

ORDINANCE NO. O-19-023

ORDINANCE PROVIDING FOR THE CITY'S STORMWATER AND FLOODPLAIN MANAGEMENT REGULATIONS IN CHAPTER 10 OF THE CITY CODE CONSISTENT WITH THE DuPAGE COUNTY COUNTYWIDE STORMWATER AND FLOODPLAIN ORDINANCE APPROVED BY DuPAGE COUNTY ON MAY 14, 2019

WHEREAS, the City of Wood Dale (hereinafter referred to as the “City”) is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the City possesses the authority, pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*, to adopt ordinances pertaining to the public health, safety and welfare; and

WHEREAS, on May 14, 2019, the DuPage County Board approved the DuPage County Countywide Stormwater and Floodplain Ordinance which requires enforcement municipalities such as the City to approve and adopt the provisions set forth therein; and

WHEREAS, the Mayor and the City Council believe it to be in the best interests of the Citizens of the City to approve and adopt the stormwater and floodplain management regulations consistent with the DuPage County Countywide Stormwater and Floodplain Ordinance approved by DuPage County on May 14, 2019, which regulations are attached hereto and incorporated herein by reference as Exhibit A.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOOD DALE, DUPAGE COUNTY, ILLINOIS, as follows:

SECTION ONE: The recitals set forth above are incorporated herein and made a part hereof.

SECTION TWO: The City’s stormwater and floodplain management regulations attached hereto and incorporated herein by reference as Exhibit A are hereby adopted and approved consistent with the DuPage County Countywide Stormwater and Floodplain Ordinance approved by DuPage County on May 14, 2019, which regulations shall be codified in reserved Chapter 10 of the City Code.

SECTION THREE: All ordinances or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION FOUR: That the City Clerk of the City of Wood Dale is hereby directed to publish this Ordinance in pamphlet form, in accordance with the statutes of the State of Illinois.

SECTION FIVE: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

PASSED this 18th day of July, 2019

AYES: Aldermen Catalano, JAKAB, Messina, Sorrentino, Susmarski, E.
Wesley, R. Wesley and Woods.

NAYS: None

ABSENT: None

APPROVED this 18th day of July, 2019

SIGNED: Annunziato Pulice
Annunziato Pulice, Mayor

ATTEST: Annunziata Melere, Deputy Clerk for Shirley
Shirley J. Siebert, City Clerk Siebert City Clerk

Published in pamphlet form on July 18, 2019

EXHIBIT A

Chapter 10

STORMWATER AND FLOODPLAIN MANAGEMENT

10.101. TITLE, AUTHORIZATION, FINDINGS, STORMWATER MANAGEMENT PLAN AND WATERSHED PLANS:

10.102. STORMWATER COMMITTEE ENFORCEMENT WITHIN THE CITY:

10.103. GENERAL PROVISIONS:

10.104. ADMINISTRATION:

10.105. REQUIREMENTS FOR STORMWATER AND FLOODPLAIN MANAGEMENT:

10.106. SPECIAL MANAGEMENT AREAS:

10.107. STORMWATER MANAGEMENT PERMITS:

10.108. PROHIBITED ACTS:

10.109. PERFORMANCE SECURITY:

10.110. ENFORCEMENT AND PENALTIES:

10.111. APPEALS:

10.112. VARIANCES:

10.113. MISCELLANEOUS PROVISIONS:

Sec. 10.101. Title, Authorization, Findings, Stormwater Management Plan and Watershed Plans.

- A. Title: This Chapter shall be known and may be cited as the *WOOD DALE STORMWATER AND FLOODPLAIN MANAGEMENT ORDINANCE*.
- B. Authorization: The City promulgates this Chapter pursuant to its authority to adopt ordinances regulating floodplain management and governing the location, width, course, and release rate of all stormwater runoff channels, streams, and basins in the City, in accordance with the adopted DuPage County stormwater management plan (hereinafter referred to as "plan"). The statutory authority for this Chapter is contained in 65 Illinois Compiled Statutes 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8, and 5/11-31-2 and other applicable authority, all as amended from time to time.
- C. Recommendation: The plan was recommended by the Stormwater Management Committee of the DuPage County Board, after review by the appropriate agencies and public hearing, as ordinance OSM-0001-89. The plan is available for public inspection in the Office of the City Clerk of the City of Wood Dale.
- D. Findings: The City finds hereby that:
1. Inappropriate use of the floodplain and development have increased flood risk, flood damage, and environmental degradation;
 2. It is necessary to consider stormwater management on a watershed basis;
 3. The City drains poorly because of flat topography and soils of low permeability;
 4. The costs of increasing channel capacity are prohibitive;

5. Many land development practices upset the natural hydrologic balance of the City's streams;
6. Most flood damage occurs to structures developed adjacent to streams in the floodplain or floodway;
7. Wetlands represent a significant portion of the natural watershed storage in the City, and wetlands play an essential role in flood storage, conveyance, sediment control, and water quality enhancement;
8. Many stormwater management facilities are not adequately maintained;
9. The authority for control of stormwater facilities is widely distributed to many entities in the City;
10. There are many strong local stormwater management programs; and
11. Inconsistent enforcement of stormwater regulations contributes to the extent and severity of flood damage.

E. Adoption of DuPage County Countywide Stormwater And Floodplain Ordinance: It is hereby adopted by the City for the purpose of establishing rules and regulations for the construction, alteration, use and occupancy, location and maintenance of land development and building construction in accordance with proper floodplain and stormwater controls, including permits and penalties, that certain code known as the DuPage County Countywide Stormwater and Floodplain Ordinance being particularly the May 14, 2019 edition thereof, and all subsequent amendments, and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended per this Chapter, of which one copy has been and now is filed in the office of the City Clerk and the same is hereby adopted and incorporated as fully as if set out at length therein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the City.

F. Adoption of Flood Study And Flood Maps: While the DuPage County Countywide Stormwater and Floodplain Ordinance includes a list of streams, maps, and stream profiles, the following streams, maps, and stream profiles apply specifically to the City of Wood Dale and surrounding unincorporated DuPage County areas that are within the extraterritorial jurisdiction of the City of Wood Dale and which may in the future be annexed to the City of Wood Dale:

1. The mapped streams with designated floodways and floodplains are:
 - a. Salt Creek.
2. Flood insurance study, DuPage County, Illinois and incorporated areas, dated August 1, 2019, and all subsequent revisions, including the following specific stream flood profiles:
 - a. Salt Creek

3. Flood Insurance Rate Map, DuPage County, Illinois, and incorporated areas, county number 17043C, panel numbers 0059, 0076, 0077, 0078, and 0079, dated August 1, 2019, and all subsequent revisions.

G. Purpose: This Chapter is enacted pursuant to the police powers granted to the City by 65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8, and 5/11-31-2. The purpose of this Chapter is to maintain the City's eligibility in the National Flood Insurance Program; to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax bases, all of which adversely affect the public health, safety and general welfare; and to preserve and enhance the quality of surface waters, conserve economic and natural values and provide for the wise utilization of water and related land resources. This Chapter is adopted in order to accomplish the following specific purposes:

1. Managing and mitigating the effects of urbanization on stormwater drainage throughout the City;
2. Reducing the existing potential for stormwater damage to public health, safety, life, and property;
3. Protecting human life and health from the hazards of flooding and degradation of water quality;
4. Protecting and enhancing the quality, quantity, and availability of surface and ground water resources;
5. Preserving and enhancing existing wetlands and aquatic and riparian buffers;
6. Controlling sediment and erosion in and from stormwater facilities, developments, and construction sites;
7. Preventing the further degradation of the quality of ground and surface waters;
8. Requiring appropriate and adequate provision for site runoff control, especially when the land is developed for human activity;
9. Requiring the design and evaluation of each site runoff control plan consistent with watershed capacities;
10. Encouraging the use of stormwater storage in preference to stormwater conveyance;
11. Lessening the taxpayers' burden for flood related disasters, repairs to flood damaged public facilities and utilities, and flood rescue and relief operations;
12. Meeting the requirements of 615 Illinois Compiled Statutes 5/18g Rivers, Lakes and Streams Act, as amended from time to time;
13. Making Federally subsidized flood insurance available to individual communities and for property throughout the County by fulfilling the requirements of the National Flood Insurance Program;

14. Complying with the rules and regulations of the National Flood Insurance Program codified in title 44 of the Code of Federal Regulations;
15. Encouraging cooperation between the County, communities, and other governmental entities with respect to floodplain and stormwater management;
16. Requiring cooperation and consistency in stormwater management activities within and between the units of government having stormwater jurisdiction;
17. Restricting future development in the floodplain to facilities that will not adversely affect the floodplain environments or adversely affect the potential for flood damage;
18. Incorporating water quality and habitat protection measures in all stormwater management activities within DuPage County;
19. Requiring regular, planned maintenance of stormwater management facilities;
20. Encouraging control of stormwater quantity and quality at the most site specific or local level;
21. 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;
22. Providing a procedure by which communities throughout the County may petition the DuPage County Stormwater Management Planning Committee to implement and enforce the provisions of this Chapter or an ordinance consistent with, and at least as stringent as, this Chapter; and
23. Requiring strict compliance with and enforcement of this Chapter.

H. Scope of Provisions:

1. This Chapter supplements all of the subdivision, zoning, and building regulations of the City of Wood Dale.
2. The provisions of this Chapter regulate and restrict:
 - a. The subdivision, layout and improvement of land, including drainage, underground utilities and service facilities;
 - b. The excavating, filling and grading of lots and other parcels and areas of floodplains, the storing of certain materials thereon, modifications of streams and other floodwater runoff channels, detention ponds and basins; and
 - c. The location, construction and elevation of buildings and other structures and parts and appurtenances thereof, and the drainage of parking and other paved lots or areas.

- I. Reference to Watershed Plans: This Chapter recognizes the integrated nature of the watershed system and the need to study certain flood control alternatives and other stormwater management functions on a watershed basis.
 1. The following two (2) major watershed divisions affecting the territory within the corporate limits of the City are identified for detailed watershed studies:
 - a. Salt Creek watershed;
 - b. Des Plaines River tributaries watershed.
 2. Watershed plans or interim watershed plans shall be prepared and periodically updated for the two (2) major watersheds identified in subsection I1 of this section, to identify management projects and establish criteria for development.
 3. Adopted watershed plans or interim watershed plans which contain specific criteria more or less stringent than the criteria established in this Chapter shall govern.
 - a. Such watershed plans, upon their completion, approval, and proper adoption, shall be deemed as being incorporated into this Chapter hereby.
 - b. Watershed specific criteria established in such watershed plans or interim watershed plans, upon their completion, shall be set forth in subsection I1 of this section.
 4. The requirements of this Chapter shall apply in all watersheds unless superseded by specific watershed criteria.

Sec. 10.102. Stormwater Committee Enforcement Within the City.

- A. Authority and procedures regarding enforcement and complaints shall be as indicated in the DuPage County Countywide Stormwater and Floodplain Ordinance.
- B. When applicable, the City designates the Public Works and/or Community Development Departments to receive the complaint and perform all necessary tasks regarding the complaint, including preparation of a written report of findings and determinations with the assistance of the City Engineer.

Sec. 10.103. General Provisions.

A. Scope of Regulation:

1. This Chapter shall apply to all development of property within the boundaries of the City, including those under the control of any governmental entity, agency, or authority, except State and Federal government agencies of higher jurisdiction or authority.
2. Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-23 for all other scope and exemption provisions.

- B. Interpretation: The DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-25 shall apply with the following exception:
 - 1. Interpretation of technical provisions of this Chapter shall be made by the City Engineer who may also consult the MEG for an advisory opinion.
- C. Warning and Disclaimer of Liability: Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-26.
- D. Definitions:

COE: United States Army Corps of Engineers.

FEMA: The Federal Emergency Management Agency and its regulations.

FLOOD PROTECTION ELEVATION OR FPE: The elevation of the base flood plus two feet (2') at any given location in the special flood hazard area.

FLOODPLAIN: The area typically adjacent to and including a body of water where ground surface elevations are at or below a specified flood elevation.

FLOODWAY: That portion of the SFHA required to store and convey the base flood. The floodway for the SFHAs of Salt Creek shall be as delineated on the Flood Insurance Rate Map, DuPage County, Illinois, and incorporated areas, county number 17043C, panel numbers 0059, 0076, 0077, 0078, and 0079, dated August 1, 2019, and all subsequent revisions. The floodway for each of the remaining SFHAs of the City shall be according to the best data available to the Illinois State water survey floodplain information repository.

OWR: Illinois Department of Natural Resources - Office of Water Resources

REGULATORY FLOODPLAIN: The floodplain as determined by the base flood elevation used as the basis for regulation in Section 15-80 of the DuPage County Countywide Stormwater and Floodplain Ordinance.

Sec. 10.104. Administration.

A. Responsibility for Administration:

- 1. The City Council shall determine policy related to and direct the enforcement of this Chapter.
- 2. The City Engineer shall have the authority and responsibility for the administration of this Chapter. In performing his or her duties, the City Engineer may delegate routine responsibilities to any named designee.
- 3. The City shall remain solely responsible for its standing in the NFIP and for:
 - a. Maintaining records and submitting reports for the NFIP, including elevation certificates, floodproofing certificates, and lowest floor elevations; and

- b. Notifying the DuPage County Director of Stormwater Management, FEMA, OWR, COE, the Illinois Environmental Protection Agency, and the Federal Environmental Protection Agency of any proposed amendment to this Chapter.
- B. Duties of The City Engineer: The City Engineer shall perform the duties and functions as set forth in the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-13 and 15-14.
- C. Duties of the Public Works Director: The Public Works Director shall oversee the implementation and enforcement of this Chapter within the City.
- D. Representative Capacity: Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance regarding any action taken by the City or a City designee.
- E. Required Inspections: Developments shall be subject to periodic inspections by the City, City Engineer, or other City designee per the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-20.

Sec. 10.105. Requirements for Stormwater and Floodplain Management.

A. General Information:

- 1. All developments shall meet the requirements specified for general stormwater and floodplain development, site runoff, sediment and erosion control, and performance security as outlined in this Chapter, or as outlined in the DuPage County Countywide Stormwater and Floodplain Ordinance, whichever is more restrictive.
- 2. An increase of 10,000 sq. ft. or more of impervious area will require detention, rather than an increase of 25,000 sq. ft. or more as required by DuPage County.
- 3. Development shall also meet the more specific requirements of applicable adopted watershed plans or adopted interim watershed plans, set forth earlier in this Chapter.
- 4. All developments within floodplain, floodway wetlands, buffers, and substantial improvements within a floodplain, shall also satisfy the requirements specified in section [10.106](#) of this Chapter.
- 5. All developers shall submit the documents specified in section [10.107](#) of this Chapter to verify compliance with these requirements.
- 6. Facilities constructed under the provisions of this Chapter shall be maintained according to the criteria and guidelines established in the plan. Maintenance is the responsibility of the owner of the land on which the stormwater facilities are constructed unless the responsibility is assigned, pursuant to subsection [10.109H](#) of this Chapter, to an entity acceptable to the governmental unit that has jurisdiction over such land.

B. General Stormwater and Floodplain Requirements:

- 1. Development shall comply with the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-27 and 15-28 as well as the following requirements.

2. The analysis and design of all stormwater and floodplain facilities required for development shall:
 - a. Be consistent with the technical guidance for the DuPage countywide stormwater and floodplain ordinance for the plan;
 - b. Consider existing and ultimate watershed and land use conditions, with and without the proposed development.
3. Stormwater facilities shall be functional before building permits are issued for residential and nonresidential subdivisions. Stormwater facilities include site runoff storage and flood compensatory storage or building construction that increases total impervious area.
4. Stormwater facilities shall be functional where practicable for single parcel developments before general construction begins.
5. All usable space in new buildings or added to existing buildings adjacent to a major stormwater system, site runoff storage facility overflow path or site runoff storage facility, shall be elevated, floodproofed, or otherwise protected to at least one foot (1') above the design elevation to prevent the entry of surface stormwater. The design elevation is the elevation associated with the design rate as determined in subsection D8f of this section.

C. Site Runoff Requirements:

1. Development shall comply with the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-71 as well as the following requirements.
2. No Damage to Adjacent Property: Stormwater facilities shall be required and be designed so that runoff exits the site at a point where flows will not damage adjacent property.
3. Compliance with Illinois Law: Stormwater facilities shall be designed to conform with the requirements of Illinois law and the applicable Watershed plans.
4. Design Runoff Rates Calculation: Design runoff rates shall be calculated by using continuous simulation models or by event hydrograph methods. If event hydrograph methods are used, they must be either HEC-1 SCS runoff method, TR-20, HEC-HMS, or TR-55 tabular method. Event methods must incorporate the following assumptions:
 - a. Antecedent moisture condition = 2; and
 - b. Huff or SCS type II rainfall distribution.
5. Stormwater System Location: Major and minor stormwater systems shall be located within easements or rights of way explicitly providing for public access for maintenance of such facilities.
6. Maximum Flow Depths: Maximum flow depths on any roadway shall not exceed six inches (6") during the base flood condition. This requirement does not apply to the at-grade repair, resurfacing or in-kind replacement of a roadway existing prior to the effective date of this Ordinance.

7. Incorporation of BMPs: Developments shall, to the extent practicable and necessary, incorporate the following Best Management Practices (hereinafter referred to as "BMPs") into the design to minimize increases in runoff rates, volumes, and pollutant loads:
 - a. The following requirements for site runoff shall apply to industrial and commercial developments and also to residential developments to the extent not inconsistent with the requirements in subsection C7b of this section:
 - (1) All runoff from rooftops and parking lots, and discharge from sump pumps, that does not discharge into a site runoff storage facility shall be directed onto vegetated swales or filter strips, for a distance of at least fifty feet (50').
 - (2) Vegetated swales shall be utilized, where appropriate, as an alternative to storm sewers to promote the infiltration of stormwater and the filtration of stormwater pollutants.
 - (3) Effective impervious surface area should be limited by site designs which minimize the area of streets, parking lots, and rooftops and/or utilize permeable paving material such as concrete grids in low traffic areas.
 - (4) Other Best Management Practices (hereinafter referred to as BMPs) such as infiltration basins and trenches (where permeable soils are present) and filtration basins and sand filters (on highly impervious or industrial developments) shall be utilized where appropriate.
 - (5) The practices and procedures established in the technical guidance for the DuPage County Countywide Stormwater and Floodplain Ordinance for the plan and as described in the United States Environmental Protection Agency's "Guidance Specifying Management Measures For Sources Of Nonpoint Pollution In Coastal Waters", dated January 1993.
 - b. The following requirements shall apply to all residential developments for which building permits are issued on and after March 1, 2009:
 - (1) For all teardown lots and all subdivisions less than one-half ($1/2$) acre in size:
 - (A) All gutters, downspouts and sump pump discharges shall have their flows directed in such a manner as to disperse the flow throughout the lot, to provide maximum infiltration, and reduce the concentration of flow which may otherwise have an adverse effect on neighboring properties. Where the property is tributary to a detention basin that was designed to accommodate the runoff from the lot or subdivision, downspouts and sump pump discharges shall be connected directly to the storm sewer. Where the property is not tributary to such detention basin, vegetated infiltration areas with subsurface drainage shall be used to provide stormwater quality benefits and reduce the concentration of runoff.

(B) Slopes on all lots shall be designed at a minimum of two percent (2%) grade, except that on lots existing prior to March 1, 2009, the existing slopes may be allowed to remain if they are a minimum of one and one-half percent (1½%) grade. Following construction, an as built survey shall be submitted to the City in order to verify that the site was constructed to the elevations and slopes shown on the approved engineering plans. It shall be unlawful for the owner of any property which has been improved or graded in accordance with the provisions specified herein to alter the grading from that which is shown on the approved as built plan.

(C) Additionally, the entire runoff from the site shall be treated in accordance with the BMP requirements of the DuPage County Countywide Stormwater and Floodplain Ordinance, or a fee specified in the master fee schedule, shall be paid in lieu of providing such treatment. The fee in lieu rate shall be in accordance with the current County Ordinance:

Use of the fee in lieu option shall satisfy the requirements with respect to the DuPage County Countywide Stormwater and Floodplain Ordinance BMP; however, all City of Wood Dale requirements must still be adhered to, including those in subsections C7b(1)(A) and C7b(1)(B) of this section. The fee in lieu funds collected shall be accounted for in a separate account and shall be used for the construction of new BMPs, or for the maintenance and repair of existing BMPs.

(2) For all subdivisions between one-half (½) and two (2) acres in size:

(A) All of the requirements in subsection C7b(1) of this section.

(B) The drainage system of all subdivisions whose final plats are approved on or after March 1, 2009, shall be required to connect to an existing storm sewer. If an existing storm sewer is not adjacent to the subdivision, an offsite storm sewer shall be constructed.

(3) For all subdivisions two (2) acres or greater in size:

(A) Site runoff storage (detention) is required in accordance with this Code.

(B) The detention facilities shall be designed in accordance with the provisions of the DuPage County Countywide Stormwater and Floodplain Ordinance and shall incorporate BMPs in accordance with the recommendations found in appendix E of the DuPage County Countywide Stormwater and Floodplain Ordinance: water quality Best Management Practices technical guidance. This shall be in addition to the requirements of this subsection C7 and this Code. There shall be no fee in lieu of providing water quality

BMPs for residential subdivisions of two (2) acres or greater requiring runoff storage.

- c. An alternative to providing water quality BMPs for other types of development, an owner or developer may pay a fee in lieu specified in the master fee schedule. No fee in lieu of providing water quality BMPs shall be granted for developments other than those expressly provided for in subsections C7a and C7b of this section and subsection C7c.
 - d. Variances from the requirements of subsections C7a and C7b of this section shall conform to the procedures and requirements of section [10.112](#) of this Chapter, except that, prior to submitting the petition for variance to the Community Development Director, the City Engineer shall submit such to the DuPage County Stormwater Management Planning Committee for review and the making of recommendation. The recommendations of the DuPage County Stormwater Management Planning Committee shall be submitted for consideration by the Community Development Commission at the same time as the petition for variance is considered. No variance requesting the construction of swales as the sole means of accommodating stormwater runoff in either new developments or on teardown lots shall be granted unless the appropriate drainage structures and storm sewers are provided at the receiving end of the swales to collect the runoff. No variance for a fee in lieu of providing water quality BMPs shall be granted where runoff storage (detention) is required.
8. Best management practices are required in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-63, 15-64, and 15-65 as well as the following requirements.
- a. Postconstruction Best Management Practices: PCBMPs, a term that also includes VCBMPs, are required onsite to treat stormwater runoff for pollutants of concern and reduce runoff volume for all developments with two thousand five hundred (2,500) square feet or more net new impervious area compared to predevelopment conditions, with the exceptions and exclusions noted below. Upon a documented finding by the City Engineer that providing either PCBMPs or VCBMPs onsite is impractical, then a PCBMP fee in lieu shall be paid by the applicant in lieu of providing onsite PCBMPs and VCBMPs.
 - (1) Onsite PCBMPs or VCBMPs are waived for the following developments in addition to those listed in the DuPage County Countywide Stormwater and Floodplain Ordinance:
 - (A) The development is limited to the resurfacing or reconstruction of an existing roadway or the replacement of an existing culvert or bridge that drains to an appropriately sized and functional PCBMP; or
 - (B) Linear utility developments. This exception does not include buildings, substations, pads, parking lots or other associated utility support facilities.
 - (2) DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-63.B prohibits onsite infiltration for certain types of projects.

However, the City requires an equivalent PCBMP fee in lieu if specifically waived by the County:

- b. Volume Control Best Management Practices Design Criteria: Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-63, 15-64, and 15-65 as well as the following requirements:
 - (1) The required VCBMP volume shall be calculated as the product of the new impervious area and the rainfall depth generated from a 1.25-inch rainfall event occurring over a two (2) hour period. No abstractions are taken on the rainfall depth.
 - (A) The VCBMP shall be designed with sufficient volume to store the calculated volume.
 - (B) The preferred method of discharge from the VCBMP facility is through an infiltration or evapotranspiration facility. Where soils are inappropriate for infiltration, a means of positive conveyance, such as a perforated drain, may be used provided that the VCBMP does not draw down in less than forty-eight (48) hours. The underdrain may not be set with an invert below the midline of the trench or other excavation.
 - (C) A control structure or minimum four-inch (4") perforated drain shall be used where volumes are very small and conveyance designs become impractical to implement, even if that causes drawdown times to be less than forty-eight (48) hours.
 - (2) The design of the facility will be such that runoff from impervious surfaces is captured, with a preference for those impervious surfaces used by automobiles, if an element of the overall development.
- c. Pollutants of Concern: PCBMPs are required onsite to treat the identified pollutants of concern in runoff from newly constructed impervious surfaces in a development. Applicants shall identify the pollutants of concern that may be generated by the proposed development from the following list: total suspended solids (TSS), metals, oils, and nutrients consisting of nitrogen and phosphorous. Applicants shall design the combination of onsite VCBMPs and PCBMPs to store any required volume and treat the identified pollutants of concern. Proposed PCBMPs shall only be required to treat those pollutants identified and agreed to by the City Engineer.
- d. VCBMPs Effective at Pollutant Removal: The following VCBMPs are considered to be effective at pollutant removal, provided that they are designed to also treat the pollutants of concern:
 - (1) Constructed wetlands, or
 - (2) Wet or wetland bottom site runoff storage basins, or
 - (3) Vegetated compensatory flood storage ponds, or

- (4) Infiltration ponds or trenches, with vegetative surfaces, with or without an underdrain system.
- (5) Vegetated swales with infiltration capability, with or without an underdrain system.
- (6) Other VCBMPs that can be demonstrated to be effective at treating the pollutants of concern.

D. Site Runoff Storage Requirements (Detention):

1. Maximum site runoff storage requirements shall be consistent with the information, procedures, and requirements of the applicable Watershed Plans and Studies of this section, except as limited by the provisions of subsection D2 of this section.
2. If no release rate, or a greater release rate than identified below, is specified in the applicable Watershed Plans and Studies of this section, then sufficient storage shall be provided such that the probability of the post development release rate exceeding 0.1 cfs/acre of disturbed site area shall be less than one percent (1.0%) per year. Design runoff volumes shall be calculated using continuous simulation or event hydrograph methods.
3. If event hydrograph methods are used to calculate design runoff volumes, they must be either HEC-1 SCS runoff method with outlet routing option, TR-20 with outlet control routing option, or TR-55 tabular method. Events methods shall incorporate the following assumptions:
 - a. Antecedent moisture condition = 2; and
 - b. Huff or SCS type II rainfall distribution; and
 - c. Twenty-four (24) hour duration storm with a one percent (1%) probability of occurrence in any one year as specified by Illinois State Water Survey Bulletin 70 Northeast Sectional Rainfall Statistics, as amended from time to time.
4. If continuous simulation methods are used, design runoff volumes shall be calculated using the Wheaton National Oceanic and Atmospheric Administration rainfall record from 1949 to present.
5. For sites where the undeveloped release rate is less than the maximum release rate in subsection D2 of this section, the developed release rate and corresponding site runoff storage volume shall be based on the existing undeveloped release rate for the development site.
6. All hydrologic and hydraulic computations must be verified under the full range of expected downstream water surface elevations, from low flow through the base flood elevation.
7. Responsibility for maintenance of all storage facilities shall be designated on the plat of subdivision or other recorded documents.

8. Storage facilities shall be designed and constructed with the following characteristics:
- a. Water surface depths two feet (2') above the base flood elevation will not damage the storage facility.
 - b. The storage facilities shall be accessible and easily maintained.
 - c. All outlet works shall function without human intervention or outside power and shall operate with minimum maintenance.
 - d. Storage facilities shall facilitate sedimentation and catchment of floating material.
 - e. Storage facilities shall minimize impacts of stormwater runoff on water quality by incorporating Best Management Practices.
 - f. Storage facilities shall provide an overflow structure and overflow path that can safely pass excess flows through the development site. The minimum design rate shall be 1.0 cfs/acre of the entire upstream drainage area tributary to the storage facility without damaging any buildings onsite or surrounding the site with overbank flooding and shall discharge at the same location as where water leaves the site pre-development. This location may be modified by the Public Works Director or City Engineer. This conveyance shall begin operation at the elevation at which the site runoff storage volume is met. If 100-acres or greater drains to the emergency overflow, then the overflow is part of the major drainage system and it also falls under the floodplain management requirements. A minimum of one-foot (1') freeboard shall be permitted around the detention basin above the design water level of the overflow structure.
 - g. Wet detention basins shall be designed to remove stormwater pollutants, to be safe, to be aesthetically pleasing, and as much as feasible to be available for recreational use.
 - (1) Wet basins shall be at least three feet (3') deep, excluding near shore banks and safety ledges. If fish habitat is to be provided, they shall be at least ten feet (10') deep over twenty five percent (25%) of the bottom area to prevent winter freeze out.
 - (2) The permanent pool volume in a wet basin at normal depth shall be equal to the runoff volume from its watershed for a twenty-four (24) hour duration storm with a fifty percent (50%) probability of occurrence in any year.
 - (3) Wet basins shall be designed in a manner which will reduce as much as practicable nuisance problems such as algae. Aeration or other control methods may be required to minimize such nuisance problems.
 - h. The maximum stormwater storage depth in parking lots shall be not greater than six inches (6").
 - i. The shorelines of all detention basins at 100-year capacity shall be as level as practicable to prevent accidental falls into the basin and for stability and ease of

maintenance. Shorelines shall not have a greater than four to one (4:1) horizontal to vertical slope. Shoreline protection shall be provided to prevent erosion from wave action.

- j. The side of the banks of both wet and dry detention basins shall not have a horizontal to vertical slope steeper than four to one (4:1). Every retention or detention basin or other storage facility shall be constructed so that there is no encroachment of water at high water level upon adjacent lots or tracts.
 - k. All wet detention basins shall have a level safety ledge extending ten feet (10') into the basin from the shoreline and three feet (3') below the normal water depth. The ledge shall be pitched to the shoreline at four percent (4%).
 - l. Velocities throughout the drainage system shall be controlled to safe levels taking into consideration rates and depths of flow.
9. Developments with storage facilities that have off site flow tributary to the site either shall provide storage sufficient to accommodate runoff from the offsite tributary watershed and the site or shall store the site runoff and convey off site flow through the development while preserving the existing flow and storage of the site.
- F. Detention Variance Fee Program: Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-97.
- G. Soil Erosion and Sediment Control Requirements: Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-58.
- H. Soil Erosion and Sediment Control Plan Design Criteria:
- 1. All items listed in Section 15-59 of the DuPage County Countywide Stormwater and Floodplain Ordinance shall apply.
 - 2. If the volume, velocity, sediment load, or peak flow rates of stormwater runoff are temporarily increased during construction, then properties and floodplain, floodway wetlands, and buffers downstream from such development sites shall be protected from erosion.
 - 3. The surface of stripped areas shall be permanently or temporarily protected from soil erosion within fifteen (15) days after final grade is reached. Stripped areas that will remain undisturbed for more than fifteen (15) days after initial disturbance shall be protected from erosion.
 - 4. All control measures necessary to meet the requirements of this Chapter shall be kept operational and maintained continuously throughout the period of land disturbance until permanent sediment and erosion control measures are operational.
- I. Modifications to Drainage Tiles: Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-77.

Sec. 10.106. Special Management Areas.

A. Special Management Areas shall generally refer to floodplain, floodway, wetlands, and buffers as defined and regulated herein as well as within the DuPage County Countywide Stormwater and Floodplain Ordinance.

B. Requirements for Regulatory Floodplain and Regulatory Floodway Determination:

1. Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-80.
2. Any developer proposing development shall identify the boundaries and elevation of the regulatory floodplain and the boundaries of the regulatory floodway.
3. The regulatory floodplain shall be determined by the highest base flood elevation for a development site at the time of application, or for purposes of establishing the low opening on new construction of buildings, as determined by the hierarchy established in the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-80.
4. If a floodway is not designated on the maps on file in the Office of the City Clerk, then the regulatory floodway shall be deemed to be the regulatory floodplain

C. Requirements for Development Within the Regulatory Floodplain:

1. Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-81 as well as the following requirements.
2. Development shall preserve effective floodway conveyance such that there will be no increases in flood elevations, flows, or floodway velocity, unless any such increases are contained in a public flood easement and a watershed benefit is provided.
3. All usable space in new buildings, added to existing buildings, or in existing buildings in the floodplain undergoing substantial improvement shall be elevated to at least one foot (1') above the base flood elevation.
4. Compensatory storage:
 - a. Compensatory storage shall be operational prior to placement of fill, structures, or other materials in the regulatory floodplain.
 - b. Any removal, replacement, or modification of stormwater facilities that has an existing hydraulic impact shall provide a watershed benefit and shall require compensatory storage to mitigate for any potential increases in flow or flood elevations. All structures and their associated low entry elevations within the created backwater of the existing stormwater facility shall be identified.
5. Building Protection Standards:
 - a. Existing structures shall not be enlarged, replaced, or structurally altered unless the changes meet the requirements for development. If the changes constitute

substantial improvement to a building in the floodplain, then the entire building shall meet the requirements for development.

- b. Existing structures may be floodproofed. Floodproofing devices shall meet the requirements for development in the floodplain and be operational without human intervention. If electricity is required, then there must be a backup power source that will activate without human intervention. The floodproofing shall be certified by a professional engineer.
 - c. New structures other than buildings shall either be elevated to at least one foot (1') above the base flood elevation or designed for protection against physical flood damages. Floodproofing devices shall be operational without human intervention. If electricity is required for protection against flood damage, then there must be a backup power source that will activate without human intervention. The floodproofing shall be certified by a professional engineer.
 - d. When a structure is elevated by some means other than filling in the regulatory floodplain:
 - i. The usable space of any building and all electrical, heating, ventilating, plumbing, and air conditioning equipment shall be located at least one foot (1') above the highest base flood elevation; and
 - ii. All materials and structures less than one foot (1') above the base flood elevation shall be resistant to flood damage.
6. Additional requirements for manufactured homes:
- a. Adequate access and drainage shall be provided;
 - b. If pilings are used for elevation, applicable design and construction standards for pilings shall be met.
7. A copy of an application for a CLOMR, CLOMA, LOMA, or LOMR including all the required information, calculations, and documents shall be submitted to the department concurrent with the application to FEMA or OWR or its designee.
8. No filling, grading, dredging, or excavating shall take place until a CLOMR is issued by FEMA.
9. Any fill required to elevate a building must extend at least ten feet (10') beyond the foundation before the grade slopes below the highest base flood elevation.
10. The release rate from new or modified storm sewer outfalls shall meet the requirements of subsection [10.105D](#) of this Chapter, or demonstrate compliance with this section.
11. Hydrologic and hydraulic impacts of developments located in the regulatory floodway shall be evaluated using the applicable regulatory model and confirmed using watershed plan models, if available, or models meeting the plan standards for watershed planning or as directed by the City Engineer. The hydrologic and hydraulic impacts of development shall be evaluated using events representing the frequency range from fifty

percent (50%) (2-year) to one percent (1%) (100-year) probability of being equaled or exceeded in a given year. The results of any such evaluation shall be submitted to the department.

12. Any proposed development in the regulatory floodway shall evaluate the hydrologic and hydraulic impacts for existing and future impacts of the proposed development on the waterway.

D. Requirements for Wetland Delineation:

1. Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-85 as well as the following requirements.
2. Any developer proposing development in or near mapped wetland areas shall identify the boundaries, extent, hydrology, function and quality of all wetland areas on the subject property. The presence and extent of wetland areas on the subject property shall be determined as the result of an onsite wetland procedure and verified by an environmental scientist representing the community where the wetland is located. This procedure shall be conducted in accordance with the current federal wetland determination methodology authorized under section 404 of the Clean Water Act.
3. Critical wetland status shall be assigned to those wetlands that have been determined to satisfy one or more of the criteria in the DuPage County Countywide Stormwater and Floodplain Ordinance or one the following:
 - a. The ratio of stormwater storage volume available at the base flood elevation to tributary basin runoff volume to the wetland is twenty five percent (25%) or greater, or alternatively using a method described in subsection [10.105D](#) of this Chapter, the loss of wetland storage causes adverse off site impacts that cannot be mitigated in accordance with subsection [10.105C](#) of this Chapter and subsection C of this section. If both methods are performed, the methods described in subsection [10.105D](#) of this Chapter shall prevail as the determining value; or
 - b. The existing release rate from the wetland is [0.1](#) cfs/acre or less and determined using the method described in subsection [10.105D3](#) of this Chapter.
4. All other wetlands not meeting one or more critical wetland criteria shall be assigned a regulatory wetland status. The final determination of status shall be made by the City Engineer based upon a review of submitted information and when necessary, upon consultation with outside wetland authorities.

E. Requirements for Development Affecting the Function and Values of Wetlands: Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-86.

F. Direct and Indirect Impacts to Wetlands:

1. Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-87 as well as the following requirements.

2. Development will be permitted only when the proposed direct environmental impacts to onsite wetlands, and indirect environmental impacts to offsite wetlands, can be sufficiently evaluated, minimized, and mitigated, as specified in this subsection E.
3. Mitigated wetlands shall be designed to duplicate or improve the hydrologic, biologic, and economic features of the original wetland. The City Engineer may require a greater compensation ratio where special wetland functions are threatened.
4. Creation of wetlands for the mitigation of development impacts within or affecting a critical or regulatory wetland may take place only within areas not currently comprised of wetlands.
5. Mitigation of impacts within or affecting critical and regulatory wetlands shall include design, construction, and continued maintenance of the mitigation measures.
6. The City Engineer, at his or her discretion, may allow an existing wetland contiguous to a proposed regulatory wetland mitigation site to be enhanced in exchange for a partial reduction in the mitigation area required. In no case shall the area replacement be allowed to fall below a one to one (1:1) ratio.
7. Development in or affecting a wetland environment shall be initiated only after a mitigation plan has been approved and adequate securities are provided as specified in section [10.109](#) of this Chapter.
8. The designs and analyses of all wetland mitigation measures shall meet the standards of the plan and shall comply with all applicable Federal, State, and local regulations regarding wetland impact and mitigation.
9. The City Engineer shall require that the developer or owner provide the City with periodic monitoring reports, at least annually, on the status of the constructed mitigation measures and progress towards meeting the approved performance standards, and further may require the developer or owner to undertake remedial action to bring the area into compliance with the mitigation plan.
10. To the extent practicable, development within fifty feet (50') of a wetland shall not, without mitigation:
 - a. Adversely change the quantity, quality, or temporal and areal distribution of flows entering any adjacent wetlands or waters; nor
 - b. Destroy or damage vegetation that stabilizes wetland fringe areas or provides overland flow filtration to wetlands; nor
 - c. Adversely affect any groundwater infiltration functions.

G. Wetland Banking:

1. Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-89 as well as the following requirement.

2. If a wetland meets all the conditions for mitigation in a Wetland Banking Program and there is not a Wetland Banking Program in the watershed planning area, mitigation outside the watershed planning area is permitted provided the following conditions are met:
 - a. Mitigation is to be provided in the closest Wetland Banking Program with the greatest wetland deficit. If there are no watershed planning areas with a wetland deficit, then the mitigation shall take place in the closest Wetland Banking Program. The Wetland Banking Program shall be determined by measuring from the centroid of wetland disturbance to the closest appropriate watershed planning boundary.
 - b. The area of mitigation available within a Wetland Banking Program available in any Wetland Banking Program for mitigation from outside the watershed planning area shall not exceed fifteen percent (15%) of the original bank area.

H. Riparian Buffer Requirements:

1. Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-92 as well as the following requirements:
2. Riparian buffers serve the following functions:
 - a. Prevents erosion and promotes bank stability of streams, lakes, ponds, or wetland shorelines.
 - b. Controls sediment from upland areas thus reducing the impact of urbanization on stream habitat and water quality by filtering and assimilating nutrients discharged from surrounding uplands.
 - c. Insulates and moderates daily and seasonal stream temperature fluctuations by maintaining cooler instream temperatures for areas with overhang vegetation.
 - d. Serves as important sites for denitrification, which reduces development of algal blooms and subsequent depressed levels of dissolved oxygen in stream.
 - e. Provides an effective mechanism for treatment of contaminated surface runoff.
 - f. Provides habitat corridors for both aquatic and terrestrial fauna and flora.
 - g. Provides recreational and aesthetics values for human use.
3. Any developer proposing development in a riparian buffer shall identify the boundaries by using the first of the following documents or procedures pertaining at the time of development:
 - a. Riparian buffers identified in watershed plans.
 - b. Riparian buffers identified in interim watershed plans.

- c. Vegetative areas along waterways within the limits of the regulatory floodplain. If there is no floodplain designated, either by FEMA or OWR, then the riparian buffer shall extend a minimum of seventy five feet (75') from the ordinary high water level of the water body or delineated wetland, unless property boundaries limitations exist, or it can otherwise be demonstrated that a lesser width is sufficient; but in no case shall a buffer be less than fifteen feet (15') in width.
- 4. Tree cutting and vegetation removal shall be minimized within riparian buffers, and revegetation of disturbed areas shall take place as soon as possible.
- 5. Development in a riparian buffer shall be initiated only in accordance with the requirements of this subsection G and the standards of the plan and upon consultation with the technical guidance for the DuPage countywide stormwater and floodplain ordinance for the plan.
- 6. To the extent practicable, development in a riparian buffer shall not, without mitigation:
 - a. Adversely change the quantity, quality, or temporal and areal distribution of flows entering any adjacent critical wetlands or waters; nor
 - b. Destroy or damage vegetation that overhangs, stabilizes, provides overland flow filtration, or shades stream channels, wetlands, or impoundments that normally contain water; nor
 - c. Adversely affect any groundwater infiltration functions.
- I. Development Affecting a Buffer
 - 1. Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-94 as well as the following requirements:
 - 2. The length of any mitigated channel shall be equal to or greater than the length of the disturbed channel.
 - 3. Mitigation in riparian buffers shall be in accordance with the procedures specified in the plan.
 - 4. Mitigation measures in riparian buffers shall include required provisions for long term maintenance.

Sec. 10.107. Stormwater Management Permits.

- A. All permit requirements shall apply as outline in the DuPage County Countywide Stormwater and Floodplain Ordinance Chapter IV as well as the following requirements.
- B. General Requirements:
 - 1. All stormwater management permit review fees shall be paid at the time of application.

2. All submittals that include 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 the plan and shall be prepared, signed, and sealed by a professional engineer. Such professional engineer shall provide a statement rendering an opinion that the technical submittal and development meets the minimum criteria for stormwater management required by the plan and this Chapter.
3. Any structure subject to a differential water pressure head of greater than three feet (3') shall be prepared, signed, and sealed by a structural engineer.
4. Any proposed development shall secure all appropriate stormwater management related approvals, including, without limitation, an OWR dam safety permit if required, and other appropriate federal, state, and regional approvals prior to the issuance of a stormwater management permit.
5. All development undertaken by a unit of local government in the regulatory floodplain where no regulatory floodway has been designated shall obtain a permit from OWR or its designee prior to issuance of a stormwater management permit.
6. Any and all proposed development not in a special management area shall be reviewed under the supervision of a professional engineer meeting the requirements in this Chapter.
7. Any and all proposed development within the regulatory floodplain shall be reviewed under the supervision of a professional engineer meeting the requirements set forth in this Chapter and, in the case of floodway development, certified by a professional engineer that the proposed development meets the minimum requirements of this Chapter.
8. Any and all proposed development in or within 100' of a wetland shall be reviewed under the supervision of an environmental scientist meeting the requirements in this Chapter and certified by that environmental scientist that the proposed development meets the minimum requirement of the countywide ordinance.

C. Applicability; Required Submittals:

1. Stormwater Management Permit Required: A stormwater management permit shall be required if:
 - a. The development involves floodplain, wetlands or buffers; and
 - b. The development does not add more than two thousand five hundred (2,500) square feet of net new impervious area compared to the predevelopment conditions. Impervious area is land cover that is nonporous asphalt or asphalt sealants, nonporous concrete, roofing materials except planted rooftops designed to reduce runoff, and gravel surfaces used as roadways or parking lots. Graveled surfaces used for storage of materials may be counted only sixty percent (60%) impervious provided aggregate gradation has a high porosity. Pounded water shall be considered impervious area (at its normal water elevation), but vegetated wetlands or constructed wetland basins shall not be considered impervious area. The impervious area of a development site predevelopment is the maximum extent of the impervious surfaces that existed

on the development site at the same time in any of the three (3) years predating the date of the application.

- c. The redevelopment disturbs more than five thousand (5,000) square feet of ground cover, unless the development solely involves one or more of the following:
 - (1) Cultivation, conservation measures, or gardening; or
 - (2) Installation, renovation, or replacement of a septic system, potable water service line, or other utility to serve an existing structure; or
 - (3) Excavation or removal of vegetation in rights of way or public utility easements for the purpose of installing or maintaining utilities; or
 - (4) Maintenance, repair, or at grade replacement of existing lawn areas not otherwise requiring a stormwater permit under this Chapter.
 2. Additional Submittal Requirements: In addition to the application requirements, additional submittals shall be required per Subsections E through J of this section.
 3. Letters of Permission shall comply with the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-31.
 4. General Certifications shall comply with the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-32.
 5. Special Cases of Development: Special cases of development shall have differing submittal or, technical standards than other developments, as summarized in Table 1 of the DuPage County Countywide Stormwater and Floodplain Ordinance.
- D. Stormwater Management Permit Application: The stormwater management permit application shall include those items required by Section 15-47 of the DuPage County Countywide Stormwater and Floodplain Ordinance as well as the following:
1. A general narrative description of the development, including submittals required pursuant to subsection C2 of this section; and
 2. Proof of ownership or current contract to purchase or lease the subject property; and
 3. Signature of the applicant or the applicant's agent:
 - a. If the applicant is a corporation, the president or other authorized officer shall sign the application form;
 - b. If the applicant is a partnership, each partner shall sign the application form;
 - c. If the applicant is a land trust, the trust officer shall sign the name of the trustee by him (her) as trust officer. A disclosure affidavit shall be filed with the application, identifying each beneficiary of the trust by name and address and defining the respective interests therein;

4. A statement of opinion by a qualified professional either denying or acknowledging the presence of floodplain, floodway, wetlands, and buffers on the development site, and the appropriate submittals if the statement acknowledges the presence of floodplain, floodway, wetlands, and buffers; and
 5. Copies of other permits or permit applications as required; and
 6. A stormwater submittal; and
 7. A floodplain submittal, if development is proposed in a floodplain; and
 8. A wetland submittal, if development is proposed in a wetland; and
 9. A riparian buffer submittal, if development is proposed in a riparian buffer; and
 10. An engineer's estimate of the construction cost of the stormwater facilities.
- E. The Stormwater Submittal shall include those items required by Section 15-47 of the DuPage County Countywide Stormwater and Floodplain Ordinance as well as the following requirements:
1. Stormwater submittal:
 - a. A site stormwater plan;
 - b. Site runoff calculations;
 - c. Site runoff storage calculations and post development discharges if site runoff storage is required;
 - d. Information describing off site conditions;
 - e. A sediment and erosion control plan;
 - f. Description on how Best Management Practices are incorporated in the development.
 2. The site stormwater plan shall include:
 - a. A site topographic map depicting both existing and proposed contours of the entire site to be disturbed during the development and all areas one hundred feet (100') beyond the site or as required by the City Engineer at a scale of at least one inch equals one hundred feet (1" = 100') or less (e.g., 1 inch to 50 feet), with a minimum contour interval of one foot (1') with accuracy equal to 0.5 foot of elevation;
 - b. A plan view drawing of all existing and proposed stormwater facilities features, at the same scale as the site topographic map, including all of the following:

- (1) Boundaries for watersheds tributary to all significant stormwater facilities (i.e., channels, bridges, inlets, etc.), along with the location of such facilities;
 - (2) Major and minor stormwater systems (i.e., stormwater pipes, culverts, inlets, and storage and infiltration facilities, and flooding limits under base flood conditions for the major stormwater system);
 - (3) An exhibit at standard engineering scale showing existing and proposed roadways, structures, parking lots, driveways, sidewalks, and other impervious surfaces; and
 - (4) The nearest base flood elevations;
- c. Design details for all proposed stormwater facilities (i.e., major and minor stormwater systems, storage basins, and outlet works, etc.); and
 - d. A scheduled maintenance program for the stormwater facilities, including:
 - (1) Planned maintenance tasks;
 - (2) Identification of the person or persons responsible for performing the maintenance tasks as required by subsection [10.109H](#) of this Chapter; and
 - (3) A description of the permanent public access maintenance easements granted or dedicated to, and accepted by, a governmental entity; and
 - e. A schedule of implementation of the site stormwater plan.
 - f. Upon completion of development, record drawings of the site stormwater plan shall be submitted to the City Engineer. Such drawings shall be prepared, signed, and sealed by a land surveyor or professional engineer. Record drawings shall include the as-constructed size, rim, and invert elevations of pipes, stormwater structures and culverts, contours, calculations showing the "as built" volume of compensatory and site runoff storage. Record drawings are required for all developments that construct stormwater facilities, or include a wetland, buffer, and/or floodplain onsite.
3. The site runoff calculations shall include:
 - a. Profile drawings of the major and minor stormwater systems, including cross section data for open channels, showing the hydraulic grade line and water surface elevation under the design and base flood condition; and
 - b. Documentation identifying the procedures, assumptions, and data used to calculate hydrologic and hydraulic conditions for sizing both major and minor stormwater systems.
 4. The site runoff storage calculations shall include:

- a. Documentation identifying the procedures, assumptions, and data used to calculate hydrologic and hydraulic conditions and to determine the allowable release rate and related storage volume; and
 - b. Elevation area storage and elevation discharge data for storage systems.
- 5. Information describing the offsite conditions shall include sufficient information to allow evaluation of offsite impacts to and resulting from the proposed development. Such information shall include:
 - a. A vicinity topographic map covering the entire upstream watershed that drains to or through the site and the entire watershed downstream to the point of known or assumed discharge and water surface elevation; and
 - b. A plan view drawing of existing and proposed stormwater facilities, at the same scale as the vicinity topographic map, including:
 - (1) Watershed boundaries for areas draining through or from the development;
 - (2) The location of the development within the watershed planning area; and
 - (3) Soil types, vegetation, and land cover conditions affecting runoff upstream of the development site for any area draining through or to the site.
- 6. The sediment and erosion control plan shall conform with the requirements of subsection [10.105H](#) of this Chapter. The sediment and erosion control plan shall include:
 - a. A plan and schedule for construction, including site clearing and grading, placement and maintenance of soil stabilization controls, and sediment trapping facilities;
 - b. A description of the development, including existing site land cover and hydrologic conditions, adjacent areas, soil types, permanent and temporary sediment and erosion control measures, maintenance requirements, and calculations;
 - c. Plan view drawings of existing and proposed site conditions, at the same scale as the site stormwater plan, including:
 - (1) Existing contours with drainage patterns and watershed boundaries;
 - (2) Soil types, vegetation, and land cover conditions;
 - (3) Limits of clearing and grading plans, specifically the extent of area to be disturbed during the construction of the development;
 - (4) Final contours with locations of drainageways and sediment and erosion control measures;

- d. Design details for proposed sediment and erosion control facilities;
 - e. A copy of the written opinion, when applicable, of the Soil and Water Conservation District required under 70 Illinois Compiled Statutes 405/22.02;
 - f. Evidence that the sediment and erosion control installation and maintenance requirements, including both a list of maintenance tasks and a performance schedule, are identified and required in the plan specifications;
 - g. Information describing how Best Management Practices are incorporated into the site design. Such information shall include:
 - (1) A description of Best Management Practices that are incorporated into the site design and how they will function. Include applicable design criteria such as soil type, vegetation, and land cover conditions draining to the Best Management Practice along with appropriate calculations; and
 - (2) A description of the maintenance requirements.
7. A statement from the Applicant acknowledging that all stormwater submittals shall be made available for inspection and copying by the County, notwithstanding any exemption from inspection and copying for such materials under the Illinois Freedom of Information Act, upon the written request of either: i) the Applicant ii) any subsequent owner of the subject property; or iii) any governmental unit having planning or drainage jurisdiction within 1 and 1/2 mile of the subject property.
- F. Post Construction Best Management Practice Submittal: The postconstruction best management practice (PCBMP) submittal shall include those items outlined in Section 15-49 of the DuPage County Countywide Stormwater and Floodplain Ordinance.
- G. Floodplain Submittal: The floodplain submittal shall include those items outlined in Section 15-51 of the DuPage County Countywide Stormwater and Floodplain Ordinance.
- H. Wetland and Buffer Impact Submittal: The wetland submittal shall comply with the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-48 as well as the following requirements, unless the director concludes otherwise:
- 1. A characterization of the wetlands as either critical or regulatory;
 - 2. A mitigation plan meeting the requirements of subsection [10.106E](#) of this Chapter; and
 - 3. A plan for the continued management, operation, and maintenance of the mitigation measures, including the designation of the person or persons responsible for long term operation and maintenance and dedicated funding sources.
- I. Riparian Buffer Submittal: The riparian buffer submittal shall include:
- 1. An inventory of the functions of the riparian buffers consistent with the requirements for riparian buffers delineation provided in subsection [10.106H3](#) of this Chapter.

2. A mitigation plan meeting the requirements of subsection [10.106H](#) of this Chapter.
 3. A plan for continued management, operation, and maintenance of the mitigation measures, including designation of the person or persons responsible for long term operation management and dedicated funding sources.
- J. Soil Erosion and Sediment Control Submittal Requirements: Soil Erosion and Sediment Control submittals shall comply with the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-50.
- K. Permit Fees:
1. The fees for review, issuance and inspection of the stormwater management permit and the approved development shall be as follows:
 - a. Deposit for review and issuance: In connection with all applications, the applicant shall deposit an amount specified in the master fee schedule.
 - b. Deposit for inspection: In connection with the applications, the applicant shall deposit an amount specified in the master fee schedule.
 2. Payments shall be made from the funds deposited to pay the City treasury for the costs of City services for the review of the document, issuance of the permit, and inspection of installation of the stormwater facilities based on time spent by staff multiplied by the employees' actual hourly rate or consultants' hourly rate, as the case may be. Additional charges will be added to offset overhead, burden expense, and the professional fees, if any, of consultants. In the event the money on deposit is exhausted by such charges, at its discretion the City may require additional monies to be deposited.
 3. An additional charge of twenty five percent (25%) of City staff charges will be assessed for City administrative and executive services.
 4. Any fee-in-lieu that is part of the conditions for issuance must be paid prior to issuance of the permit.
- L. Duration and Revision to Permit:
1. Permits expire December 31 of the third year following the date of permit issuance.
 2. 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 Development Administrator or his designee may extend the expiration date in maximum increments of three (3) years for permitted activities outside floodplain, floodway, wetlands, and buffers. Expiration dates for permitted activities in floodplain, floodway wetlands, and buffers may be extended in maximum three (3) year increments provided the activity is in compliance with the then current requirements of this Chapter.
 3. If, after permit issuance the permittee decides to revise the approved plans, the permittee shall submit revised plans to the City Engineer along with a written request for approval. If the City Engineer determines that the revised plans are in compliance with

the then current requirements of this Chapter, an approval of the revised plans will be issued. (Ord. O-12-034, 10-4-2012)

Sec. 10.108. Prohibited Acts.

- A. Prohibited acts are indicated in the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-102 in addition to any act in violation of this Chapter.

Sec. 10.109. Performance Security.

- A. Performance Securities are required in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-54 as well as the following requirements.
- B. The developer shall bear the full cost of securing and maintaining all securities required.
- C. Development Security:
 - 1. The Development Security shall be in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-54.B as well as the following requirements.
 - 2. An irrevocable letter of credit, or such other adequate security as the Development Administrator or his designee may approve, in an amount specified in the master fee schedule 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 approved by the Development Administrator or his designee or his designee.
 - 3. The security shall be extended to a period not to exceed five (5) years after completion of construction of all stormwater facilities required by the permit if the development involves wetland mitigation.
- E. Sediment and Erosion Control Security:
 - 1. The Sediment and Erosion Control Security shall be in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-54.C as well as the following requirements:
 - 2. If a sediment and erosion control plan is required pursuant to this Chapter, then a sediment and erosion control security shall be required. Such a security shall include:
 - a. A schedule, agreed upon by the developer and the Development Administrator or his designee, for the installation, maintenance, and ultimate removal of sediment and erosion control measures;
 - b. An irrevocable letter of credit, or such other adequate security as the Development Administrator or his designee shall approve, in an amount specified in the master fee schedule of the estimated probable cost to install and maintain the sediment and erosion control measures, which estimated probable cost shall be approved by the Development Administrator or his designee of his designee; and

- c. A statement signed by the applicant that the applicant shall indemnify the City for any additional costs incurred attributable to concurrent activities of or conflicts between the applicant's contractor and the City's remedial contractor at the site.
3. The sediment and erosion control security shall not be released until after the developer files the Notice of Termination (NOT) to IEPA, if applicable.

F. Natural Area Restoration, Wetland and Buffer Mitigation Area Security

1. The Natural Area Restoration, Wetland and Buffer Mitigation Area Security shall be in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-54.D as well as the following requirement:
2. An irrevocable letter of credit, or such other adequate security as the Development Administrator or his designee shall approve, in an amount specified in the master fee schedule of the estimated probable cost to install and maintain the sediment and erosion control measures, which estimated probable cost shall be approved by the Development Administrator or his designee.

G. Letter of Credit:

1. The Letter of Credit shall be in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-54.E as well as the following requirement:
2. Letters of credit posted pursuant to this Code shall be in a form satisfactory to the City Attorney.

H. Long Term Access and Maintenance:

1. Long Term Access and Maintenance shall be provided in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-55 as well as the following requirements:
2. Included in the dedication shall be a plan for continued management, operation, and maintenance of the stormwater facility, including designation of the person or persons responsible for long term operational management and dedicated funding sources.
3. If title to the land underlying site runoff storage areas with access and maintenance areas and stormwater facilities is conveyed by agreement to lots in the subdivision, then:
 - a. Subdivision property owners **shall** establish a property owner's association;
 - b. The proposed property owners' association bylaws and declaration shall provide for a long-term maintenance agreement establishing:
 - (1) Title to the site runoff storage areas and stormwater facilities to assure that each lot owner is responsible for a share of the cost of maintenance;

- (2) Payment of real estate Property Taxes for such areas to assure that site runoff storage areas and stormwater facilities are not sold to satisfy delinquent taxes; and
 - (3) Methods of perpetual maintenance, to assure that the standards of the plan for the site runoff storage areas and stormwater facilities are met. Maintenance methods shall be approved by the City Engineer.
- 4. If title to the land underlying the site runoff storage areas with access and maintenance areas and stormwater facilities is conveyed by the plat to a public entity, then:
 - a. The face of the plat shall provide, if necessary, that an easement for public access for construction and maintenance purposes is reserved to the public entity; and
 - b. The public entity shall accept the dedication of the site runoff storage areas and stormwater facilities and provide for their maintenance, including capital expenses for repair and replacement.
- 5. If title to the land underlying the site runoff storage areas and stormwater facilities is conveyed by the plat to the owner of the land, the face of the plat shall then:
 - a. Provide an easement for access, inspection, and maintenance purposes reserved to the City over the stormwater management plan for the area in which the property is located; and
 - b. The applicant shall record a covenant against title stating that in the event the governmental unit having easement rights exercises its right to perform maintenance to site runoff storage facilities and storm sewers on that property, that governmental unit may lien the property for the costs of any maintenance work performed.
 - c. Provide the maintenance responsibilities including the schedule of perpetual maintenance, repair and replacement; and
 - d. Stipulate an agreed right of the governmental unit having local jurisdiction over the stormwater management plan for the area in which the property is located to come onto the property upon thirty (30) days' written notice to correct any condition which causes the site runoff storage area not to function as hydraulically and hydrologically planned, and to demand payment for such costs or to place a lien against the property for the value of those costs.
- 6. All access and maintenance rights granted shall run with the land and survive title transfers.

Sec. 10.110. Enforcement and Penalties.

- A. Enforcement and penalties shall be as indicated in the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-103 and 15-105 as well as the following requirements.

B. Required Inspections shall be in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-20.

C. Notice of Violations:

1. Notice of Violations shall be issued by the Development Administrator or his designee and be in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-104 as well as the following requirements.
2. Mailed notices shall be by certified mail, return receipt requested to the person, firm, or corporation responsible for the unlawful act or omission or condition.
3. The Notice of Violation shall state the nature of the alleged violation and shall fix a date not less than ten (10) days after the date of the notice when the parcel or development will be reinspected. If the condition is not corrected upon reinspection, then, in addition to other remedies, the proper authorities of the City may institute any appropriate action or proceedings in the City's Administrative Adjudication System or the Circuit Court to restrain, correct, or abate such violation and to request the issuance of any applicable fines.

D. Revocation of Permits shall be performed by the Development Administrator or his designee and be in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-107.

E. Stop Work Order:

1. All stop work orders shall be issued by the Development Administrator or his designee and shall be in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-108 as well as the following requirements.
2. In addition to posting the stop work order, it shall also be delivered by certified mail, return receipt requested, to the permit holder and to the owner, or adult resident, occupant, leaser, manager, or maintainer of the property or his or her agent, the person, firm, or corporation responsible for the unlawful act or omission or condition which forms the basis for the violation.
3. The stop work order shall state the conditions under which the subject development may be resumed.

F. Fines:

1. All fines shall be in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-109 as well as the following requirements.
2. The minimum fine shall be two hundred dollars (\$200.00) and the maximum fine shall be seven hundred fifty dollars (\$750.00) for each offense.
3. Each day that any violation of any regulation contained in the DuPage County Countywide Stormwater and Floodplain Ordinance and/or this Chapter has been determined to exist or has been permitted to exist shall constitute a separate offense.

- G. Additional Remedies for Special Flood Hazard Areas shall be in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-110, as well as Section 15-111 for Legal And Equitable Relief and Section 15-112 for Injunctive Relief.

Sec. 10.111. Appeals.

- A. Appeals to this Ordinance shall be in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-114 as well as the following requirements.
- B. Any person directly aggrieved by any decision, order, requirement, or determination of the City Engineer made pursuant to an interpretation of this Chapter shall have the right to appeal such action directly to the Community Development Commission in accordance with this Chapter; provided, however, that all decisions made by the City Engineer pursuant to section [10.110](#) of this Chapter shall be deemed final and not appealable, except as otherwise specifically provided this Chapter.
- C. Public hearings shall commence not fewer than fifteen (15) days nor more than thirty (30) days after the date of publication of a properly prepared notice of appeal.

Sec. 10.112. Variances.

- A. Variance procedures shall be in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Chapter XVI (Sections 15-117 thru 15-119) as well as the following requirements.
- B. Variance petitions filed shall also include proof of ownership or current contract to purchase or lease the subject property.
- C. Variance petitions shall be filed with the Development Administrator or his designee who shall forward a copy thereof to the City Engineer.
- D. When a variance from the requirements of this Chapter would lessen the degree of protection to a structure, the City Engineer shall notify the applicant that the variance, if granted, may result in increased rates for flood insurance.

Sec. 10.113. Miscellaneous Provisions.

- A. Public Hearings: When the provisions of this Chapter require a public hearing, such process shall comply with the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-139.
- B. Severability: The severability provisions shall apply per the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-140.
- C. Most Restrictive Provisions Apply: Interpretations shall be made per the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-141.

- D. Amendments: The amendment provisions shall apply per the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-142.
- E. Additional references: All tables, appendices, flow charts, exhibits, and schedules in the DuPage County Countywide Stormwater and Floodplain Ordinance are incorporated herein.
- F. Effective Date: This Ordinance shall take effect for all purposes, and its effective date shall be, July 18, 2019.