

STATE OF ILLINOIS

COUNTY OF KANE

ORDINANCE NO. 09 - 433

AMENDING THE KANE COUNTY STORMWATER MANAGEMENT ORDINANCE

WHEREAS, pursuant to 55 ILCS 5/5-1062, the Kane County Board adopted Resolution No. 97-07 establishing the Kane County Stormwater Management Committee, for the purpose of preparing a comprehensive countywide stormwater management plan and stormwater management ordinance (the "Ordinance"); and

WHEREAS, the Ordinance was adopted by the County Board as by the passage of Ordinance No. 00-312 on November 14, 2000; and

WHEREAS, the Kane County Stormwater Committee has recommended to the County Board several amendments to the Ordinance. Said Ordinance amendments have been distributed to the engineering community and all municipal stormwater administrators for review and comments.

NOW, THEREFORE, BE IT ORDAINED by the Chairman and the Kane County Board that the Kane County Stormwater Ordinance is hereby amended as follows:

§1 The following is added to Section 104, and subparagraphs 81 through 148 are renumbered to accommodate this amendment to Section 104:

(81) **market value** means the value of a structure prior to substantial damage and/or substantial improvement. FEMA accepts several methods to determine market value. The method to determine market value shall be one approved by FEMA and the Administrator.

§2 Sections 104(131) and(132) are deleted in their entirety and replaced as follows:

(131) **substantial damages** means damage caused by one or more events to a building located in the floodplain or floodway from any cause (examples include but are not limited to fire, flood, earthquake) on or after January 1, 2010 whereby the cumulative cost of restoring the building to its original condition from the event or events occurring after January 1, 2010 is 50% or more of its market value, regardless of the actual repair work performed.

(132) **substantial improvement** means (a) an improvement or a series of improvements made to a structure located in the floodplain or floodway on or after January 1, 2010 the cost of which is 50% or more of the structure's market value; (b) the cumulative reconstruction or repair of a structure on or after January 1, 2010, the cost of which is 50% or more of the structure's market value before the start of construction of the reconstruction or repair caused by substantial damages; (c) an addition to a structure the cost of which is 50% or more of the structure's market value before the start of construction of the addition or any addition that increased the floor area by more than 20%; or (d) any work done to a structure that has suffered substantial damage. Substantial improvement does not include either (i) any work done to a structure to correct existing violations of State or local health, sanitary or safety codes identified and determined by the local code enforcement official to be the minimum necessary to assure safe living conditions; or (ii) any work done to a structure listed on the state or federal Historic Register provided that alteration will not preclude the structure's continued designation as a historic structure.

§3 Section 203 is amended as follows

- (i) Storage facilities located within the regulatory floodplain shall (a) comply with Article 4; ~~and~~ (b) store the required amount of site runoff to meet the release rate requirements under all streamflow and backwater conditions up to the ten-year flood elevation on the adjacent receiving watercourse; 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 set forth in (a) and (b) of this subsection; and (c) comply with 203(b).
- (j) 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 watershed plans; ~~and~~ (c) provide a net watershed benefit; and (d) comply with 203(b).
- (k) Site runoff storage volume provided by solely enlarging existing regulatory floodplain storage (onstream site runoff storage) shall be allowed only as a variance. ~~The applicant must demonstrate that flood damage will not be increased and the development will not increase flood flows for both the two year and 100-year floods.~~

§4 The following is added to Section 1001:

(h) A minimum of 45 days prior to the Kane County Board's consideration of a revision(s) to the Kane County Stormwater Ordinance, the Director shall notify and provide a copy of said revision(s) to every certified community (the certified community's Stormwater Administrator and City / Village Engineer), and the proposed date said revision(s) will be presented to the Kane County Board's Stormwater Committee. Stormwater Administrators or their designees shall be allowed to present oral or written comments to the Kane County Board's Stormwater Committee expressing their comments relating to said Stormwater Ordinance revision(s).

§5 The following is added to Section 200:

§ (e) BMP-in-lieu of site runoff storage. Sites meeting one of the following requirements (1) – (3) and requirements (4) and (5) are eligible to receive credit for BMP-in-lieu of site runoff storage in accordance with § 203(n) against the calculated site runoff storage in § 203 and the requirements of § 203 (g).

(1) The development has been approved for fee-in-lieu of site runoff storage and waiver of § 203(g) under § 200 (c);

(2) The development has been approved for fee-in-lieu of site runoff storage and waiver of § 203 (g) under § 200 (d);

(3) The volume of site runoff storage for the proposed development calculated as prescribed in § 203 is less than or equal to 1.0 acre – feet on a development which does not have an existing site runoff storage facility on the site. If the development has an existing site runoff facility, the Administrator may require said site runoff facility to be expanded to meet the requirements section 203

(4) The site plan is otherwise in compliance with § 201.

(5) The subgrade of areas of permeable pavements and in-situ soils at the bottom of rain gardens and other similar infiltration type systems shall have their infiltration capacity verified by appropriate geotechnical investigation. An opinion of the suitability of the area for the intended BMP shall be provided by a professional engineer. Verification of soil conditions prior to the start of the work may be required by the Administrator. Final approval is at the sole discretion of the Administrator.

§ 203(n) BMP in-lieu of site runoff storage. The "Kane County Technical Guidance Manual BMPs" (2007) shall be used as a reference in the design of BMPs for consideration under this section.

(1) Permeable pavements consisting of porous concrete and asphalt surfaces; or permeable interlocking concrete pavers, shall receive credit for their effectiveness in reducing site runoff by all of the following:

- a. When the depth of subbase provided is at least 16 inches and the void ratio of the subbase aggregates is at least 30%, and any required underdrains are 4 inches diameter or less, then detention and retention requirements of § 203 shall be considered as provided for the area of the pavement so designed. Inclusions of up to 25% of the pavement area which consists of non-permeable surface materials which drains onto the permeable pavement shall be allowed and will not be deducted from the application provided the subbase is consistent with the above requirements.
- b. The verifiable differential in permeable pavement cross-section costs compared to non-permeable pavements may be considered as an offset payment for any remaining fee-in-lieu of site runoff storage calculated in accordance with Article 13. The differential costs may include increased excavation and subbase material and the cost differential of surfaces, provided that the administrator approves the conventional pavement cross-section.

(2) Rain gardens and rain garden-infiltration trench systems shall receive credit for both their effective reduction site runoff and/or fee-in-lieu of storage by all of the following.

When the surface area of the rain garden or rain garden infiltration trench represents at least 15% or more of the impermeable surface area draining thereto, the depth of the ponding is no greater than 18 inches, and any required underdrains are 4 inches in diameter or less, then all of the site retention storage of 203(g) and one half of the site runoff storage requirements (detention) will be considered satisfied for those portions of the site comprising the surface area of the rain garden and the surface area of the site draining thereto. § 1301 (d) Offset payments calculated in accordance with § 203 (n) shall be considered as payments received and disbursed in accordance with § 1301 (a) – (c).

Passed by the Kane County Board on November 10, 2009.

John Cunningham, Clerk
Kane County Board
Kane County

Karen McConnaughay, Chairman
Kane County Board
Kane County

Vote:

Yes _____

No _____

Voice _____

Abstentions _____