life of the village which depends in part on an adequate quality of water, a pleasing natural environment and recreational opportunities in proximity to the village.

(C) In order to achieve the purpose and intent of this subchapter, the village designates the Lowland Conservancy Overlay District that shall be considered as an overlay to the zoning districts created by village zoning ordinances as amended. Any proposed development activity within the district must obtain a site development permit as approved by the governing body of the village. (See § 57.153.) (Prior Code, § 160.089) (Ord. 06-0383, passed 3-15-2006)

§ 57.153 SITE DEVELOPMENT PERMIT.

To ensure that proposed development activity can be carried out in a manner which is compatible and harmonious with the natural amenities of the Lowland Conservancy Overlay District and with surrounding land uses, a request for a site development permit for such development activity must be submitted for approval by the Administrator.

(A) *Requirements.*

(1) No site development permit shall be issued unless the village finds that the following apply.

(a) The development will not detrimentally affect or destroy natural features, such as ponds, streams, wetlands and forested areas, nor impair their natural functions, but will preserve and incorporate such features into the development's site.

(b) The location of natural features and the site's topography have been considered in the designing and siting of all physical improvements.

(c) Adequate assurances have been received that the clearing of the site of topsoil, trees and other natural features will not occur before the commencement of building operations; only those areas approved for the placement of physical improvements may be cleared.

(d) The development will not reduce the natural retention storage capacity of any watercourse, nor increase the magnitude and volume of flooding at other locations; and that in addition, the development will not increase stream velocities.

(e) The soil and subsoil conditions are suitable for excavation and site preparation, and the drainage

is designed to prevent erosion and environmentally deleterious surface runoff.

(2) There shall be no development, including the immediate or future clearing or removal of natural ground cover and/or trees, within the Lowland Conservancy Overlay District for any purpose, unless a site development permit is granted subject to the provisions of this subchapter or the provisions of the village zoning ordinance.

(3) Dumping, filling, mining, excavating, dredging or transferring of any earth material within the district is prohibited unless a site development permit is granted.

(4) No ponds or impoundments shall be created nor other alterations or improvements shall be allowed in the district for recreational uses, stormwater management, flood control, agricultural uses or as scenic features unless a site development permit is granted.

(B) *Application for permit.* Application for a site development permit shall be made by the owner of the property or their authorized agent to the village, on a form furnished for that purpose. Each application shall bear the name(s) and address(es) of the owner or developer of the site and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm, and shall be accompanied by a filing fee of $200 unless the application is part of a subdivision review where other fees take priority. The applicant further agrees to reimburse the village for any outside review engineering fees, incurred by the village, in addition to the filing fees. Each application shall include certification that any land clearing, construction or development involving the movement of earth shall be in accordance with the plans approved upon issuance of the permit.

(C) *Submissions.* Each application for a site development permit shall be accompanied by the following information: general provisions, site development plan, geologic and soil report, drainage control plan, site grading and excavation plan, landscape plan, justification for watercourse relocation and minor modifications, stream modification/relocation plan, channel and bank armoring, culverts, on-stream impoundments and an impact assessment.

(D) *Review and approval.* Each application for a site development permit shall be reviewed and acted upon according to the following procedures.

(1) The village will review each application for a site development permit to determine its conformance with the provisions of this subchapter. The village may also refer any application to the Will/South Cook Soil and Water Conservation District and/or any other local government or public agency within whose jurisdiction the site is located for review and comments. Within 30 days after receiving an application, the village shall, in writing, approve the permit application, if it is found to be in conformance with the provisions of this subchapter and issue the permit, approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this subchapter, and issue the permit subject to these conditions; or disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.

(2) No site development permit shall be issued for an intended development site unless the following apply.

(a) The development, including, but not limited to, subdivisions and planned unit developments, has been approved by the village where applicable.

(b) Such permit is accompanied by or combined with a valid building permit issued by the village.

(c) The proposed development is coordinated with any overall development program previously approved by the village for the area in which the site is situated.

(E) *Permit exceptions* (exceptions do not apply to the mapped FIRM floodplains).

(1) The provisions of this subchapter shall not apply to:

(a) Emergency work necessary to preserve life or property; when emergency work is performed under this section, the person performing it shall report the pertinent facts relating to the work to the Administrator within ten days after commencement of the work and shall thereafter obtain a site development permit and shall

perform such work as may be determined by the agency to be reasonably necessary to correct any impairment to the watercourse, lake, pond, floodplain or wetland;

(b) Work consisting of the operation, repair or maintenance of any lawful use of land existing on the date of adoption of this subchapter; and

(c) Lands adjacent to farm ditches if:

1. Such lands are not adjacent to a natural stream or river;

2. Those parts of such drainage ditches adjacent to such lands were not streams before ditching; or

3. Such lands are maintained in agricultural uses without buildings and structures.

(2) Where farm ditches are found to contribute to adverse environmental impacts or hazards to persons or property, the village may include designated farm ditches in the District. The village may also require that linings, bulkheads, dikes and culverts be removed to mitigate hazards, or that other mitigative measures be taken, such as the maintenance of a natural vegetation buffer strip.

(F) *Effect on other permits.* The granting of a site development permit under the provisions herein shall in no way affect the owner's responsibility to obtain the approval required by any other statute, ordinance or regulation of any state agency or subdivision thereof, or to meet other village ordinances and regulations. Where state and/or federal permits are required, a site development permit will not be issued until they are obtained.
(Prior Code, § 160.090) (Ord. 06-0383, passed 3-15-2006)

§ 57.154 GENERAL PROVISIONS; AREA AFFECTED.

(A) This subchapter applies to development in or near streams, lakes, ponds and wetlands within the village. Streams, lakes and ponds (including intermittent streams) are those which are shown on the United States Department of the Interior Geological Survey (USGS) 7.5 minute quadrangle National Wetlands Inventory Maps and those additional streams, lakes and ponds delineated on the village water resources management plan map adopted as part of this subchapter. Those are made a part of this subchapter, and two copies thereof shall remain on file at the village administrative building for public inspection. Wetlands are those designated by the most recent version of the United States Army Corps of Engineers Manual of Wetland Delineation. At the discretion of the Stormwater Administrator, a letter of no objection (LONO) may be required for any development adjacent to wetlands.

(B) If new drainage courses, lakes, ponds or wetlands are created as part of a development, the requirements for setbacks and uses within setbacks and the criteria for watercourse relocation and minor modification shall apply. The District shall be amended as appropriate to include these areas.

(1) *The Lowland Conservancy Overlay District.* The Lowland Conservancy Overlay District shall be considered as an overlay to the zoning districts created by the village zoning ordinance, as amended, in addition to the requirements of this subchapter, applicants for a site development permit within the District shall meet all requirements of the underlying zoning districts. In the event of a conflict between the overlay district requirements and the underlying zoning district requirements, the most restrictive requirements prevail.

(2) *District boundary.* The procedures, standards and requirements contained in this subchapter shall apply to all lots within wetlands and streams, and all lots lying wholly or in part:

(a) Within the special flood hazard area (SFHA) designated by the Federal Emergency Management Agency (FEMA);

(b) Within 100 feet of the ordinary high water mark (OHWM) of a perennial stream or intermittent stream, the ordinary high water mark of a lake or pond or the edge of a wetland; or

(c) Within depressional areas serving as floodplain or stormwater storage areas, as designated on the Lowland Conservancy District map.

(3) *Minimum setback of development activity from streams, lakes, depressional storage, ponds and wetlands.*

(a) 1. Absolutely no development activity (except as provided below) may occur within the minimum setback. The minimum setback should be a vegetated buffer strip, preferable planted with native plant species, shall be maintained or restored around the periphery of the area in question. The width of the buffer strip shall be as follows:

a. Twenty-five feet for a tributary length of 250 feet or less;

b. Fifty feet for a tributary length greater than 250 feet and less than 500 feet; and

c. Seventy-five feet for a tributary length over 500 feet.

2. Note: the tributary length is the maximum length (measured prior to subdividing the parcel) of the project limits to the sensitive area or the length from a drainage divide to the sensitive area.

(b) The minimum setback shall be measured between the ordinary high water mark of streams, lakes and ponds, or the edge of wetlands, or within a designated depressional areas. In no case shall the setback be less than the boundary of the 100-year floodway, as defined by FEMA. These setback requirements do not apply to a stream in a culvert unless the stream is taken out of the culvert as part of development activity. If a culvert functions as a low-flow culvert, where water is intended to periodically flow over it, the setback requirements apply.

(c) The following development activities may be permitted, subject to issuance of a site development permit, within the minimum setback areas only, if, as a practical matter, they cannot be located outside the setback area. Such development activities will only be approved based upon a report, prepared by a qualified professional, which demonstrates that they will not adversely affect water quality; destroy, damage or disrupt significant habitat area; adversely affect drainage and/or stormwater retention capabilities; adversely affect flood conveyance and storage; lead to unstable earth conditions; create erosion hazards or be materially detrimental to any other property in the area of the subject property or to the village as a whole, including the loss of open space or scenic vistas:

1. Minor improvements, such as walkways, benches, comfort stations, informational displays, directional signs, footbridges, observation decks and docks;

2. The maintenance, repair, replacement and reconstruction of existing utilities, highways and bridges, electrical transmission and telecommunication lines, poles and towers; and

3. The establishment and development of public and private parks and recreation areas, outdoor education areas, historic natural and scientific areas, game refuges, fish and wildlife improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps.

(d) Review of proposed development activity within the minimum setback area will consider the following.

1. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the development of park shelters or similar structures is allowed. The development and maintenance of roads, parking lots and other impervious surfaces necessary for permitted uses are allowed only on a very limited basis, and where no alternate location outside of the setback area is available.

2. Land surface modification within the minimum setback shall be permitted for the development of stormwater drainage swales between the developed area of the site (including a stormwater detention facility on the site) and a stream, lake or pond or wetland. Detention basins within the setback are generally discouraged, unless it can be shown that resultant modifications will not impair water quality, habitat or flood storage functions.

3. No filling or excavating within wetlands is permitted except to install piers for the limited development of walkways and observation decks. Walkways and observation decks should avoid high quality wetland areas, and should not adversely affect natural areas designated in the State Natural Areas Inventory or the habitat of rare or endangered species.

4. Wetland area occupied by the development of decks and walkways must be mitigated by an equal area of wetland habitat improvement.

5. a. Modification of degraded wetlands for purposes of stormwater management is

permitted where the quality of the wetland is improved and total wetland acreage is preserved. Where such modification is permitted, wetlands shall be protected from the effects of increased stormwater runoff by measures such as detention or sedimentation basins, vegetated swales and buffer strips and sediment and erosion control measures on adjacent developments. The direct entry of storm sewers into wetlands shall be avoided. Environmental impact analysis of wetland modification may be required in accordance with § 57.156.

b. An applicant for a site development permit (see § 57.153) must stabilize areas left exposed after land surface modification with vegetation normally associated with that stream or wetland. The planting of native riparian vegetation is recommended as the preferred stabilization measure. Other techniques should be used only when and where vegetation fails to control erosion. The preferred alternative is riprap, using natural rock materials where practicable, installed on eroding bank areas in a manner that provides interstitial space for vegetative growth and habitat for macro invertebrates and other stream organisms. Lining of the stream channel bottom is not permitted.

c. The applicant shall minimize access to the applicant's proposed development activity within all or part of the Lowland Conservancy Overlay District where such access could adversely affect the stream, lake, pond, wetland or related environmentally sensitive areas.

(4) *Site development plan.*

(a) A site development plan must be prepared for any proposed development within, or partly within, the Lowland Conservancy Overlay District and must indicate:

1. Dimension and area of parcel, showing also the vicinity of the site in sufficient detail to enable easy location, in the field, of the site for which the site development permit is sought, and including the boundary line, underlying zoning, a legend, a scale and a north arrow. This requirement may be satisfied by the submission of a separate vicinity map;

2. Location of any existing and proposed structures;

3. Location of existing or proposed on-site sewage systems or private water supply systems;

4. Location of any perennial or intermittent stream, lake or pond, and its ordinary high water mark;

5. Location and landward limit of all wetlands;

6. Location of setback lines as defined in this subchapter;

7. Location of the 100-year floodway and floodplain limits;

8. Location of existing or future access roads;

9. Specifications and dimensions of stream, wetland or other water areas proposed for alterations;

10. Cross-sections and calculations indicating any changes in flood storage volumes; and

11. Such other information as reasonably requested by the village.

(b) The applicant shall present evidence, prepared by a qualified professional engineer, that demonstrates that the proposed development activity will not endanger health and safety, including danger from the obstruction or diversion of flood flow. The developer shall also show, by submitting appropriate calculations and resource inventories, that the proposed development activity will not substantially reduce natural floodwater storage capacity, destroy valuable habitat for aquatic or other flora and fauna, adversely affect water quality or groundwater resources, increase stormwater runoff velocity so that water levels on other lands are substantially raised or the danger from flooding increased or adversely impact any other natural stream, floodplain or wetland functions, and is otherwise consistent with the intent of this subchapter.

(5) *Geologic and soil report.* The site proposed for development shall be investigated to determine the soil and geologic characteristics, including soil erosion potential.

A report, prepared by a licensed professional engineer, geoscientist or soil scientist experienced in the practice of geologic and soil mechanics, shall be submitted with every application for land development within the Lowland Conservancy Overlay District. This report shall include a description of soil type and stability of surface and subsurface conditions. Any area that the investigation indicates as being subject to geologic or soil hazards shall not be subjected to development, unless the engineer or soil scientist can demonstrate conclusively that these hazards can be overcome.

(6) *Hydrologic controls/drainage control plan.*

(a) A drainage control plan that describes the hydraulic characteristics of on-site and nearby watercourses as well as the proposed drainage plan, prepared by a registered professional engineer experienced in hydrology and hydraulics, shall be submitted with each application for land development within the Lowland Conservancy Overlay District. Unless otherwise noted, the following restrictions, requirements and standards shall apply to all development within the Lowland Conservancy Overlay District:

1. Natural open-channel drainage-ways shall be preserved; and

2. Runoff from areas of concentrated impervious cover (e.g., roofs, driveways, streets, patios and the like shall be collected and transported to a drainageway (preferably a natural drainageway)) with sufficient capacity to accept the discharge without undue erosion or detrimental impact. Vegetated drainage swales are preferred over conveyances constructed of concrete or other manufactured materials.

(b) The drainage control plan shall identify appropriate measures, such as recharge basins and detention/retention basins, which will limit the quantitative and qualitative effects of stormwater runoff to pre-development conditions.

(7) *Site grading and excavation plan.*

(a) This division (B)(7) applies to the extent that grading and excavation and erosion control plans, which satisfy the following requirements, are not already required by a jurisdiction.

(b) A site grading and excavation plan, prepared by a registered professional engineer, trained and experienced in civil engineering, shall be submitted with each application for a site development permit and shall include the following:

1. Details of the existing terrain and drainage pattern with one-foot contours;

2. Proposed site contours at one-foot intervals;

3. Dimensions, elevation and contours of grading, excavation and fill; slopes of all drainage swales shall be a minimum of 2% through the side and rear yard drainage easements;

4. A description of methods to be employed in disposing of soil and other material that is removed from allowable grading and excavation sites, including location of the disposal site if on the property;

5. A schedule showing when each stage of the project will be completed, including the total area of soil surface to be disturbed during each stage, and estimated starting and completion dates. The schedule shall be prepared so as to limit, to the shortest possible period, the time soil is exposed and unprotected. In no case shall the existing natural vegetation be destroyed, removed or disturbed more than 15 days prior to initiation of the improvements; and

6. A detailed description of the revegetation and stabilization methods to be employed, to be prepared in conjunction with the landscape plan per division (B)(8) below. This description should include locations of erosion control measures such as sedimentation basins, straw bales, diversion swales and the like.

(c) The grading and excavation plan must be consistent with all the provisions of this subchapter.

(d) Unless otherwise provided in this subchapter, the following restrictions, requirements and standards shall apply to all development within the district.

1. Every effort shall be made to develop the site in such a manner so as to minimize the alteration of the natural topography.

2. No grading, filling, cleaning, clearing, terracing or excavation of any kind shall be

initiated until final engineering plans are approved and the site development permit is granted by the village.

3. The depositing of any excavation, grading or clearing material within a stream, lake, pond or wetland area shall be prohibited.

(e) In addition to locating all site improvements on the subject property to minimize adverse impacts on the stream, lake, pond or wetland, the applicant shall install a berm, curb or other physical barrier during construction, and following completion of the project, where necessary, to prevent direct runoff and erosion from any modified land surface into a stream, lake, pond or wetland. All parking and vehicle circulation areas should be located as far as possible from a stream, lake, pond or wetland.

(f) The village may limit development activity in or near a stream, lake, pond or wetland to specific months, and to a maximum number of continuous days or hours, in order to minimize adverse impacts. Also, the village may require that equipment be operated from only one side of a stream, lake or pond in order to minimize bank disruption. Other development techniques, conditions and restrictions may be required in order to minimize adverse impacts on streams, lakes, ponds or wetlands, and on any related areas not subject to development activity.

(8) *Natural vegetation buffer strip required; vegetation and revegetation/landscape plan.*

(a) To minimize erosion, stabilize the streambank, protect water quality, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen human-made structures and also to preserve aesthetic values of the natural water course and wetland areas, a natural vegetation strip shall be maintained along the edge of the stream, lake, pond or wetland. The natural vegetation strip shall be as described in division (B)(3) above and shall be measured from the ordinary high water mark of a perennial or intermittent stream, lake or pond and the edge of wetland.

(b) Within the natural vegetation strip, trees and shrubs may be selectively pruned or removed for harvest of merchantable timber to achieve a filtered view of the water body from the principal structure and for reasonable private access to the stream, lake, pond or wetland. Said pruning and removal activities shall ensure that a live root system stays intact to provide for streambank stabilization and erosion control.

(c) A landscape plan, prepared by a professional, shall be submitted with each site development permit application for development activity within the Lowland Conservancy Overlay District and contain the following:

1. A plan describing the existing vegetative cover of the property and showing those areas where the vegetation will be removed as part of the proposed construction; and

2. A plan describing the proposed revegetation of disturbed areas specifying the materials to be used.

(d) The vegetation must be planned in such a way that access for stream maintenance purposes shall not be prevented.

(Prior Code, § 160.091) (Ord. 06-0383, passed 3-15-2006; Ord. 19-1532, passed 1-16-2019) Penalty, see § 57.999

§ 57.155 WATERCOURSE RELOCATION AND MINOR MODIFICATIONS (INCLUDING CHANNELIZATION AND RELOCATION).

(A) (1) Watercourse relocation or modification is generally not permitted because these activities are not usually consistent with the purposes of this subchapter. Under certain circumstances, relocation and minor modification may be permitted through a site development permit where certain problems can be mitigated by relocation and/or minor modification, specifically when:

(a) Off-site hydrologic conditions are causing erosion, flooding and related problems;

(b) On-site soil and geologic conditions are resulting in unstable conditions that pose hazards to life, health and existing structures or property;

(c) The quality of previously modified or relocated streams can be improved through restoration;

(d) Officially adopted stormwater management plans call for placement of detention or retention facilities in a stream; or

(e) Public utilities, including sanitary sewers, pipelines and roadways, require stream crossing or relocation where there are not practical alternatives.

(2) Modification of watercourses as a convenience for site design purposes is not permitted.

(B) (1) *Conditions and restrictions for permitting stream modification*. Stream modification, when permitted, is subject to the following conditions and restrictions.

(a) Water quality, habitat and other natural functions must be significantly improved by the modification; no significant habitat area may be destroyed.

(b) The amount of flow and velocity of a stream is not to be increased or decreased as the stream enters or leaves a subject property, unless this reflects an

improvement over previous conditions in terms of reduced flooding, reduced erosion or enhanced low flow conditions.

(c) Prior to diverting water into a new channel, a qualified professional approved by the village shall inspect the stream modification, and issue a written report to the village that the modified stream complies with the requirements in division (B)(2) below.

(d) Stream channel enlargement, or other modifications that would increase conveyance, shall not be permitted if the intended purpose is to accommodate development activities in the floodplain.

(2) *Required content of stream modification, relocation plan.* Stream relocation may be permitted in accordance with a stream relocation plan that provides for:

(a) The creation of a natural meander pattern, pools, riffles and substrate;

(b) The formation of gentle side slopes (at least three feet horizontally per one foot vertically), including installation of erosion control features;

(c) The utilization of natural materials wherever possible;

(d) The planting of vegetation normally associated with streams, including primarily native riparian vegetation;

(e) The creation of spawning and nesting areas wherever appropriate;

(f) The re-establishment of the fish population wherever appropriate;

(g) The restoration of water flow characteristics compatible with fish habitat areas, wherever appropriate;

(h) The filling and revegetation of the prior channel;

(i) A proposed phasing plan, specifying time of year for all project phases;

(j) Plans for sediment and erosion control; and

(k) Establishment of a low-flow channel

that reflects the conditions of a natural stream.

(3) *Criteria for permitting armoring of channels and banks.* Armoring in the form of bulkheads, riprap or other materials or devices is not permitted except in accordance with the following.

(a) Significant erosion cannot be prevented in any other way and the use of vegetation and gradual bank slopes has not sufficiently stabilized the shoreline or bank.

(b) The bulkhead or other device is not placed within a wetland, or between a wetland and a lake or pond.

(c) The bulkhead, riprap or other device will minimize the transmittal of wave energy or currents to other properties.

(d) The change in the horizontal or vertical configuration of the land must be kept to a minimum. Where permission to install bulkheads or other armoring devices is requested as part of the site development permit application, documentation and certification pertaining to the items above must be submitted.

(4) *Criteria for permitting the use of culverts.* Culverts are not permitted in streams except in accordance with the following.

(a) Where a culvert is necessary for creating access to a property, use of culverts as a convenience, in order to facilitate general site design, is not to be considered.

(b) The culvert must allow passage of fish inhabiting the stream, and accommodate the 100-year flood

event without increasing upstream flooding, except where a restricting culvert is desirable as part of an overall storm and floodwater management plan.

(c) The culvert must be maintained free of debris and sediment to allow free passage of water, and if applicable, fish.

(d) The stream bottom should not be significantly widened for the placement of a culvert as this increases siltation; if multiple culverts must be installed, one culvert should be at the level of the bottom of the stream and the others at or above normal water elevation.

(5) *Criteria for permitting on-stream impoundments.* Impoundment of streams is not permitted except in accordance with the following.

(a) The impoundment is determined to be in the public interest by providing regional stormwater detention, flood control or public recreation.

(b) The impoundment will not prevent the upstream migration of indigenous fish species.

(c) A non-point source control plan has been implemented in the upstream watershed to control the effects of sediment runoff as well as minimize the input of nutrients, oil and grease, metals and other pollutants.

(d) Impoundments without permanent low-flow pools are preferred except where a permanent pool is necessary to achieve the intended benefits of the impoundment (e.g., recreation or water quality mitigation).

(e) Impoundment design shall include gradual bank slopes, appropriate bank stabilization measures and a pre-sedimentation basin.
(Prior Code, § 160.092) (Ord. 06-0383, passed 3-15-2006)

§ 57.156 IMPACT ASSESSMENT.

The village may ask an applicant to submit a report prepared by a qualified professional, and approved by the village, in order to assess the potential impact of proposed development on a lake, stream or wetland and associated environmentally sensitive areas, including loss of flood storage potential, loss of habitat, changes in species diversity and quantity, impacts on water quality, increases in human intrusion and impacts on associated streams, lakes, ponds, wetlands or downstream areas.
(Prior Code, § 160.093) (Ord. 06-0383, passed 3-15-2006)

§ 57.157 STREAM MAINTENANCE EASEMENT.

The applicant shall grant an access easement for stream maintenance purposes to the village, over 25 feet parallel to the stream bank.
(Prior Code, § 160.094) (Ord. 06-0383, passed 3-15-2006)

§ 57.158 THREATENED AND ENDANGERED SPECIES.

All developments shall conform to the requirements set forth in 520 ILCS 10/11, which states that a consultation with the Department shall be undertaken to evaluate whether actions proposed by the development are likely to jeopardize the continued existence of listed endangered or threatened species or are likely to results in the destruction or adverse modification of the designated essential habitat of such species. Final disposition of any disagreement not resolved by non-local laws, ordinance and the like will be made by the Village Board.
(Prior Code, § 160.095) (Ord. 06-0383, passed 3-15-2006)

§ 57.159 SECURITY.

The applicant may be required to file with the village a letter of credit, or other improvement security satisfactory to the village and in an amount deemed sufficient by the Village Engineer to ensure compliance with any aspect of this subchapter; to cover all costs of improvements, landscaping or maintenance of improvements and landscaping, for such period as specified by the village, and engineering and inspection costs; and to cover the cost of failure or repair of improvements installed on the site.
(Prior Code, § 160.096) (Ord. 06-0383, passed 3-15-2006)

§ 57.160 LIABILITY.

Prior to issuance of a construction permit, the applicant shall enter into an agreement with the village which runs with the property, in a form acceptable to the Village

Attorney, indemnifying the village for any damage resulting from development activity on the subject property which is related to the physical condition of the stream or wetland.
(Prior Code, § 160.097) (Ord. 06-0383, passed 3-15-2006)

§ 57.161 SEPARABILITY.

Every section, provision or part of this subchapter is declared separable from every other section, provision or part; and if any section, provision or part thereof shall be held invalid, it shall not affect any other section, provision or part.
(Prior Code, § 160.098) (Ord. 06-0383, passed 3-15-2006)

§ 57.162 RETROACTIVITY.

The requirements of this subchapter apply to all platted and unplatted lands within the jurisdiction of the village.
(Prior Code, § 160.099) (Ord. 06-0383, passed 3-15-2006)

§ 57.163 ENFORCEMENT.

(A) Authority for administration of this subchapter resides with the Administrator and shall conform with appropriate section of the village zoning ordinance.

(B) (1) In the event any person holding a site development permit pursuant to this subchapter violates the terms of the permit, or carries on-site development in such a manner so as to materially and adversely affect the health, welfare or safety of persons residing or working in the neighborhood of the development site, or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the village may suspend or revoke the special use permit.

(2) Suspension of a permit shall be by a written stop work order issued by the village and delivered to the permittee, or their agent, or the person performing the work. The stop-work order shall be effective immediately, shall state the specific violations cited, and shall state the conditions under which work may be resumed.
(Prior Code, § 160.100) (Ord. 06-0383, passed 3-15-2006)

STORMWATER MANAGEMENT PERMIT SUBMITTAL REQUIREMENTS

GENERAL REQUIREMENTS

§ 57.175 STORMWATER MANAGEMENT AND OTHER PERMITS REQUIRED.

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

(1) The development or a substantial improvement is located in the regulatory floodplain or there is regulatory floodplain within the property boundary; or

(2) The development disturbs more than 5,000 square feet of ground cover, unless the development solely involves one or more of the following:

(a) Installation, renovation or replacement of a septic system, potable water service line or other utility to serve an existing structure;

(b) 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;

(c) Maintenance, repair or at grade replacement of existing lawn areas not otherwise requiring a stormwater permit under this chapter; or

(d) Maintenance of an existing stormwater facility, not requiring other state or federal permits or approvals.

(B) All development shall secure all appropriate stormwater management related approvals, including, without limitation, an IDNR/OWR floodway/floodplain construction permit, a USACOE 404 permit and an IDNR/OWR dam safety permit if required, from all federal, state and regional authorities and other appropriate federal, state and regional approvals prior to the issuance of a stormwater management permit for areas of a site requiring such other approvals.
(Prior Code, § 160.110) (Ord. 06-0383, passed 3-15-2006)

§ 57.176 PERMIT REVIEW FEES.

All permit fees, as established by separate ordinance by the Village Board, shall be paid at the time of application. 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.
(Prior Code, § 160.111) (Ord. 06-0383, passed 3-15-2006)

§ 57.177 PROFESSIONAL SEALS AND CERTIFICATIONS REQUIRED.

(A) 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 chapter 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 chapter.

(B) For structures (not including earth embankments) that are subject to a differential water pressure greater than three 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 structure 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 structures shall be reviewed, signed and sealed by a registered structural engineer.

(C) 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 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.

(D) 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 National Geodetic Vertical Datum, 1988 adjustment and any FEMA benchmarks.
(Prior Code, § 160.112) (Ord. 06-0383, passed 3-15-2006; Ord. 19-1532, passed 1-16-2019)

DURATION AND REVISION TO PERMITS

§ 57.190 PERMIT EXPIRATION.

Permits expire December 31 of the third year following the date of permit issuance or upon expiration of state or federal permits required for stormwater management.
(Prior Code, § 160.113) (Ord. 06-0383, passed 3-15-2006)

§ 57.191 PERMIT 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-year increments a maximum of three times for permitted activities outside regulatory floodplains and floodways. Expiration dates for permitted activities in regulatory floodplains and floodways may be extended in one-year increments a maximum of three times provided the activity is in compliance with the then current requirements of this chapter or the applicable certified community ordinance.
(Prior Code, § 160.114) (Ord. 06-0383, passed 3-15-2006)

§ 57.192 PERMIT 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 the then current requirements of this

chapter or the applicable certified community ordinance, an approval of the revised plans may be issued.
(Prior Code, § 160.115) (Ord. 06-0383, passed 3-15-2006)

REQUIRED SUBMITTALS

§ 57.205 GENERALLY.

All permit submittals shall include the material listed in the sections noted in Chapter 57, Appendix C, Table 3 for the applicable type of development, unless the submittal requirements are specifically modified by the procedure in § 57.206.
(Prior Code, § 160.116) (Ord. 06-0383, passed 3-15-2006)

§ 57.206 MODIFICATION OF SUBMITTAL REQUIREMENTS.

The Administrator may, at their discretion, 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 shall be requested and answered in writing. The Administrator's response shall note the relevant findings, and be specific as to what submittal requirements are changed. The Director shall be copied on all related correspondence. The Administrator may not modify submittal requirements for any aspect of the development requiring state or federal permits or approvals, nor for any application in which any variance of the permitting authorities ordinance is requested.
(Prior Code, § 160.117) (Ord. 06-0383, passed 3-15-2006)

§ 57.207 APPLICATIONS AND PROJECT OVERVIEW.

The applicant shall provide the following information, as a minimum, on forms or in a format approved by the Administrator:

(A) The name and legal address of the owner(s) of the site and the permit applicant;

(B) The common address, legal description, property identification number (PIN) of the site;

(C) The name of the project, area of the site in acres, type of development;

(D) A general narrative description of the development, existing and proposed conditions and project planning principles considered, including Best Management Practices used;

(E) Affidavits signed by the owner or the applicant's authorized representative attesting to their understanding of the requirements of this chapter or the applicable certified community ordinance and their intent to comply therewith;

(F) A statement of opinion by a qualified person either denying or acknowledging the presence of floodplain on the development site;

(G) Copies of other stormwater related permits or permit applications as required;

(H) A subsurface drainage investigation report; and

(I) An engineer's estimate of probable construction cost of the stormwater facilities.
(Prior Code, § 160.118) (Ord. 06-0383, passed 3-15-2006)

§ 57.208 PLAN SET SUBMITTAL.

All applicants for a stormwater permit 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 drawing for clarity. The specific information to be included on each exhibit shall be as noted below.

(A) Site topographic map meeting the following requirements shall be submitted:

(1) Map scales as one inch equals 100 feet (or less) and accurate to +/- 0.5 feet;

(2) Existing and proposed contours on-site and within 100 feet of site;

(3) Existing and proposed drainage patterns and watershed boundaries;

(4) Delineation of pre-development regulatory floodplain/floodway limits;

(5) Delineation of post-development regulatory floodplain/floodway limits;

(6) Location of cross-sections and any other hydrologic/hydraulic computer modeled features;

(7) Location of all on-site drain tiles;

(8) Boundary of all wetlands, lakes, ponds and the like with normal water elevation noted;

(9) Location of all existing buildings and those to remain on the site noted;

(10) Nearest base flood elevations;

(11) FEMA and any site-specific benchmarks (tied to county benchmarks) used; and

(12) Highlight all contours used in the calculation of depressional storage.

(B) General plan view drawing meeting the following requirements shall be submitted:

(1) Drawing at the same scale as the site topographic map;

(2) Existing major and minor stormwater systems;

(3) Proposed major and minor stormwater systems;

(4) Design details for stormwater facilities (i.e., structure and outlet work detail drawings and the like);

(5) Scheduled maintenance program for permanent stormwater facilities including BMP measures;

(6) Planned maintenance tasks and schedule;

(7) Identification of entities responsible for maintenance;

(8) Permanent public access maintenance easements granted or dedicated to, and accepted by, a government entity;

(9) Proposed regulatory floodplain and floodway location (with the base flood and flood protection elevations noted); and

(10) Highlight all plan areas at elevations below the 100-year high water elevation of site runoff storage facilities.

(C) Sediment and erosion control plan meeting the following requirements shall be submitted:

(1) Drawings at the same scale as the site topographic map;

(2) Sediment/erosion control installation measures and schedule;

(3) Existing and proposed roadways, structures, parking lots, driveways, sidewalks and other impervious surfaces;

(4) Limits of clearing and grading;

(5) Floodplain/floodway locations;

(6) Proposed buffer location, existing soil types, vegetation and land cover conditions; and

(7) List of maintenance tasks and schedule for sediment/erosion control measures.

(D) Vicinity topographic map meeting the following requirements shall be submitted:

(1) Vicinity topographic map identifying all off-site areas draining to the development and downstream to the receiving intermittent or perennial stream. (A two foot contour map is preferred at a scale readable by the reviewer but a U.S.G.S. quadrangle map is acceptable.);

(2) Watershed boundaries for areas draining through or from the development;

(3) Soil types related to hydrologic soils group, vegetation and land cover affecting runoff upstream of the site for any area draining through the site;

(4) Location of development site within the major watershed(s); and

(5) Show the overland flow path from the downstream end of the development to the receiving intermittent or perennial stream.

(E) The submittal shall not be considered complete until the preliminary plat and final engineering drawings have been determined to be complete by the village.
(Prior Code, § 160.119) (Ord. 06-0383, passed 3-15-2006)

§ 57.209 STORMWATER SUBMITTAL.

(A) The stormwater submittal shall include narrative discussion and calculations to support a finding that the proposed development complies with the technical requirements of the permitting authorities ordinance.

(B) 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. Include 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; and

(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;

(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 exhibits; and

(g) The general plan view drawing of § 57.208(B) shall indicate the areas of directly connected impervious areas and any offsetting landscaped areas as defined in § 57.074.
(Prior Code, § 160.120) (Ord. 06-0383, passed 3-15-2006)

§ 57.210 FLOODPLAIN SUBMITTAL.

The applicant shall obtain approval from IDNR/OWR and FEMA for all new base flood and floodway determinations for those cases in which their permitting authority applies or as noted in § 57.131. 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 §§ 57.130 and 57.131 shall be submitted with the application. At a minimum, the following material shall be submitted for approval with the application:

(A) Regulatory floodplain boundary determination:

(1) Provide source of flood profile information; and

(2) Provide all hydrologic and hydraulic study information for site-specific floodplain studies, unnumbered Zone A area elevation determinations and floodplain map revisions.

(B) Floodway hydrologic and hydraulic analyses for the following conditions:

(1) Existing conditions (land used and stream systems);

(2) Proposed conditions (land used and stream systems);

(3) Tabular summary of 100-year flood elevations and discharges for existing and proposed conditions;

(4) Calculations used for model development; and

(5) Hydraulic/hydrologic computer model input/output.

(C) Floodplain fill and compensatory storage calculations for below and above ten-year flood elevation up to the base flood elevation:

(1) Tabular summary for below and above ten-year flood elevation of fill, compensatory storage and compensatory storage ratios provided in proposed plan; and

(2) Cross-sections used for the above calculations.

(D) Narrative discussion of floodproofing measures, including material specifications, calculations and design details and operation summary; and

(E) Flood easements when required by this chapter or the applicable certified community ordinance.
(Prior Code, § 160.121) (Ord. 06-0383, passed 3-15-2006)

SUBMITTAL PRIOR TO PERMIT ISSUANCE

§ 57.225 ADDITIONAL SUBMITTALS REQUIRED.

The following additional submittals, as noted in §§ 57.226 and 57.227, are required prior to issuance of the stormwater permit.
(Prior Code, § 160.122) (Ord. 06-0383, passed 3-15-2006)

§ 57.226 PERFORMANCE SECURITY.

Performance security in accordance with §§ 57.335 through 57.338 shall be required prior to permit issuance.
(Prior Code, § 160.123) (Ord. 06-0383, passed 3-15-2006)

§ 57.227 MAINTENANCE SCHEDULE AND FUNDING.

A completed maintenance schedule for the stormwater management facilities and special management areas, in accordance with §§ 57.240 through 57.245, shall be submitted along with identification of the entity responsible for maintenance and funding and back-up funding sources for maintenance in accordance with § 57.245.
(Prior Code, § 160.124) (Ord. 06-0383, passed 3-15-2006)

§ 57.228 RECORD DRAWINGS.

The developer is required to submit record drawings of all permitted stormwater facilities. The record drawings shall be signed and sealed by a professional engineer or professional land surveyor who shall state that the project as constructed is substantially in conformance with the project as permitted. The record drawings shall include calculations verifying that the volumes of detention and compensatory storage required in the permit have been provided.
(Prior Code, § 160.125) (Ord. 06-0383, passed 3-15-2006)

§ 57.229 ISSUANCE OR DENIAL OF PERMIT AND APPEAL OF PERMIT DENIAL.

The Administrator shall either issue or deny a stormwater permit within 30 days of receiving a complete permit application and all required submittals and fees, unless additional time is granted by both the Administrator and the applicant. When a permit is denied, the applicant may appeal the Administrator's decision to the Village Board provided such appeal is made in writing within 15 days of the date of the notification of denial. The Village Board shall render a decision to issue the stormwater permit, issue the permit with conditions or uphold the Administrator's denial of the permit. The Village Board shall render its decision within 30 days of the appeal. Failure to take action shall be deemed action to uphold the permit denial by the Administrator.
(Prior Code, § 160.126) (Ord. 06-0383, passed 3-15-2006)

LONG-TERM MAINTENANCE

§ 57.240 LONG-TERM MAINTENANCE.

(A) Unless 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 located upon their land. With the approval of the Administrator, the stormwater drainage system, or specified portions thereof, may be:

(1) Dedicated or otherwise transferred to and accepted by the permitting community or other public entity;

(2) Conveyed or otherwise transferred to and accepted by a homeowners' 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 or more persons or in one or more undivided interests to one or more persons.

(B) Except for those portions of a stormwater drainage system to be dedicated or otherwise transferred to the permitting authority or other public entity, included in the application for a stormwater permit shall be a plan for the long-term management, operation and maintenance of the stormwater drainage system and a description of the sources of funding. Amendments to the plan must be approved by the Administrator.

(C) All property owners of a retention or detention pond and/or related stormwater management facilities shall be required to comply with the requirements of a pond self-inspection program requiring the submittal of an annual inspection report of the condition of stormwater facilities and the completion of any identified required maintenance activities. The requirements of the program (including, but not limited to, inspectional and maintenance standards) shall be provided by the Administrator and may be revised on an annual basis or as deemed necessary by the Administrator from time to time. The Administrator shall at all times maintain a current set for the program requirements for public inspection and copying. Annual inspection reports shall be submitted to the village on or before July of each year. Where an annual inspection report submitted to the Administrator indicates that certain maintenance activities are necessary in order to bring the subject retention pond, detention pond or stormwater management facilities into compliance with the program requirements and the otherwise applicable ordinances of the village, the property owner submitting the report shall complete all such required maintenance activities within 90 days of the date on which the village receives the annual inspection report, and shall likewise furnish to the village a statement within such 90-day period certifying that all maintenance activities indicated by the relevant inspection report have been completed.

(Prior Code, § 160.135) (Ord. 06-0383, passed 3-15-2006; Ord. 14-1095, passed 2-19-2014)

§ 57.241 TRANSFER TO PERMITTING AUTHORITY OR OTHER PUBLIC ENTITY.

If any portion of the stormwater drainage system is to be dedicated or otherwise transferred to the permitting authority or other public entity under § 57.240(A)(1), appropriate easements for ingress and egress to and maintenance of such portions shall be reserved for the benefit of such entity on the final plat.

(Prior Code, § 160.136) (Ord. 06-0383, passed 3-15-2006)

§ 57.242 TRANSFER TO HOMEOWNERS' OR SIMILAR ASSOCIATION.

If any portion of the stormwater drainage system is to be conveyed or otherwise transferred to a homeowners' or similar association under § 57.240(A)(2), then:

(A) Appropriate easements for ingress and egress to and maintenance of such portions shall be reserved for the benefit of such association and the permitting authority on the final plat;

(B) 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;

(C) The bylaws of the association shall, at a minimum, contain:

(1) A provision acknowledging and accepting the association's obligation to maintain certain portions of the stormwater drainage system as required by this chapter;

(2) 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 chapter and the payment of all taxes levied thereon;

(3) A provision adopting the plan of long-term maintenance set forth in the application for a stormwater management permit, with approved amendments;

(4) A provision identifying the officer of the association responsible for carrying out the obligations imposed upon the association under this chapter, and an obligation to inform the Administrator of the name, address and phone number of this officer and any changes thereto;

(5) 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 chapter; and

(6) A provision requiring the consent of the permitting authority to the dissolution of the association.

(D) Any conveyance or other instrument of transfer delivered under § 57.240(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.
(Prior Code, § 160.137) (Ord. 06-0383, passed 3-15-2006)

§ 57.243 CONVEYANCE TO ONE OR MORE PERSONS.

If any portion of the stormwater drainage system is to be conveyed to one or more persons under § 57.240(A)(3), then the following apply.

(A) Appropriate easements for ingress and egress to and maintenance of such portions shall be reserved for the benefit of the permitting authority on the final plat.

(B) The final plat shall contain a legend imposing the maintenance obligations of this section upon the grantee and their 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.

(C) The final plat shall contain a legend 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.

(D) Any conveyance delivered under § 57.240(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.
(Prior Code, § 160.138) (Ord. 06-0383, passed 3-15-2006)

§ 57.244 INCORPORATION OF MAINTENANCE OBLIGATIONS IN STORMWATER MANAGEMENT PERMIT.

The provisions of this subchapter 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 the obligations imposed under this section. At the option of the Administrator, the stormwater management permit may be recorded.
(Prior Code, § 160.139) (Ord. 06-0383, passed 3-15-2006)

§ 57.245 FUNDING OF 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 drainage system to be constructed or installed in connection therewith has been accepted by a public entity, the Administrator will require assurance of long-term funding in a form found acceptable to the permitting authority. A corporation with a bond rating of "A" or higher from a major investment firm (i.e., Standard and Poor, Moody or equivalent) will be considered to have met the long-term maintenance funding requirement. Absent some other form of agreement, then the Administrator shall require the establishment of a special service area, pursuant to 35 ILCS 200/27-5 et seq., either as the primary means of providing for the long-term maintenance of the facilities, or as a backup vehicle 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 consider and approve a

good faith estimate by the applicant of the tax rate required to produce a tax to be levied upon all taxable property within the area, sufficient for the long-term maintenance of the facilities and submit the same to the permitting authority which shall incorporate such rate into its enactment of the ordinances necessary for the establishment of the area.

(C) On or before August 1 of each year thereafter, the Administrator shall submit to the permitting authority a good faith estimate of the amount of tax required to be levied upon all taxable property within the area for the next fiscal year for the continued maintenance of the stormwater drainage system.
(Prior Code, § 160.140) (Ord. 06-0383, passed 3-15-2006)

ENFORCEMENT AND PENALTIES

§ 57.260 INSPECTION AND MAINTENANCE AUTHORITY.

Pursuant to the authority granted by 55 ILCS 5/5-1104 and 5-1062, the village or county may, after 30 days' notice to the owner or occupant, enter upon any lands or waters within the village for the purpose of inspecting and/or maintaining stormwater facilities or causing the removal of any obstruction to an affected watercourse. Such requirement of notice shall not infringe upon any rights of the village to take immediate actions to protect the public health and safety.
(Prior Code, § 160.150) (Ord. 06-0383, passed 3-15-2006)

§ 57.261 REQUIRED INSPECTIONS.

Any development constructed pursuant to a stormwater management permit shall be subject to periodic inspections by the Administrator, Director or their designee to ensure conformity with permit provisions and conditions. Such inspections may be conducted without notice at any time while the permit is effective.
(Prior Code, § 160.151) (Ord. 06-0383, passed 3-15-2006)

§ 57.262 OFFENSES.

(A) *Violation.* Any person who violates, disobeys, omits, neglects, refuses to comply with or resists the enforcement of any provision of this chapter ("chapter violation") or any requirement or condition in any permit issued pursuant to this chapter ("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 division (B) below, shall be guilty of an offense under this chapter.

(B) *Permit violation; notice.* Whenever the Administrator or Director determines that a permit violation exists, they shall give notice of the violation in the manner prescribed in § 57.320 to the permittee. Such notice shall state the nature of the violation and fix a date not less than ten days after the date of the notice when the site will be reinspected.
(Prior Code, § 160.152) (Ord. 06-0383, passed 3-15-2006)

§ 57.263 OFFENSES; PENALTIES; REMEDIES.

(A) Any person found guilty of an offense under this chapter shall pay a civil fine in an amount not less than $25 and not more than $750. Each calendar day during which such violation continues to exist shall constitute a separate offense. Where monetary penalties are imposed for violations of §§ 57.090 through 57.094 by regional, state or federal agencies, the amount of these other agency fines will be offset against the monetary penalties for violation of this chapter.

(B) In addition to any fine imposed under division (A) above, the Administrator or the Director may revoke any stormwater management permit issued to such person.

(C) In addition to any fine imposed under division (A) above or action taken under division (B) above, 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. One copy of the stop-work order shall be posted on the site in a conspicuous place and one copy shall be delivered in the manner prescribed in § 57.320 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 chapter, the Administrator or the Director may bring any action, legal or

equitable, including an action for injunctive relief that may be necessary.

(E) Failure to timely comply with the requirements of division (C) above will result in the following fines: $1,000 assessed monthly, up to a maximum of $5,000 per annum, for failure to submit the annual inspection report, and $1,000 assessed monthly, for failure to timely complete any maintenance activities identified in the completed annual inspection report or to timely submit a required statement of completion of such activities to the Administrator.
(Prior Code, § 160.153) (Ord. 06-0383, passed 3-15-2006; Ord. 14-1095, passed 2-19-2014)

§ 57.264 VIOLATIONS OF §§ 57.090 THROUGH 57.094.

(A) An advisory committee, called the Agricultural Review Advisory Committee, shall be appointed by the SMC. The Committee shall be comprised of three members actively farming 60 or more contiguous acres in the county. The Committee will also include representatives of the Soil and Water Conservation District, the Natural Resources Conservation Service and the Farm Bureau.

(B) All complaints and chapter violations related to §§ 57.090 through 57.094 shall be reviewed by the Agricultural Review Advisory Committee, who shall render an opinion to the Village Board on the validity of the complaint, remedies and penalties to be imposed.
(Prior Code, § 160.154) (Ord. 06-0383, passed 3-15-2006)

GENERAL PROVISIONS

§ 57.275 SCOPE OF REGULATION.

This chapter applies to all development within the village, including that under the control of any governmental entity, agency or authority. When the village shall undertake development in the regulatory floodway, or regulatory floodplain where no regulatory floodway has been designated, shall obtain a permit from IDNR/OWR prior to issuance of a stormwater management permit. All units of local government shall obtain stormwater management permits from the village for all development projects within corporate limits of the village.
(Prior Code, § 160.165) (Ord. 06-0383, passed 3-15-2006)

§ 57.276 EXEMPTIONS.

(A) This chapter does not apply to:

(1) Development which has been substantially completed before the effective date of the chapter; and

(2) Development which has been determined to be exempt by the village.

(B) Nonconforming structures shall not be replaced or enlarged in any manner unless such replacement or enlargement conforms to the requirements of this chapter.
(Prior Code, § 160.166) (Ord. 06-0383, passed 3-15-2006)

§ 57.277 COMMUNITY'S LIST OF PROPOSED EXEMPT DEVELOPMENTS.

The village's list of exempt developments is included as Chapter 57, Appendix D, Table 4. After the effective date, the list may not be changed without review and recommendation by the Committee, which shall be forwarded to the County Board for approval.
(Prior Code, § 160.167) (Ord. 06-0383, passed 3-15-2006)

§ 57.278 INTERPRETATION.

(A) This chapter shall be liberally construed to protect the health, welfare, safety and the environment of the residents of the village and to effectuate the purposes of this chapter and the enabling legislation.

(B) Nothing in this chapter 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 chapter differ from any other applicable law, statute, ordinance, rule or regulation, the more stringent provision shall apply.

(D) The provisions of this chapter 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 chapter 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 chapter 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.
(Prior Code, § 160.168) (Ord. 06-0383, passed 3-15-2006)

§ 57.279 WARNING AND DISCLAIMER OF LIABILITY.

(A) The degree of flood protection provided by this chapter 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 chapter 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 chapter 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 chapter.
(Prior Code, § 160.169) (Ord. 06-0383, passed 3-15-2006)

§ 57.280 VIOLATIONS.

(A) It shall be unlawful for any person to undertake any development without first securing a stormwater management permit as required by this chapter.

(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 chapter or any condition of a stormwater management permit.
(Prior Code, § 160.170) (Ord. 06-0383, passed 3-15-2006) Penalty, see § 57.999

§ 57.281 SEVERABILITY.

The several provisions of this chapter shall be severable in accordance with the following rules.

(A) If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, such judgment shall not affect any other provision of this chapter.

(B) If any court of competent jurisdiction shall adjudge to be invalid the application of any provision of this chapter, 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.
(Prior Code, § 160.171) (Ord. 06-0383, passed 3-15-2006)

§ 57.282 REPEALER.

This chapter repeals the original ordinance or resolution, which was adopted to meet the national flood insurance program regulations, but is not intended to replace any ordinance or resolution passed in order to establish initial eligibility for the national flood insurance program.
(Prior Code, § 160.172) (Ord. 06-0383, passed 3-15-2006)

§ 57.283 EFFECTIVE DATE.

This chapter shall take effect for all purposes, and its effective date shall be March 1, 2006.
(Prior Code, § 160.173) (Ord. 06-0383, passed 3-15-2006)

VARIANCES

§ 57.295 PURPOSE.

In order to provide a narrowly circumscribed means by which relief may be granted when strict compliance with the requirements of this chapter is impossible or impracticable, variances from the specific provisions of this chapter may be granted according to the standards set forth in this subchapter.
(Prior Code, § 160.185) (Ord. 06-0383, passed 3-15-2006)

§ 57.296 APPLICATION FOR VARIANCES.

(A) It is the responsibility of the owner or developer and/or their engineer to review this chapter and identify any and all variance. An application for a variance, prepared by the owner or developer's licensed professional engineer and signed by the owner or developer of the development to which it relates, 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 by administrative order. 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. The Administrator shall send a copy of the complete application to the Director and to all other certified communities within the same watershed. Applications for a variance need not be made upon any specific form, but shall contain the information set forth in division (B) below.

(B) An application for variance shall set forth:

(1) The common addresses and legal descriptions of all lands comprising the development;

(2) The names and addresses of all owners of record of the legal title of all lands comprising the development;

(3) If title to any of the land comprising the development is held in trust, the names and addresses of all beneficiaries of the trust;

(4) The names and addresses of the developers of the land, if different from the owner;

(5) The names and addresses of all consultants retained by the developer in connection with the application for a variance;

(6) The names and addresses of all property owners within 250 feet of the development;

(7) The specific feature or features of the development that require a variance;

(8) The specific provision of this chapter from which a variance is sought and the precise extent of the variance therefrom;

(9) A statement of the characteristics of the development that prevent compliance with the provisions of this chapter;

(10) A statement that the variance requested is the minimum variance necessary to permit the development; and

(11) A statement as to how the variance requested satisfies the standards set forth in § 57.299.
(Prior Code, § 160.186) (Ord. 06-0383, passed 3-15-2006)

§ 57.297 APPLICATION FEE.

With the filing of the application for a variance, the applicant shall pay the fee prescribed by the village.
(Prior Code, § 160.187) (Ord. 06-0383, passed 3-15-2006)

§ 57.298 PUBLIC HEARING.

When the application is complete, the administrator will so notify the applicant and will schedule a public hearing on the application before the Oversight Committee, as applicable. Not more than 30 nor less than 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 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 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.
(Prior Code, § 160.188) (Ord. 06-0383, passed 3-15-2006)

§ 57.299 GRANTING OF VARIANCES.

The Oversight Committee shall not recommend nor shall the Village Board grant a variance for a project from the provisions of this chapter unless the variance is consistent with the purpose of this chapter (§ 57.001) and meets the following standards based upon substantial evidence submitted at the hearing.

(A) The variance will not increase measurably the probability of flood damage to insurable structures.

(B) The 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.

(C) The variance requested is the minimum required considering each of the following statements of underlying intent of this chapter and there are no means other than the requested variance by which the alleged hardships can be avoided or remedied to a degree sufficient to permit the reasonable continuation of the development.

(1) Detention of stormwater shall also contribute to the improvement of the quality of stormwater runoff.

(2) The volume of detention storage provided in open air vegetated facilities is maximized consistent with other land use site constraints including zoning requirements essential for the proposed development.

(3) Conveyance of stormwater from the project shall not increase peak discharges from existing off-site conveyance facilities beyond design capacity for any storm event from the two-year to the 100-year flood frequency.

(4) High quality natural areas shall be preserved on the site, including, without limiting, the generality of the foregoing, stands of native trees, existing wetlands, natural floodplain storage or other valuable environmental and biological resources.

(D) The variance is not requested solely for the purpose of increasing the density of the development nor impervious areas on the site.

(E) The variance is not requested solely as a result of economic hardship.

(F) If applicable, the variance is required due to unique, natural topographical features of the site.

(G) The applicant's circumstances are not self-imposed.

(Prior Code, § 160.189) (Ord. 06-0383, passed 3-15-2006)

§ 57.300 RECOMMENDATIONS.

(A) The Administrator or their designee shall review the application for a variance and present their written recommendations to the Oversight Committee at the public hearing.

(B) Not more than 45 days after the close of the hearing, the Oversight Committee shall forward the application with its written recommendations to the Village Board. 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 § 57.299 with citations to the evidence taken at the public hearing.

(Prior Code, § 160.190) (Ord. 06-0383, passed 3-15-2006)

§ 57.301 DECISION.

The Village Board shall grant the variation, grant the variation with modifications or conditions or deny the variation in writing within 45 days after receipt of the written recommendations of the Oversight Committee; but in the event the Village Board does not act as aforesaid, then the application is denied.

(Prior Code, § 160.191) (Ord. 06-0383, passed 3-15-2006)

§ 57.302 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 Village Board may impose such specific conditions and limitations concerning any matter relating to the purposes and objectives of this chapter 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.
(Prior Code, § 160.192) (Ord. 06-0383, passed 3-15-2006)

ADMINISTRATION

§ 57.315 RESPONSIBILITY FOR ADMINISTRATION.

(A) The Village Board shall determine policy related to this chapter subject to the requirements of the County Board.

(B) The Director and Administrator shall administer this chapter. 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; and

(2) The notification of the Director, FEMA and IDNR/OWR of any proposed amendment to this chapter.
(Prior Code, § 160.200) (Ord. 06-0383, passed 3-15-2006)

§ 57.316 DUTIES OF DIRECTOR.

The Director shall:

(A) Supervise the enforcement of this chapter;

(B) Supervise the development, revision and implementation of the Plan for approval by the Committee and the County Board;

(C) Supervise the review of complex stormwater management permits if the village requests such assistance;

(D) 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 chapter; and

(E) Review variance requests for the Committee.
(Prior Code, § 160.201) (Ord. 06-0383, passed 3-15-2006)

§ 57.317 DUTIES OF ADMINISTRATOR.

The Administrator shall:

(A) Receive a listing of all required federal, state, regional and county permit applications filed for the project prior to issuing a permit under this chapter for areas covered by other stormwater related jurisdictions. The Administrator may request copies of the stormwater related permit applications;

(B) Ascertain whether any floodplains/floodways exist on any site that is the subject of an application for a permit under this chapter and whether or not any new development is within the SFHA;

(C) Review permit applications and determine whether to issue or deny permits;

(D) Ensure that the required notice of an application for a variance has been given in accordance with §§ 57.320 and 57.321;

(E) Notify an applicant for a variance that such variance may result in increased rates for flood insurance;

(F) Notify the Director of an application for a variance CLOMR or LOMR;

(G) Provide for inspections of developments as required by this chapter;

(H) Investigate complaints of violations of this chapter within the village;

(I) 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;

(J) Initiate any proceeding necessary to enforce this chapter within the village;

(K) Advise, consult and cooperate with other governmental agencies to promote the purposes of this chapter;

(L) 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;

(M) Establish procedures for administering and documenting determinations, as outlined below, of substantial improvement and substantial damage:

1) 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.
2) 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. Substantial damage determinations take into account all damage sustained to the structure regardless of if the structure is repaired or not.
3) Determine and document whether the proposed work constitutes substantial improvement or substantial damage.
4) Notify property owner of all determinations and responsibilities for permitting and mitigation of the structure.

(N) Within six (6) months, notify FEMA of physical changes in the Base Flood Elevation (increases or decreases) by submitting technical or scientific data through the Letter of Map Change (LOMC) process, so that insurance rates and floodplain management requirements will be based on current data; and

(O) Notify adjacent communities in writing 30 days prior to issuing a permit for the alteration or relocation of a watercourse.
(Prior Code, § 160.202) (Ord. 06-0383, passed 3-15-2006)

§ 57.318 REPRESENTATIVE CAPACITY.

In all cases when any action is taken by the Director or the Administrator or their duly appointed designee to enforce the provisions of this chapter, such action shall be taken either in the name of the county or the village as the case may be, and neither the Director nor the Administrator, nor their designee in so acting, shall be rendered personally liable.
(Prior Code, § 160.203) (Ord. 06-0383, passed 3-15-2006)

§ 57.319 OVERSIGHT COMMITTEE.

The Planning and Zoning Commission has been designated by the Village Board to perform the duties assigned to the Oversight Committee in this chapter.
(Prior Code, § 160.204) (Ord. 06-0383, passed 3-15-2006)

§ 57.320 SERVICE.

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

(A) 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

(B) By any method prescribed under the Illinois Code of Civil Procedure.
(Prior Code, § 160.205) (Ord. 06-0383, passed 3-15-2006)

§ 57.321 PUBLICATION.

Unless otherwise provided herein, publication of any notice or other instrument under this chapter shall be made by publishing such notice or other instrument once in a newspaper published within the village (or, if no newspapers are published within the community, then a newspaper published in the county and having a general circulation within the village), such publication being not less than 15 or more than 30 days before the hearing or other event to which the publication relates.
(Prior Code, § 160.206) (Ord. 06-0383, passed 3-15-2006)

PERFORMANCE SECURITY

§ 57.335 GENERAL SECURITY REQUIREMENTS.

(A) As security to the village for the performance by the developer of the developer's obligations to complete the construction of any stormwater facilities required by the stormwater management permit; to pay all costs, fees and charges due from the developer pursuant to the permitting authorities of this chapter; and to otherwise faithfully perform the developer's undertakings pursuant to this chapter or the applicable certified community ordinance, the developer shall, prior to issuance of a stormwater management permit:

(1) Post a development security as provided in § 57.336; and

(2) Post a sediment and erosion control security as provided in § 57.337, if a sediment and erosion control plan is required pursuant to § 57.205 through 57.210.

(B) The developer shall bear the full cost and responsibility of securing and maintaining the securities required by this section.
(Prior Code, § 160.215) (Ord. 06-0383, passed 3-15-2006)

§ 57.336 DEVELOPMENT SECURITY.

(A) A development security shall be posted and shall include:

(1) A schedule, agreed upon by the 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 125% 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 Director or 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; and

(4) A statement signed by the applicant that the applicant shall indemnify the village and the Department for any additional costs incurred attributable to the concurrent activities of or conflicts between the applicant's contractor and the village's or Department'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 90% of the security provided for in this section may be released prior to approval of record drawings and final inspection. A minimum of 10% of the security shall be retained for a period of time not less than one year after completion of construction of all stormwater facilities required by the permit.
(Prior Code, § 160.216) (Ord. 06-0383, passed 3-15-2006)

§ 57.337 SEDIMENT AND EROSION CONTROL SECURITY.

(A) (1) If a sediment and erosion control plan is required pursuant to §§ 57.205 through 57.210, then a sediment and erosion control security shall be required.

(2) Such a security shall include:

(a) An irrevocable letter of credit, or such other adequate security as the Director or the Administrator shall approve, in an amount equal to not less than 125% of the estimated probable cost to install and maintain the sediment and erosion control measures, which estimated probable cost shall be approved by the Director or the Administrator; and

(b) A statement signed by the applicant granting the Director or the Administrator, as applicable, the right to draw on the security and the right to enter the development site to complete 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 Director or the Administrator, as applicable, until the conditions set forth in this section are satisfied.

(C) After completion of construction, establishment of vegetation, removal of all sediment from stormwater facilities and final inspection and approval by the Director or Administrator, as applicable, 100% of the sediment and erosion control security shall be released.
(Prior Code, § 160.217) (Ord. 06-0383, passed 3-15-2006)

§ 57.338 LETTERS OF CREDIT.

(A) Letters of credit posted pursuant to §§ 57.335, 57.336 and 57.337 shall be in a form satisfactory to the Administrator.

(B) Each letter of credit shall be from a lending institution: acceptable to the Administrator, as applicable; having capital resources of at least $10,000,000, or such other amount acceptable to the Director or the Administrator; with an office in the county; and 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 Administrator; and shall not expire without written notification of the Administrator at least 45 days prior to expiration;

(2) It shall not require the consent of the developer prior to any draw on it by the Director or the Administrator; and

(3) If at any time it will expire within 45 or any lesser number of days, and if it has not been renewed and the renewal submitted to 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 village for any and all costs and expenses, including legal fees and administrative costs, incurred by the county or the village, as the Director or the Administrator shall determine.

(D) If at any time 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 days following a demand by the Administrator, the developer shall increase the amount of the letter of credit to an amount determined by 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 Administrator determines that the bank issuing the letter of credit is without capital resources of at least $10,000,000, 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 Administrator otherwise reasonably deems the bank to be insecure, then 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 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 chapter or the applicable certified community ordinance, then the Director or the Administrator may, in their discretion, 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 they deem 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 chapter 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.

(Prior Code, § 160.218) (Ord. 06-0383, passed 3-15-2006)

FEE-IN-LIEU OF ON-SITE DETENTION

§ 57.350 FEE-IN-LIEU OF ON-SITE DETENTION.

(A) (1) All single-family residential developments under five acres in size and all other development under one acre in size may pay a fee of $100,000 for each acre-foot of

detention which would be required under this chapter rather than installing detention facilities on the property, unless specifically directed to do otherwise by the Village Engineer. The village also shall have the option for larger properties of requiring a fee of $100,000 for each acre-foot of detention needed in lieu of the applicant building a basin on-site provided the property will discharge stormwater to the village's storm sewer system and the applicant can demonstrate that the redevelopment will not increase the risk to downstream properties of flooding. Fee-in-lieu of solely due to financial constraints is not allowed. In addition, a redevelopment project requesting fee-in-lieu of detention must demonstrate a net benefit in water quality will be realized. The $100,000 fee may be adjusted yearly by the Construction Cost Index (CCI).

(2) The applicant may provide the village with a detailed, verifiable cost estimate for actually providing the required storage. If the Village Engineer concurs with the cost estimate, the fee set for fee-in-lieu of detention will be determined by the lessor of the $100,000 per acre-foot or part thereof or the verifiable cost of providing the required storage.

(3) To encourage redevelopment of properties that have been within the village limits for a minimum of 15 years, the Village Manager may allow a discount of up to 90% for projects if there is no increase in impervious area between the existing development and the proposed redevelopment.

(4) In instances where regional benefits and economics of scale can be achieved, it is encouraged for adjacent property owners to utilize a common regional detention basin. Special fee districts may be established for areas where a regional stormwater management plan has been approved by the Village Board. Fee-in-lieu of detention for the detention volume required for the two-year, 24-hour storm shall require a variance for sites with aggregate development or re-development greater than 20 acres subsequent to the effective date of the WCSMO unless tributary to a regional stormwater management system approved by the Village Board.

(5) At the discretion of the Village Manager, water quality BMPs may be used as credit towards the fee-in-lieu of assuming all other criteria are met.

(B) The following are fee-in-lieu of detention procedures.

(1) The Administrator may require, or the applicant may submit, a written request for the payment of a fee-in-lieu of on-site detention to fulfill all or part of the on-site detention requirement in accordance with § 57.016 a request for fee-in-lieu of on-site detention shall be either rejected or approved within 45 days of the written request unless additional engineering studies are required.

(2) Approval of a request for fee-in-lieu of on-site detention on a development site shall be determined by the Administrator.

(3) A fund will be maintained by the village 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 on-site detention approvals. All monies collected for fee-in-lieu of on-site detention shall be deposited in these funds and may only be used for purposes related to stormwater management as noted in division (B)(4) below.

(4) Fee-in-lieu of on-site detention revenues from development site may be used to plan, design or construct an upgrade to existing or future stormwater management systems if the upgrade is consistent with a basin plan, floodplain study or stormwater system improvement that has been approved by the Village Board.
(Prior Code, § 160.225) (Ord. 06-0383, passed 3-15-2006; Ord. 19-1532, passed 1-16-2019)

§ 57.999 PENALTY.

No person shall undertake or continue any development activity contrary to or in violation of any terms of §§ 57.150 through 57.163. Any person violating any of the provisions of §§ 57.150 through 57.163 shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of §§ 57.150 through 57.163 is committed, continued or permitted shall constitute a separate offense. Upon conviction of any such violation, such person, partnership or corporation shall be punished by a fine not less than $250 nor more than $5,000 for each offense. In addition to any other penalty authorized by this section, any person, partnership or corporation convicted of violating any of the provisions of §§ 57.150 through 57.163 shall be required to restore the site to the condition existing prior to commission of the violation, or to bear the expense of such restoration.
(Prior Code, § 160.100) (Ord. 06-0383, passed 3-15-2006)

APPENDIX A: TABLE 1. WILL COUNTY STORMWATER TECHNICAL GUIDANCE MANUAL RAINFALL DEPTHS AND INTENSITIES

Bulletin 75 (March 2020) - Rainfall Depths and Intensities for NE Illinois Section														
	Frequency													
Duration	2-year		5-year		10-year		25-year		50-year		100-year		500-year	
	(in)	(in/hr)	(in)	(in)	(in)	(in/hr)	(in)	(in/hr)	(in)	(in/hr)	(in)	(in/hr)	(in)	(in/hr)
5 min	*0.40*	*4.80*	*0.52*	*6.24*	*0.62*	*7.44*	*0.77*	*9.24*	*0.90*	*10.80*	*1.03*	*12.36*	*1.35*	*16.20*
10 min	*0.70*	*4.20*	*0.90*	*5.40*	*1.08*	*6.48*	*1.35*	*8.10*	*1.58*	*9.48*	*1.80*	*10.80*	*2.36*	*14.16*
15 min	*0.90*	*3.60*	*1.16*	*4.64*	*1.39*	*5.56*	*1.74*	*6.96*	*2.03*	*8.12*	*2.31*	*9.24*	*3.03*	*12.12*
30 min	*1.24*	*2.48*	*1.59*	*3.18*	*1.91*	*3.82*	*2.39*	*4.78*	*2.78*	*5.56*	*3.17*	*6.34*	*4.16*	*8.32*
1 hour	*1.57*	*1.57*	*2.02*	*2.02*	*2.42*	*2.42*	*3.03*	*3.03*	*3.53*	*3.53*	*4.03*	*4.03*	*5.28*	*5.28*
2 hour	*1.94*	*0.97*	*2.49*	*1.25*	*2.99*	*1.50*	*3.74*	*1.87*	*4.35*	*2.18*	*4.97*	*2.49*	*6.52*	*3.26*
3 hour	*2.14*	*0.71*	*2.75*	*0.92*	*3.30*	*1.10*	*4.13*	*1.38*	*4.80*	*1.60*	*5.49*	*1.83*	*7.20*	*2.40*
6 hour	*2.51*	*0.42*	*3.23*	*0.54*	*3.86*	*0.64*	*4.84*	*0.81*	*5.63*	*0.94*	*6.43*	*1.07*	*8.43*	*1.41*
12 hour	*2.91*	*0.24*	*3.74*	*0.31*	*4.48*	*0.37*	*5.61*	*0.47*	*6.53*	*0.54*	*7.46*	*0.62*	*9.78*	*0.82*
18 hour	*3.14*	*0.17*	*4.04*	*0.22*	*4.84*	*0.27*	*6.06*	*0.34*	*7.05*	*0.39*	*8.06*	*0.45*	*10.57*	*0.59*
24 hour	*3.34*	*0.14*	*4.30*	*0.18*	*5.15*	*0.21*	*6.45*	*0.27*	*7.50*	*0.31*	*8.57*	*0.36*	*11.24*	*0.47*
48 hour	*3.66*	*0.08*	*4.71*	*0.10*	*5.62*	*0.12*	*6.99*	*0.15*	*8.13*	*0.17*	*9.28*	*0.19*	*12.10*	*0.25*
72 hour	*3.97*	*0.06*	*5.08*	*0.07*	*6.05*	*0.08*	*7.49*	*0.10*	*8.64*	*0.12*	*9.85*	*0.14*	*12.81*	*0.18*
120 hour	*4.42*	*0.04*	*5.63*	*0.05*	*6.68*	*0.06*	*8.16*	*0.07*	*9.39*	*0.08*	*10.66*	*0.09*	*13.81*	*0.12*
240 hour	*5.60*	*0.02*	*7.09*	*0.03*	*8.25*	*0.03*	*9.90*	*0.04*	*11.26*	*0.05*	*12.65*	*0.05*	*16.00*	*0.07*

(Prior Code, Ch. 160, App. A) (Ord. 06-0383, passed 3-15-2006; Ord. 19-1532, passed 1-16-2019; Ord. 19-1603, passed 12-18-2019)

APPENDIX B: TABLE 2. SUMMARY OF APPLICABLE CHAPTER SECTIONS FOR DEVELOPMENTS IN FLOODPLAINS

When This Occurs on Development site	All Development Must Meet the Requirements of Sections (Except as Noted)									
	57.131	57.132	57.132	57.132	57.132	57.132	57.133	57.134	57.135	57.136
Floodplains	X	(E), (F) only	- -	- -	- -	X	- -	- -	- -	- -
Regulatory Floodplains	X	X	X	X	X	- -	X (Note 1)	- -	- -	Bridge & Culvert Projects
Regulatory Floodways	X	X	X	X (Note 2)	X	- -	X	X	- -	- -
Riverine Regulatory Floodplains	X	X	X	X	X	- -	- -	- -	X	- -

Note 1. Riverine, floodplains only
Note 2. For buildings meeting appropriate use criteria
(Prior Code, Ch. 160, App. B) (Ord. 06-0383, passed 3-15-2006)

APPENDIX C: TABLE 3. PERMIT SUBMITTAL REQUIREMENTS

	Required Submittals (refer to sections listed for specific material)						
	Section No./Description						
	57.207	57.208	57.209	57.210	57.226	57.227	57.228
	Application and Project Overview	Plan Set Submittal	Stormwater Submittal	Floodplain Submittal	Performance Security	Maintenance Schedule and Funding	Record Drawings
All requiring a permit	X	X			X	X	X
All developments on sites with floodplains	X	X		X	X	X	X
All developments on sites with or adjacent to waters of the U.S.	X	X			X	X	X
All applications requesting variances	X	X	X	If on site	X	X	X
All requiring detention/ retention	X	X	X		X	X	X

(Prior Code, Ch. 160, App. C) (Ord. 06-0383, passed 3-15-2006)

APPENDIX D: TABLE 4. VILLAGE OF ROMEOVILLE LIST OF PROPOSED EXEMPT DEVELOPMENTS

Industrial

Pinnacle Business Park (Pizzuti)

ProLogis Park 55 (ProLogis)

All of Windham Lakes, including the original area north of I-55 and the "Southwest Quad" area (Panattoni)

Crossroad Distribution Center (Duke-Weeks)

Ridgewood Business Park (Baarstad)

Romeoville Commercial/Sunrise Business Park (Redeihs)

Airport Industrial Center (Wagner)

Marquette Business Park (Andersen)

Boldt Park (Ryan)

Romeoville Wastewater Treatment Plants No. 1 and No. 2

Romeoville 5-ac Site — REMA and Salt Dome

Len Cox & Sons

Commercial

Romeo Towne Center (Dominicks)

Carillon Court

Normantown Center (Premiere Development)

Sam's Club site

Jewel & outlots

Pizzuti commercial area at NE corner Weber & Airport

Creekside commercial (Pasquinelli)

Ron March commercial at SW corner Weber & Airport

Grand Haven Marketplace (Continental Props) at NW corner of Weber & Renwick

Commercial Development (Gierczyk) — NE corner of Weber Rd and Renwick Rd.

Lakewood Falls 7C commercial at NW corner of Weber & Grand Haven Circle

Lakewood Center Retail (Beechan) at NE corner of Airport and Budler

Downtown Romeoville (limits incorporated by "Romeoville Downtown Redevelopment Study")

Residential
Dollinger Farm (Sharp Homes) at SE corner I-55 & Airport Rd

Fieldstone(Pasquinelli)

Lakewood Falls 7

Grand Haven

Bigelow - Airport Rd property

Creekside (Pasquinelli)

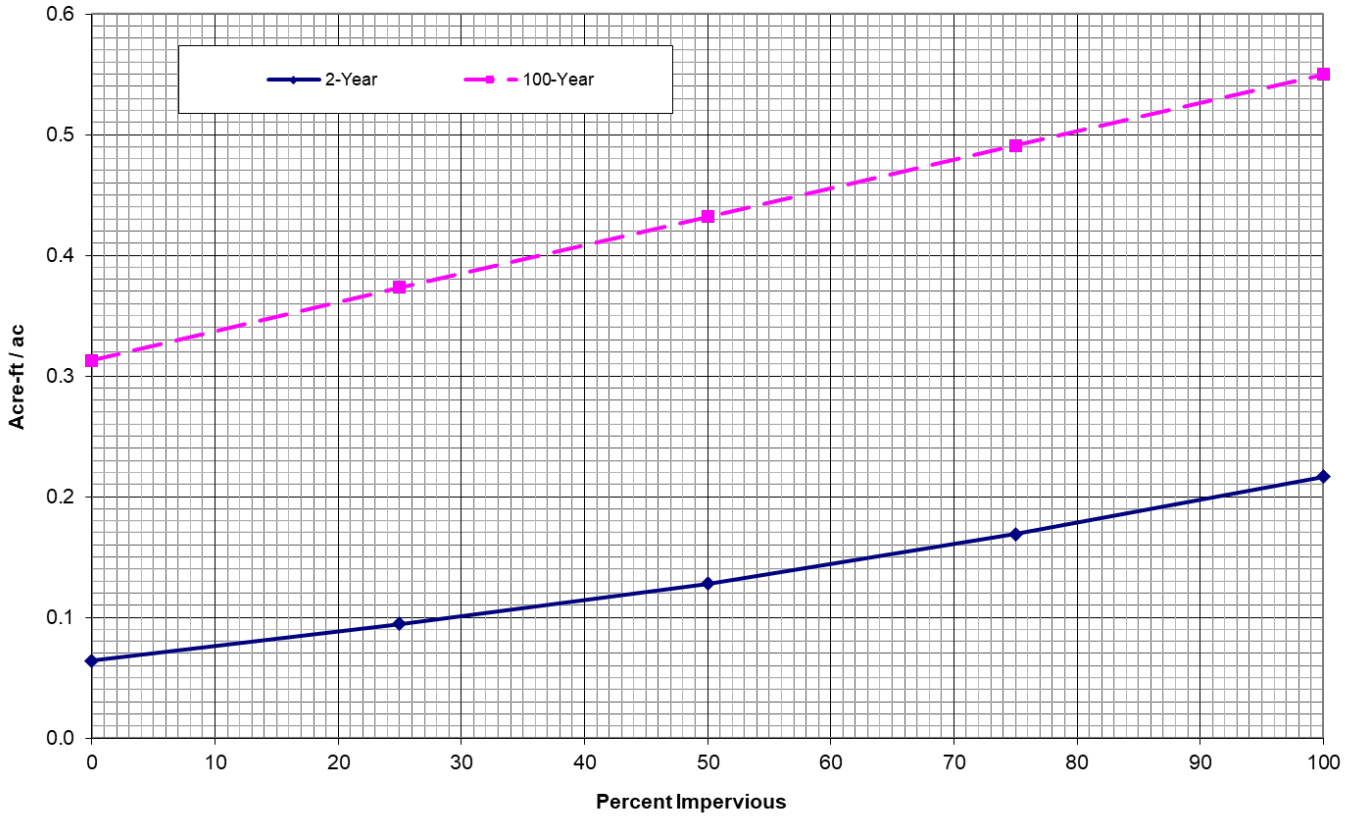
Nottingham Ridge (Neumann)

Meadowdale Estates (GAT / Trapp)

Haley Meadows

Heritage Place
(Prior Code, Ch. 160, App. D) (Ord. 06-0383, passed 3-15-2006)

APPENDIX E: FIGURE 1. DETENTION VOLUME VS. PERCENT IMPERVIOUS WILL COUNTY RAINFALL



(Prior Code, Ch. 160, App. E) (Ord. 06-0383, passed 3-15-2006)

APPENDIX F: FLOOD INSURANCE STUDY (FIS) AND FLOOD INSURANCE RATE MAP (FIRM) PANELS

Community Name: Village of Romeoville
Community Number: 170711

Flood Insurance Study - Effective February 15, 2019

Map Panel	Map Revised:
17197C0045G	February 15, 2019
17179C0058G	February 15, 2019
17197C0061G	February 15, 2019
17197C0062G	February 15, 2019
17197C0065G	February 15, 2019
17197C0070G	February 15, 2019
17197C0135G	February 15, 2019
17197C0154G	February 15, 2019
17197C0155G	February 15, 2019
17197C0156G	February 15, 2019

(Prior Code, Ch. 160, App. F) (Ord. 19-1532, passed 1-16-2019)