

**City of St. Charles, Illinois**

**Ordinance No. 2013-M-59**

**Ordinance Amending Title 18 "Stormwater  
Management" of the St. Charles Municipal Code**

**Adopted by the  
City Council  
of the  
City of St. Charles  
November 4, 2013**

**Published in pamphlet form by  
authority of the City Council  
of the City of St. Charles,  
Kane and Du Page Counties,  
Illinois, November 8, 2013**

*Nancy Garrison*  
City Clerk



DATE OF ORIGINAL 11/08/13  
Pamphlet Form

RECEIVED 11/04/13  
PAGE

**City of St. Charles, IL**  
**Ordinance No. 2013-M- 59**

**An Ordinance Amending Title 18, "Stormwater Management" of the St. Charles Municipal Code**

WHEREAS, The City has previously approved a comprehensive amendment to Title 18, "Stormwater Management".

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois as follows:

1. That Title 18, "Stormwater Management" be deleted in its entirety and replaced by the following:

See Exhibit A

2. That after the adoption and approval hereof this Ordinance shall be (i) printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 4th day of November 2013.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 4th day of November 2013.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 4th day of November 2013.

  
Raymond P. Rogina

Attest:

  
Nancy Garrison  
City Clerk/Recording Secretary



COUNCIL VOTE:

Ayes: 10

Nays: 0

Absent: 0

Abstain: 0

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

DATE: \_\_\_\_\_

**Exhibit A**

**(Title 18, "Stormwater Management" of the St. Charles Municipal Code)**

**STORMWATER MANAGEMENT**

**Title 18**

**STORMWATER MANAGEMENT**

**Chapters:**

**18.04.010 Stormwater Management Ordinance**

# STORMWATER MANAGEMENT ORDINANCE

## Chapter 18.04

### STORMWATER MANAGEMENT ORDINANCE

#### Sections:

18.04.010

Stormwater Management Ordinance – Adopted – Modifications.

#### **18.04.010 Stormwater Management Ordinance – Adopted – Modifications.**

The provisions of the Kane County Stormwater Management Ordinance, adopted by the Kane County Board on November 14, 2000, revised October 9, 2001, revised October 12, 2004, and revised August 22, 2008, revised November 10, 2009 effective January 1, 2010, not less than three copies of which have been and now are filed in the Office of the Clerk of the City of St. Charles, Illinois, are hereby adopted in total, with the exception of the special regulations listed below which supplement and replace the concurrent sections of the Kane County Stormwater Management Ordinance as the regulations governing any activity that affects stormwater runoff or involves stormwater management. This Ordinance and the amendments noted hereafter shall become effective immediately.

#### Amendments to the Kane County Stormwater Management Ordinance.

- A. Article 202.b is deleted in its entirety and the following inserted therefore:  
“Minor stormwater systems shall be sized to convey runoff from the tributary watershed under pre-development or fully developed conditions as may create the greatest amount of runoff. The recurrence frequency for design purposes shall be the 10-year event. The rainfall data shall be from ISWS Bulletin 70. Inlet capacity shall generally be provided such that depth of ponding does not exceed 6 inches to facilitate the 10-year event. Pipe capacity shall generally be provided such that the calculated hydraulic grade line does not exceed the top of pipe elevation.”
- B. Article 203.h.10 shall be appended to Article 203.h. and shall read as follows:  
“Paved parking lots may not be utilized to provide any portion of the required site runoff storage volume.”
- C. Article 500.c is deleted in its entirety and the following inserted therefore:  
“Permit Fees – Schedule.  
The following schedule of fees is established for the filing and review of all stormwater permit applications and the inspection of construction or maintenance activities related to required improvements:
  1. Filing fee (payable when permit application is filed) fifty (\$50.00) dollars.
  2. Reimbursement for professional services:
    - a. Recording fees.
    - b. Fees for attorney’s review and negotiations in connection with the filing, review and construction of the project.
    - c. Fees for consultant’s review and consultation in connection with the filing, review and construction of the proposed work including meetings and associated tasks. Consultants may include but are not to be limited to Engineers and Wetland specialists.
  3. Reimbursement for City staff review: Cost per productive work hour of each City staff member involved in reviews, meetings, inspections or any associated task relative to a stormwater permit application. The applicant shall pay all fees within 30 days of invoice by the City subsequent to performance of said tasks. Any dispute of payment shall be sent in writing to the Administrator within 30 days of invoice by the City. Failure to respond within

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the 30 day period shall result in a default of permit obligation and allow the Administrator to revoke the permit.”

- D. Article 902 is deleted in its entirety and the following inserted therefore:

“Variances – Application Fee.

The following schedule of fees is established for the filing and review of all stormwater permit variances and the activities related to said request:

1. Filing fee (payable when variance application is filed) fifty (\$50.00) dollars:
2. Reimbursement for professional services:
  - a. Recording fees;
  - b. Fees for attorney’s review and negotiations in connection with the filing, review and construction of the application.
  - c. Fees for consultant’s review and consultation in connection with the filing review of the application including meetings and associated tasks. Consultants may include but are not limited to Engineers and Wetland specialists.
3. Reimbursement for City staff review: One and one-half times the hourly rate or pro rata salary of each City staff member involved in reviews, meetings, inspections or any associated task relative to a variance application.

The applicant shall pay all fees within 30 days of invoice by the City subsequent to performance of said tasks. Any dispute of payment shall be sent in writing to the Administrator within 30 days of invoice by the City. Failure to respond within the 30 day period shall result in a default of petitioner obligation and allow the Administrator to cease consideration of the variance or revoke any permit granted including the subject variance.”

- E. Article 703.a is deleted in its entirety and the following inserted therefore:

“Any person found guilty of an offense under this ordinance shall pay a civil fine in an amount not less than \$50 and not more than \$1,000. Each calendar day during which such violation continues to exist shall constitute a separate offense. In addition to the penalties provided in this Chapter, the City may recover reasonable attorney’s fees, court costs, court reporter fees and other expenses of litigation by appropriate suit against the person found to have violated this chapter or the rules, regulations, permits or orders issued hereunder.”

- F. Article 1201.a.3 is deleted in its entirety and the following inserted therefore:

“An irrevocable letter of credit in favor of the permitting authority, or such other adequate security as the Administrator may approve, in an amount equal to 115% of the approved estimated probable cost to complete the construction of any required stormwater facilities.”

- G. Article 1300.a.1 is deleted in its entirety and the following inserted therefore:

“The cost of otherwise providing the required storage considering land cost valued according to the use to which it will ultimately be put if not used to provide the required storage. This cost shall be solely determined by the Administrator. Challenges to land valuation and land area requirements are not considered in this ordinance. The Administrator’s decision is final relative to this ordinance.”

- H. Article 202.n shall be appended to Article 202 and shall read as follows:

“Fences.

1. Fences within drainage routes: Fences shall not be permitted where they impede the flow of storm water, or drainage.
2. Fences within easements: If the fence lies within an easement which contains drainage rights, a minimum vertical clearance of four (4”) inches from the ground surface to the bottom of the fence must be maintained. The vertical clearance shall be maintained for the entire length of that portion of the fence that is installed in or across the Easement. Requests for a variance to the four (4”) inch vertical clearance requirement shall be submitted and will be considered in accordance with Section 202.k.2.a. Applications for fences installed in or across an easement

## STORMWATER MANAGEMENT ORDINANCE

containing drainage rights shall have an affidavit and release attached, prepared by the property owner, stating that he has read the requirements for fences located in easements and that he agrees to comply with them and that he does for himself, his heirs, successors and assigns indemnify and hold harmless the City from any liability asserted by others in connection with the placement of the fence and that they permit the removal of any fence or any other structure or form of landscaping within the easement area by the City if the fence or landscaping impedes the flow of storm water or drainage. The affidavit may be recorded at the owner's expense by the City in the County Recorder of Deeds Office. In the event the City shall determine it necessary to excavate or have access across the easement, the owner shall remove the fence at the City's direction and in the event of failure thereof, the City may remove the same at owner's expense and the City shall not be required to replace same.

3. Variance Procedure:
  - a. A variance to the four (4") inch vertical clearance requirement for fences within easements containing drainage rights will be considered subsequent to field observations performed by the City confirming the reasonable nature of the requested variance and submittal of the following:
    - i. Written request explaining the need for a variance and the hardship which results from compliance with the four (4") inch clearance requirement. Specify the vertical clearance (i.e., 1", 2", 3") which would not create a hardship.
    - ii. Details of the proposed fence with a calculation of the percent of open surface area which will allow free flow of surface run-off.
    - iii. Affidavit and release certificate in accordance with the attached Exhibit 202.k.2.a.iii.
  - b. The following situation will allow a zero (0") inch vertical clearance to be considered for those sections of the fence within an easement:
    - i. Fence parallel to the flow.
    - ii. Fence skewed or perpendicular to the flow with all of the following conditions satisfied:
      - Flow is classified as side lot line or minor rear lot line flow.
      - 50% of the fence surface area must be open and will allow free flow of surface run-off.
      - The minimum "opening" in a fence shall be able to pass a one (1") inch diameter sphere to be considered "open surface area."
  - c. The following situation will allow a two (2") inch vertical clearance to be considered for those sections of the fence within an easement:
    - i. Fence parallel to the flow.
    - ii. Fence skewed or perpendicular to the flow with all of the following conditions satisfied:
      - Flow is classified as side lot line, minor rear lot line, major rear lot line, or 100-year block overflow.
      - 50% of the fence surface area must be open and will allow free flow of surface run-off.
      - The minimum "opening" in a fence shall be able to pass a one (1") inch diameter sphere to be considered "open surface area."
  - d. The following situation will terminate any consideration for a variance:
    - i. Fence around a storm water management basin or perpendicular to the emergency overflow route of a storm water management basin.
    - ii. Fences shall not be permitted where they impede the flow of storm water or drainage.



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- e. Notwithstanding any guideline given herein the Director of Public Works may deny or approve any variance which in the interest of public health and safety he/she feels is appropriate.
4. Definitions:
    - a. Side lot line flow—Rainfall run-off which accumulates and is conveyed along the side lot line and has an upstream tributary area of one (1) acre or less.
    - b. Minor rear lot line flow—Rainfall run-off which accumulates and is conveyed along the rear lot line and has an upstream tributary area of one (1) acre or less.
    - c. Major rear lot line flow—Rainfall run-off which accumulates and is conveyed along the rear lot line of a lot or lots and has an upstream tributary area of more than one (1) acre.
    - d. 100 year block overflow—The 100 year overflow route by which run-off would be conveyed in extreme rainfall events or failure of the storm sewer/drainage systems, as identified by the Director of Public Works or his designee.”
  - I. Article 1004 – Oversight Committee – shall be amended by appending the following sentence and shall read as follows:

“The oversight committee for the City of St. Charles shall be the City Council of the City of St. Charles.”
  - J. Article 1000.b – Responsibility for Administration – shall be amended by appending the following sentence and shall read as follows:

“The administrator for the City of St. Charles shall be the Director of Public Works of the City of St. Charles.”
  - K. Article 803.e. shall be appended to Article 803 and shall read as follows:
    1. The site runoff storage requirements for the following exempt projects shall be calculated in accordance with the procedures set forth in this Article 803.3(e):
      - a. Exempt project No. 10, CMD Midwest Unit 1 (SSA #7) (Doc. 1915404).
      - b. Exempt project No. 11, CMD (SSA #5) (Ord. 1984-M-20).
      - c. Exempt project No. 13, CMD (SSA #4) (Ord. 1984-M-21).
    2. Off-site regional stormwater detention has been provided for the three exempt projects and SSA areas noted above. The required off-site detention was calculated based on a “design percentage impervious surface”, with said “design percentages” as follows:
      - a. Exempt project No. 10, CMD Midwest Unit 1 (SSA #7) (Doc. 1915404): 61.66%
      - b. Exempt project No. 11, CMD (SSA #5) (Ord. 1984-M-20): 56.67%
      - c. Exempt project No. 13, CMD (SSA #4) (Ord. 1984-M-21): 56.67%
    3. When development causes the percentage of impervious surface for any single lot to exceed the design percentage noted above, site runoff storage shall be provided in accordance with the requirements set forth in the nomograph provided as Figure 7 of the Kane County Technical Guidance Manual (page 30). The required volume shall be determined by establishing an initial volume utilizing said Figure 7, based on the development proposal, and crediting the off-site regional detention design percentage against that initial volume.
    4. For illustrative purposes only: a site in SSA #7 with a proposed 65.3% imperviousness, which is greater than the 61.66% imperviousness that the site was originally designed to accommodate in the regional detention facility. Using said Figure 7 (0.10 cfs/acre release rate), 65.3% hydraulically connected imperviousness translates to 0.44 ac-ft./acre to be provided. However, using Figure 7 (0.1 cfs/acre release rate) at the “original design percentage impervious surface” of 61.66% imperviousness, 0.425 cfs/acre is to be “credited”. For a 2.5 acre site, 2.5 acres x 0.44 acre-ft./acre = 1.1 ac-ft. should be provided, but 2.5 acres x 0.425 acre-ft./acre = 1.06 ac-ft. are credited. It is seen that (1.1 – 1.06), or 0.04 ac-ft. is to be provided on-site for this example.

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- L. Article 1102.a is deleted in its entirety and the following inserted therefore:  
“the agreement of the corporate authorities of the community to adopt, if certified, this ordinance by reference;”
- M. Article 803.d. shall be appended to Article 803 and shall read as follows:  
“The following list of projects defined by Tax Assessment P.I.N. numbers, Subdivision Plat recorded document number or City Ordinance shall be considered exempt from the Kane County Stormwater Management Ordinance:
1. Allendale Court (PIN 09-36-300-017 & 016 Doc. 99K085473)
  2. Brownstone (Ord. 2000-Z-23)
  3. IL 64 – Smith Road Subdivision (Ord. 1990-M-84)
  4. Majestic Oaks (Ord. 1999-M-26)
  5. 2900 East Main – St. John Neumann Site (Ord. 1999-M-97)
  6. Hunt Club Village (Ord. 1999-Z-22)
  7. Shanahan Industrial Park (Ord. 1998-M-97)
  8. Hidden Glen (Ord. 2001-Z-6)
  9. Colomba Subdivision (Ord. 1993-Z-30)
  10. CMD Midwest Unit 1 (SSA #7) (Doc. 1915404)
  11. CMD (SSA #5) (Ord. 1984-M-20)
  12. Main Street Commons (Ord. 2000-Z-1)
  13. CMD (SSA #4) (Ord. 1984-M-21)
  14. 1411 East Main – McGrath (Westerly 350 feet of PIN 09-26-302-007)
  15. Sir Edward Court (Doc. 98K11909)
  16. Sunshine Lighting (PIN 09-29-400-059 Doc. 97K069944)
  17. Foxfield Commons P.U.D. (Doc. 98K054224)
  18. CDH (Undeveloped) (Doc. 98K011297)
  19. Harrison (Undeveloped) (PIN 09-25-152-002 Doc. 91K05745 except Foxfield Commons Doc. 98K054224)
  20. Viewpointe (Ord. 1992-Z-11)
  21. Randall Road Comm. Ph. 1 & 2 / Tri-City Plaza (Ord. 1999-Z-19, 2000-Z-24, 1997-Z-10)
  22. Harvest Hills (Ord. 1999-M-50)
  23. Renaux Manor (Ord. 1997-M-35)
  24. Artesian Springs (Ord. 2000-M-65)
  25. Meijer (Ord. 1999-M-24)
  26. Charlestowne Mall (Ord. 1988-Z-10)
  27. Wind Hill Office Park (Ord. 1997-M-93)
  28. Oak Crest (Ord. 1998-M-64)
  29. USPS (Ord. 2001-M-9)
  30. Foundry Business Park (Ord. 1997-M-44)
  31. Traditions of St. Charles (Ord. 1998-M-63)
  32. Woods of Crane Road (Ord. 1998-M-63)
  33. River’s Edge/Silver Fox Farm (Ord. 2000-M-5)
  34. Stuart’s Crossing – Amlt at St. Charles (Ord. 1997-M-110)
  35. Steiner Electric (Ord. 1999-M-20)
  36. Stuart’s Crossing – Hamilton Commercial (Ord. 1997-M-110)
  37. East Gate Commons (Ord. 2001-Z-32)
  38. Old Second Bank (Ord. 2001-Z-25)

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39. 530 Dunham Road (St. Charles Veterinary Clinic) (PIN 09-26-276-010 and see legal description hereafter)
40. Wickman Property (PIN 09-26-276-022 and see legal description hereafter)
41. Holiday Inn Express (Part of PIN 09-26-327-003 and see legal description hereafter)
42. Salvation Army (See legal description attached hereafter)
43. Heritage Square (Ord. 2000-M-64)
44. Del Nor Townhomes (Ord. 2001-Z-38)
45. Woods of Del Nor (Resolution 2001-49)
46. Mid America Bank Subdivision (Ord. 2001-Z-27)
47. Benchmark Bank (Ord. 2001-M-44)
48. Amcore Bank (Ord. 2001-Z-35)
49. City of St. Charles Well 13 (See legal description attached hereafter)
50. City of St. Charles Salt Dome (West)
51. Porter Business Park (See legal description attached hereafter)
52. Lincoln Professional Center (See legal description attached hereafter)
53. West Side Parking Deck
54. Pheasant Run Trail/East Main Retail (See legal description attached hereafter (Ord. 2009-M-15 § 1; Ord. 2008-M-74 § 1.)

### Stormwater Management Ordinance Legal Descriptions

39. 530 Dunham Road (St. Charles Veterinary Clinic) 09-26-276-010

Legal Description: Lot 2, Dunham east, Unit #1 in the City of St. Charles, Kane County, Illinois.

40. Wickman Property 09-26-276-022

Legal Description: The southerly 213.88' measured along the west side and the southerly 222.63' measured along the east side of Lot 1 of Fox Field Square Unit 1 subdivision.

41. Holiday Inn Express Subdivision 09-26-327-003- Part of this lot

Legal Description: That part of Lot 17 in Block 6 of SURREY HILL, being a subdivision of part of Section 26, Township 40 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded July 21, 1965 as Document R1050247 as amended by Certificate of Correction recorded August 26, 1965 as Document No. 1052710, bounded by a line described as follows; Commencing at the most Westerly Northwest corner of said Lot 17; thence Southeasterly along a curved Westerly line of said Lot 17, being an arc of a circle convex to the Northeast, having a radius of 420.00 feet, an arc distance of 94.60 feet to the Point of Beginning of the parcel to be described; thence North 55°58'17" East, tangent at right angles to the last described curved line, 104.61 feet; thence South 89°32'02" East along a line which is 112.62 feet South of and parallel with the North line of Lot 17, as aforementioned, 204.55 feet; thence South 00° 27' 58" West 167.63 feet; thence North 89° 32' 02" West, parallel with the North line of said Lot 17, a distance of 196.14 feet; thence South 74° 05' 48" West 39.41 feet to a point on a curved Westerly line of said Lot 17; thence Northwesterly along said curved Westerly line, being an arc of a circle convex to the Northeast, tangent at right angles to the last described line and having a radius of 420.00 feet arc distance of 132.86 feet to the Point of Beginning, in Kane County, Illinois.

42. Salvation Army

Legal Description: That part of the Southwest ¼ of Section 35, Township 40 North, Range 8 East of the Third Principal Meridian, described as follows: Beginning at the point of intersection of the Northeasterly line of Seventh Ave. South with the Northwesterly line of Thirteenth Avenue South as established on the Plat

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of Rolling Hills Manor Section 1; Thence North 53 degrees, 09 minutes east along the Northwesterly line of said Thirteenth Avenue South, 188.39 feet to a point of curve; Thence Northerly along said Northwesterly line of a curve to the left having a radius of 230.33 feet and being tangent to the last described course at the last described point 240.8 feet; Thence North 89 degrees, 51 minutes West 143.46 feet; Thence South 53 degrees 09 minutes West 270.28 feet to the Northeasterly line of said Seventh Avenue South; Thence South 35 degrees, 37 minutes East along said Northeasterly line 200 feet to the Point of Beginning, in the City of St. Charles, Kane County, Illinois.

### 49. City of St. Charles Well 13

**Legal Description:** This is to certify that the plat hereon drawn is a correct representation of that part of the Southeast Quarter of Section 29 and part of the Northeast Quarter of Section 32, Township 40 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the northwest corner of said Northeast Quarter; thence easterly along the north line of said Northeast Quarter 620.77 feet to the east line of a tract of land conveyed to Clarence and Rosella Ehl by Deed recorded as Document 868277; thence southerly along said east line forming an angle of  $96^{\circ}16'$  with said north line (measured clockwise therefrom) 70.40 feet to the southeast corner of said Ehl tract for a point of beginning; thence northerly along said east line 70.40 feet to the southwest corner of a tract of land conveyed to Michael and Lucille Scotella by Deed recorded as Document 1372016; thence easterly along the south line of said Scotella tract, being along the north line of said Northeast Quarter 171.03 feet to the southeast corner of said Scotella tract; thence northerly along the east line of said Scotella tract forming an angle of  $96^{\circ}16'$  with said north line (measured clockwise therefrom) 281.51 feet to the center line of Illinois State Route No. 64; thence easterly along said center line forming an angle of  $90^{\circ}09'17''$  with the last described course Scotella tract 279.36 feet to the north line of said Northeast Quarter; thence southerly at right angles to said north line 235.57 feet; thence westerly parallel with said north line 414.21 feet to the west line of said Ehl tract extended southerly; thence northerly along said extended west line forming an angle of  $87^{\circ}00'$  with the last described course (measured counter-clockwise therefrom) 165.82 feet to the southwest corner of said Ehl tract; thence easterly along the south line of said Ehl tract forming an angle of  $87^{\circ}00'$  with said west line (measured clockwise therefrom) 206.70 feet to the point of beginning, in the City of St. Charles, Kane County, Illinois and containing 2.000 acres as shown. All distances are given in feet and decimal parts thereof.

### 50. Porter Business Park

#### PARCEL ONE:

**Legal Description:** That part of the Southeast Quarter of Section 28, Township 40 North, Range 8 East of the Third Principal Meridian, described as follows: Beginning at a point of the west line of said Southeast Quarter, 199.8 feet north of the Point of Intersection of said Quarter Section line with the northerly line of the right-of-way of the Chicago and Great Western Railway Company, thence north along the west line of said Quarter Section, 185 feet to a point 552 feet south of the northwest corner of said Southeast Quarter; thence east, 336.0 feet to the westerly line of North 12<sup>th</sup> Street extended; thence southerly along said westerly line of North 12<sup>th</sup> Street extended, 389.70 feet to the northerly right-of-way line of the Chicago and Great Western Railway Company, thence North 89 degrees 10 minutes 00 seconds West along said northerly line, 336 feet to the west line of said Southeast Quarter; thence north along said west line, 10 feet; thence South 89 degrees 10 minutes 00 seconds East, parallel with said northerly right-of-way line, 90 feet; thence north, parallel with the west line of said Southeast Quarter, 191.1 feet; thence west 90 feet to the Point of Beginning, in the Township of St. Charles, Kane County, Illinois.

#### PARCEL TWO:

That part of the Southeast Quarter of Section 28, Township 40 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the northwest corner of said Southeast Quarter; thence south

