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**KENDALL COUNTY  
STORMWATER MANAGEMENT OVERSIGHT COMMITTEE  
PUBLIC HEARING**

110 W. Madison Street • Yorkville, IL • 60560  
(630) 553-4141 Fax (630) 553-4179

**AGENDA**

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January 15, 2026 – 4:00 p.m.

CALL TO ORDER

ROLL CALL: Zach Bachman, Brian DeBolt, Elizabeth Flowers, Scott Gengler (Vice-Chair), Matt Kellogg (Chair), Dan Koukol, Jason Peterson, Ruben Rodriguez, Brooke Shanley, and Seth Wormley

APPROVAL OF AGENDA

APPROVAL OF MINUTES (VV)      October 16, 2025, Public Hearing/Meeting (Pages 2-5)

PUBLIC COMMENT

OPEN OF STORMWATER MANAGEMENT OVERSIGHT COMMITTEE PUBLIC HEARING

1.            **Petition 25 – 02 – Kendall County Planning, Building and Zoning Committee (Pages 6-41) (Roll Call Vote)**  
Request:    Text Amendments to Various Sections of Article II, Chapter 16 of the Kendall County Code Pertaining to Stormwater and Floodplain Regulations and Related Amendments  
Purpose:    Petitioner Wants To Bring County Regulations Into Compliance with the State of Illinois Model Floodplain Ordinance and Provide For Continued Participation in the National Flood Insurance Program for Property Owners Within the County

CLOSE OF STORMWATER MANAGEMENT OVERSIGHT COMMITTEE PUBLIC HEARING

OTHER BUSINESS

ADJOURNMENT (VV)

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

**KENDALL COUNTY  
STORMWATER OVERSIGHT COMMITTEE  
PUBLIC HEARING  
*Kendall County Historic Courthouse  
Courtroom  
110 W. Madison Street, Yorkville, Illinois*  
Meeting Minutes of October 16, 2025 – Unofficial Until Approved  
4:00 p.m.**

**CALL TO ORDER**

Chairman Kellogg called the Stormwater Oversight Committee Public Hearing to order at 4:22 p.m.

**ROLL CALL**

Committee Members Present: Zach Bachman, Elizabeth Flowers, Scott Gengler, Matt Kellogg, Ruben Rodriguez, and Seth Wormley

Committee Members Absent: Brian DeBolt, Dan Koukol, Jason Peterson, and Brooke Shanley

Also present: Matt Asselmeier, Eric Weis, Christina Burns, Robyn Vickers, Leslie Johnson, Nancy Villa, Natalia Borowska, Latreese Caldwell, Meghan Martin, Greg Chismark, and Dwight Baird

**APPROVAL OF AGENDA**

Member Rodriguez made a motion, seconded by Member Bachmann, to approve the agenda as presented. With a voice vote of six (6) ayes, the motion carried.

**APPROVAL OF MINUTES**

Member Rodriguez made a motion, seconded by Member Flowers, to approve the minutes of the October 10, 2024, public hearing and meeting. With a voice vote of six (6) ayes, the motion carried.

**PUBLIC COMMENT**

None

**OPEN OF STORMWATER MANAGEMENT OVERSIGHT COMMITTEE PUBLIC HEARING**

Chairman Kellogg opened the Stormwater Management Oversight Committee Public Hearing at 4:23 p.m.

**Comments on Stormwater Management Related Regulations and Enforcement**

Mr. Asselmeier read a memo regarding stormwater related activities since the October 2024 hearing/meeting. He noted the funds in the stormwater fee-in-lieu accounts, the statistics on stormwater management permits for the year, the status of updating the Kendall County Stormwater Management Ordinance to reflect changes in the State's Model Ordinance regarding

floodplain regulations, updates on stormwater ordinance violation investigations, and provided the survey results from the 2025 NPDES survey to the townships.

### **Proposed Changes to the Kendall County Stormwater Management Ordinance**

Mr. Asselmeier said that Staff was working with WBK Engineering on a proposal to cleanup and clarify some of the language in the Stormwater Management Ordinance in response to the State's Model Floodplain Ordinance from 2022.

Earlier in 2025, WBK Engineering prepared a redlined version of the proposal, which the Committee reviewed at their February 10, 2025, meeting. This proposal was forwarded to the municipalities for review.

On April 7, 2025, the Committee reviewed the amended proposal which incorporated comments from the municipalities. At that meeting, the Committee also voted to forward the proposal to FEMA.

On September 18, 2025, FEMA submitted their comments to the County and on October 6, 2025, WBK Engineering submitted the County's response to FEMA's comments

After FEMA approves the County's comments, the amended proposal will be brought back to the PBZ Committee for review. If the PBZ Committee is agreeable, a public hearing before the Stormwater Management Oversight Committee will be scheduled. Upon completion of the public hearing, the proposal will be forwarded to the County Board.

No other proposed changes were presented by the Committee or members of the public.

### **Discussion of Updating the Kendall County Stormwater Management Pollution Prevention Plan Related to New ILR40**

The Committee reviewed the following memo from Greg Chismark from WBK Engineering.

Kendall County was identified by the IEPA as a Municipal Separate Storm Sewer System (MS4) owner in 2010 and is responsible for compliance with Illinois Environmental Protection Agency's (IEPA) General NPDES Permit No. ILR40. The IEPA revised and updated requirements under ILR40 that became effective on August 1, 2025. The County is required to modify its Storm Water Management Program (SWMP) and Storm Water Management Program Plan (SWMPP) in order to comply with the current requirements of ILR40 and have until July 31, 2026 (i.e., twelve (12) months from the effective date of the permit) to determine how the new permit impacts their existing stormwater management efforts and to make the changes needed to bring their programs into compliance with the new permit. Each MS4 is required to have a written plan, referred to as a Stormwater Management Program Plan (SMPP) that identifies the specific measures for compliance and actions the MS4 will undertake. Accordingly, each MS4 should be in the process of revising/adopting the updated SMPP by July 31, 2026. In the annual reports due June 1, 2026, permittees should describe steps they are taking

to modify their program in order to bring them into compliance with the requirements of the new permit.

Kendall County created a SWMPP dated February 3, 2012, as a result of an audit by the IEPA in 2011. The SWMP consists of five primary sections with Appendices to define the Program Plan. These include:

- 1 Overview of the Stormwater Management Program Plan
- 2 Program Management
- 3 The Minimum Control Measures of the Program
- 4 Program and Performance Monitoring, Evaluation and Reporting
- 5 Appendices (List of Acronyms, Summary of SMPP Tasks, Stormwater Outfall Inspection Data Form, Pre-Construction Meeting Agenda, Soil Erosion and Sediment Control Inspection Form)

Since, it has been over ten (10) years since the original plan was drafted and the Illinois General NPDES permit has changed, updating the plan to reflect current County practices as well as ILR40 is recommended. WBK staff have worked with the County for the last 15 years and would be happy to continue to collaborate with County staff to update the SWMP. Once authorized we would review the existing plan as well as identify changes needed for compliance with ILR40. WBK will develop an updated plan and would present the same to County staff for review. After review by staff, a final draft would be presented to the County Board for review and comment. Although official adoption of the plan by the County is not required we recommend presentation to the Board for awareness and to verify alignment of values. Subsequent to any revisions as a result of County Board review we expect the SWMPP to be publicly available via link on the County's website.

There were no additional comments or questions.

**CLOSE OF ANNUAL STORMWATER MANAGEMENT OVERSIGHT COMMITTEE PUBLIC HEARING**

Chairman Kellogg closed the Stormwater Management Oversight Committee Public Hearing at 4:27 p.m.

**OTHER BUSINESS**

None

**ADJOURNMENT**

Member Flowers made a motion, seconded by Member Bachman, to adjourn the meeting. With a voice vote of six (6) ayes, the motion carried. The Stormwater Management Oversight Committee adjourned at 4:27 p.m.

Respectfully submitted,  
Matthew H. Asselmeier, AICP, CFM  
Director



# Kendall County Agenda Briefing

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**Meeting Type:** Other Committee  
**Meeting Date:** 1/15/2026  
**Subject:** Proposed Amendments to the Kendall County Stormwater Management Ordinance  
**Prepared by:** Matthew H. Asselmeier, AICP, CFM  
**Department:** Planning, Building and Zoning

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**Action Requested:**

Recommendation on Petition 25-02, Request from the Kendall County Planning, Building and Zoning Committee for Text Amendments to the Kendall County Stormwater Management Ordinance Pertaining to Stormwater and Floodplain Regulations and Related Amendments; Proposal Brings County Regulations Into Compliance with the State of Illinois Model Floodplain Ordinance and Provide for Continued Participation in the National Flood Insurance Program for Property Owners Within the County

**Board/Committee Review:**

PBZ Committee on February 10, 2025-Review of the Initial Proposed Changes and Forwarding the Proposal to Municipalities

PBZ Committee on April 7, 2025-Review the Revised Proposal with Comments from Municipalities and Forward the Proposal to FEMA (4-0-1)

PBZ Committee on October 14, 2025-Received an Update on the Project

PBZ Committee on December 8, 2025-Voted to Request a Public Hearing on the Proposal (5-0)

**Fiscal impact:**

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

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**Background and Discussion:**

In 2022, the State updated the Model Floodplain Ordinance. Shortly thereafter, the County decided to review the current Stormwater Management Ordinance against the new Model Floodplain Ordinance, but decided to wait with finalizing any proposals until after codification was completed.

Earlier in 2025, WBK Engineering prepared a redlined version of the proposal, which the Planning, Building and Zoning Committee reviewed at their February 10, 2025, meeting. This proposal was forwarded to the municipalities for review.

On April 7, 2025, the Planning, Building and Zoning Committee reviewed the amended proposal which incorporated comments from the municipalities. At that meeting, the Committee also voted to forward the proposal to FEMA.

On September 18, 2025, FEMA submitted their comments to the County and on October 6, 2025, WBK Engineering submitted the County's response to FEMA comments.

Upon conclusion of the government shutdown, FEMA met with the State, County, and WBK Engineering on November 21, 2025, to go over the final unresolved issues. FEMA gave the County preliminary approval of the proposal.

On December 8, 2025, the PBZ Committee reviewed the revised amended proposal and voted to request a public hearing on the proposal.

The proposal was forwarded to the municipalities and townships on December 19, 2025.

The County's floodplain regulations cannot be implemented without FEMA's approval; FEMA will not grant final approval until the County Board takes action on the proposal.

**Staff Recommendation:**

Staff recommends approval of the proposal.

**Attachments:**

List of Proposed Changes

Draft Ordinance

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

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

20. Section 16-52, change the definition of “Start of construction” by removing the reference to the Coastal Barrier Resources Act
21. Section 16-52, change the definition of “Structure” to include prefabricated buildings and certain types of recreational vehicles and travel trailers
22. Section 16-52, add the definition of “Substantial damage”
23. Section 16-52, change the definition of “Substantial improvement”
24. Section 16-52, add the definition of “Violation”
25. Section 16-138 (c), adds no development within the floodplain without obtaining a stormwater permit.
26. Section 16-138 (d), adds no development of a critical facility below the 0.2% annual chance flood event without obtaining a stormwater permit.
27. Section 16-138 (e), adds The Floodplain Administrator shall only issue a permit for development activities, including new construction and substantial improvements, which meet the requirements of this ordinance.
28. Section 16-139, adds certain developments that are subject to this ordinance
29. Section 16-139, clarifies base flood elevation information.
30. Section 16-139 (5)(a) removes creek and waterway names and adds the full FEMA map panel number including the community number and updates the date of the current County Flood Insurance study.
31. Section 16-140 (a)(6), adds land development greater than 50 lots or 5 acres to requiring a base flood determination.
32. Section 16-140 (b)(9), adds critical facilities to the public health protection standards
33. Section 16-140 (c)(1)(a), removes the exemption of buildings or alteration less than \$1,000 or 70 square feet from floodplain building protection standards.
34. Section 16-140 (c)(1)(b), removes the floor area increase from the building protection requirements
35. Section 16-140 (c) (1) (e), removes the requirement regarding returning a manufactured home to the same site in the building protection requirements

36. Section 16-140 (c)(1)(g, adds requirements regarding placing a new building, alteration, or addition below the BFE following a LOMR-F to the building protection requirements and adds record maintenance obligations for all new and substantially improved buildings.
37. Section 16-140 (c) (2) (a) (2), changes the placement of fill beyond the foundation from 10 feet to 20 feet in lieu of a geotechnical report
38. Section 16-140 (c) (2) (b) (2), adds a requirement regarding components located below the FPE.
39. Section 16-140 (c) (2) (b) is renumbered
40. Section 16-140 (c) (2) (c), adds a reference to FEMA Technical Bulletin 11
41. Section 16-140 (c) (2) (c) (3), adds requirements regarding enclosed areas below the FPE and equalization of hydrostatic pressures
42. Section 16-140 (c) (2) (c) (4), sets an interior height of crawlspaces
43. Section 16-140 (c) (2) (c) is re-numbered
44. Section 16-140 (c) (5) (e) clarifies the measurement of travel trailers' and recreational vehicles' horizontal projections
45. Section 16-140 (c) (6) (e), adds a requirement for flood resistant materials for the construction of garages, sheds, and minor accessory structures below the BFE
46. Section 16-140 (c) (6) (g), adds a requirement regarding openings on 2 walls
47. Section 16-140 (c) (6) (h), adds a requirement regarding accessory structure height and square footage
48. Section 16-140 (c) (6) (h), deletes the market value requirement of accessory structures
49. Section 16-140 (c) (6), deletes the dry floodproofing exemption
50. Section 16-140 (c) (6), re-lettered
51. Section 16-140 (c), re-numbered
52. Section 16-140 (d), adds a regulation regarding other activities
53. Section 16-140 (e), adds a regulation regarding dams

54. Section 16-140 (f), adds regulations the issuance of Letters of Map Revisions
55. Section 16-140 (g), adds regulations regarding carrying capacity and notifications
56. Section 16-142(1), removes specific citing of Statewide Permits.
57. Section 16-142 (1) is re-lettered
58. Section 16-142 (2) (c), adds an allowance for work previously permitted by IDNR/OWR
59. Section 16-144, adds regulations for critical facilities
60. Sections 16-145 and -146 are re-numbered
61. Section 16-172 (a) (1) (b), adds permitting regulations for critical facilities
62. Section 16-172 (a) (1) is renumbered
63. Section 16-173 (b), adds information regarding FIRMS and FIS in relation to permit extensions
64. Section 16-174 (b), limits modification of submittal requirements to only those outside the floodplain.
65. Section 16-174 (e) (1) (l), changes the benchmark to NAVD 88
66. Section 16-174 (g), removed FEMA from approval requirements.
67. Section 16-175 (a) (7), adds a requirement about the certification of floodproofing measures
68. Section 16-175 (a) is renumbered
69. Section 16-177 (a), establishes a procedure to close inactive petitions
70. Section 16-178 is renumbered
71. Section 16-278, establishes which entities can initiate amendments to the ordinance **(amended after municipal comments 4-2-25)**
72. Section 16-278 (a), establishes a procedure to close inactive amendment applications
73. Section 16-279, establishes an effective date for the regulations
74. Section 16-280 is re-numbered

75. Section 16-306 (2), adds a regulation regarding variances and increases in the base flood elevation
76. Section 16-309 (a) (1) (b), adds a requirement that developments seeking variances cannot be reasonably located outside the floodplain
77. Section 16-309 (a) (1) is re-lettered
78. Section 16-309 (a) (2) (b) (1), adds requirements regarding setting a pattern for variances and obtaining other state and federal permits
79. Section 16-309 (a) (2) (b) (3), changes the notification information that a Certified Community gives to applicants
80. Section 16-309 (a) (2) (b) (4), adds considerations of review of variances
81. Section 16-309 (a) (2) (b) (5), adds costs to government services as a consideration for variances
82. Section 16-309 (a) (2) (b) (6) adds historic structure criteria for variances
83. Section 16-309 (a) (2) (b) is re-numbered
84. Section 16-312, adds a procedure for closing inactive petitions.
85. Section 16-313 is re-numbered
86. Section 16-341(c)(1), adds the maintenance of records for all new and substantially improved buildings.
87. Section 16-343 (3), adds a requirement for the Administrator to identify critical facilities **(amended after municipal comments 4-2-25)**
88. Section 16-343 (5), adds a requirement for the Administrator to have developments meet damage prevention requirements
89. Section 16-343 (6), adds a requirement for the Administrator to have buildings meet the building protection requirements
90. Section 16-343 (7), adds a requirement for the Administrator to review elevation certificates for accuracy
91. Section 16-343 (8), adds a requirement for the Administrator to ensure that water supplies and waster disposal systems meet public health standards

92. Section 16-343 (9), adds a requirement for the Administrator to have applicants obtain all other required permits
93. Section 16-343 (10), adds a requirement for the Administrator to notify INDR/OWR and neighboring communities prior to the alteration or relocation of certain watercourses
94. Section 16-343 (13), adds a requirement for the Administrator to ensure compliance of the regulations
95. Section 16-343 (13) (old), removes the requirement to notify adjacent communities in writing thirty (30) days prior to issuing a permit for the alteration or relocation of a watercourse affecting the adjacent community.
96. Section 16-343 (20), adds a requirement for the Administrator to provide information and assistance to citizens for permit procedures and floodplain construction techniques
97. Section 16-343 (21), adds a requirement for the Administrator to notify FEMA and IDNR/OWR of proposed amendments to the ordinance
98. Section 16-343 (22), adds a requirement for the Administrator to perform site inspections to ensure compliance with the regulations
99. Section 16-343 (23), adds a requirement for the Administrator to maintain accuracy of flood maps
100. Section 16-343 (24), adds a requirement for the Administrator to establish procedures for administering and documenting determinations
101. Section 16-343 is re-numbered
102. Section 16-426 (c) (1), changes process of who applies for a fee in lieu

**ORDINANCE NUMBER 2026-\_\_\_\_\_**

**TEXT AMENDMENTS TO ARTICLE II OF CHAPTER 16 OF THE KENDALL COUNTY  
CODE PERTAINING TO STORMWATER AND FLOODPLAIN REGULATIONS**

WHEREAS, 55 ILCS 5/5-1062 allows Kendall County to adopt a Stormwater Management Ordinance; and

WHEREAS, Sections 16-278 and 16-345 of the Kendall County Code permits the Kendall County Board to approve text amendments to the Kendall County Stormwater Management Ordinance and provides the procedure through which text amendments to the Kendall County Stormwater Management Ordinance are granted; and

WHEREAS, Kendall County joined the National Flood Insurance Program on February 21, 1975; and

WHEREAS, in 2022, the State of Illinois released an amended version of the State’s Model Floodplain Ordinance; and

WHEREAS, on February 10, 2025, the Kendall County Planning, Building and Zoning Committee, hereinafter be referred to as “Petitioner”, reviewed proposed changes to the Kendall County Stormwater Management Ordinance which consisted of proposed amendments designed to comply with the State of Illinois’ Model Floodplain Ordinance, federal floodplain regulations, and other related changes and forward the proposed changes to the municipalities located inside Kendall County for review; and

WHEREAS, on April 7, 2025, Petitioner reviewed an amended version of the proposal incorporating comments from the municipalities and the Petitioner voted to forward the amended proposal to the Federal Emergency Management Agency and Illinois Department of Natural Resources for review and comment; and

WHEREAS, following review and comment by the Federal Emergency Management Agency and Illinois Department of Natural Resources, Petitioner’s Stormwater Engineering Consultant prepared a revised version of the proposal incorporating changes suggested by the federal and state agencies; and

WHEREAS, on December 8, 2025, Petitioner reviewed the most recent version of the amended proposal and voted to request a public hearing on the Petition; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on December 18, 2025, the Kendall County Stormwater Management Oversight Committee held a public hearing on January 15, 2026, at 4:00 p.m., in the Historic Court House at 110 W. Madison Street in Yorkville, at which the Petitioner’s representative presented evidence, testimony, and exhibits in support of the requested text amendments and **INSERT NUMBER** members of the public testified in favor of the proposal and **INSERT NUMBER** members of the public testified in opposition to the proposal; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Stormwater Management Oversight Committee has recommended **APPROVAL/DENIAL/NEUTRAL** of the proposed text amendments on January 15, 2026; and

WHEREAS, the Kendall County Board has considered the recommendations of the Kendall County Stormwater Management Oversight Committee and has determined that said petition is in conformance with the provisions and intent of the Kendall County Stormwater Management Plan; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS,  
that the Kendall County Code be amended as follows:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: The present language contained in Section 16-50 (a) of the Kendall County Code is hereby amended to read as follows:

“(a) The purpose of this division is to maintain this County’s eligibility in the National Flood Insurance Program and diminish threats to public health, safety and welfare caused by excess stormwater runoff from new development and redevelopment. This division seeks to establish stormwater management practices and promote sustainable planning and design to counter increases in stormwater runoff quantity and rate and the impairment of water quality from development and land improvement throughout the entire County.”

- III. Amended Text: The present language contained in Section 16-50 (b) of the Kendall County Code is hereby amended to read as follows:

“(b) The further purpose of this division is to accomplish the following objectives:

- (1) To meet the requirements of 615 ILCS 5/18(g) Rivers, Lakes and Streams Act;
- (2 ~~4~~) To ensure that new development does not create or increase flood hazards or cause damages due to erosion;
- (3 ~~2~~) To protect existing buildings, new buildings and major improvements to buildings from flood damage due to increased stormwater runoff;
- (4 ~~3~~) To protect human life and health from the hazards of increased flooding;
- (5 ~~4~~) To lessen the burden on the taxpayer for stormwater management, flood control projects, repairs to flood-damaged public facilities and utilities and correction of channel erosion conditions from new development;
- (6 ~~5~~) To protect and conserve land and water resources in the context of orderly land development;
- (7) To comply with the rules and regulations of the National Flood Insurance Program codified as 44 CFR 59-79 as amended;
- (8 ~~6~~) To make Federally-subsidized flood insurance available;
- (9 ~~7~~) To reasonably preserve the natural hydrologic and hydraulic functions of watercourses, floodplains and open space areas and to protect water quality and aquatic habitats;
- (10 ~~8~~) To control soil erosion due to development and provide effective sediment management measures on construction sites;
- (11 ~~9~~) To require the design and evaluation of site stormwater management plans consistent with watershed capacities;
- (12 ~~10~~) To require stormwater storage and encouraging the use of and infiltration of stormwater in preference to stormwater conveyance;
- (13 ~~11~~) To minimize conflicts between agricultural and urban drainage systems and maintaining agriculture as a viable and productive land use;

- (~~14 42~~) To encourage cooperation and consistency in stormwater management activities within and between the units of government having floodplain and stormwater management jurisdiction;
- (~~15 43~~) To establish requirements and promote regular, planned maintenance of stormwater management facilities;
- (~~16 44~~) To provide a procedure by which communities throughout the County may petition the Committee for authority to implement and enforce the provisions of this division;
- (~~17 45~~) To require strict compliance with and enforcement of this division.”

IV. Amended Text: The present language contained in first paragraph of Section 16-52 of the Kendall County Code is hereby amended to read as follows:

“The following words, terms and phrases, when used in this division or a Ceertified Ceomunity Stormwater Management Oerdinace, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning; words, terms and phrases not defined shall have the meanings indicated by common dictionary definition:”

V. Amended Text: The present language contained in the definition of “Basement” contained in Section 16-52 of the Kendall County Code is hereby amended to read as follows:

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

VI. Amended Text: A definition of the term “Critical facility” is added in the appropriate place alphabetically in Section 16-52 of the Kendall County Code and shall read as follows:

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

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

VII. Amended Text: The present language contained in the definition of “Development” contained in Section 16-52 of the Kendall County Code is hereby amended to read as follows:

“*Development.*

- (1) The term "development" means the cumulative man-made changes to real property after the effective date of the ordinance from which this division is derived, including:
- a. Construction, reconstruction, demolition or replacement of a building or an addition to a building, with the exception of agricultural structures and accessories thereto outside the floodplain;
  - b. Substantial improvement of an existing building;

- ~~c b.~~ Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days;
- ~~d.~~ Installation of utilities, construction of roads, bridges, culverts or similar projects;
- ~~e e.~~ Drilling, mining, installing utilities, construction of roads, bridges or similar projects;
- ~~f d.~~ Construction or erection of levees, walls, fences, dams, or culverts, channel modifications, filling, dredging, grading, excavating, paving, or other nonagricultural alterations of the ground surface, storage materials including the placement of gas and liquid storage tanks, deposit of solids or liquid waste;
- ~~g e.~~ Any other activity of man that might change the direction, height, or velocity of flood or surface water, including extensive vegetation removal.

(2) The following are not considered development so long as these activities occur outside the floodplain:

- a. Maintenance of existing drainage systems limited to the purpose of agricultural use and for maintaining cultivated areas and crop production;
- b. Resurfacing of pavement when there is no increase in elevation; construction of farm fencing; or gardening, plowing, and similar practices that do not involve filing, grading, or construction of levees.
- ~~c b.~~ Improvements undertaken for an agricultural use pursuant to an NRCS conservation plan.”

VIII. Amended Text: The present language contained in the definition of “Flood” contained in Section 16-52 of the Kendall County Code is hereby amended to read as follows:

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

IX. Amended Text: The present language contained in the definition of “Floodway or designated floodway” contained in Section 16-52 of the Kendall County Code is hereby amended to read as follows:

“Floodway or designated floodway means that portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of the Aux Sable Creek, Blackberry Creek, Clear Creek, Dave- Bob Creek, East Branch Little Rock Creek, Big Rock Creek, Fox River, Harvey Creek, Middle Aux Sable Creek, North Arm Saratoga Creek, Waubensee Creek, and West Aux Sable Creek are generally identified on the countywide Flood Insurance Rate Map of Kendall County prepared by the Federal Emergency Management Agency and dated February 4, 2009, for panels 0005, 0010, 0015, 0020, 0030, 0040, 0051, 0052, 0053, 0054, 0056, 0057, 0058, 0059, 0070, 0078, 0086, 0087,

0089, 0100, 0125, 0176, and 0200 and January 8, 2014 for panels 0035, 0037, 0039, 0045, 0065, 0130, 0135, 0140, 0145, and 0225). The floodways for each of the remaining floodplains of Kendall County shall be according to the best data available from the Federal, State, or other sources ~~and includes the channel, on stream lakes, and that portion of the floodplain adjacent to a stream or channel which is needed to store and convey the critical duration one hundred (100) year frequency flood discharge with no more than a one tenth (0.1) foot increase in flood stage due to the loss of flood conveyance or storage, and no more than a ten (10) percent increase in velocities.~~

- X. Amended Text: A definition of the term “Historic structure” is added in the appropriate place alphabetically in Section 16-52 of the Kendall County Code and shall read as follows:

“Historic structure means any structure that is:

(1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

(3) Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.

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

- XI. Amended Text: A definition of the term “IDNR/OWR jurisdictional stream” is added in the appropriate place alphabetically in Section 16-52 of the Kendall County Code and shall read as follows:

“IDNR/OWR jurisdictional stream means IDNR/OWR has jurisdiction over any stream serving a tributary area of 640 acres or more in an urban area, or in the floodway of any stream serving a tributary area of 6,400 acres or more in a rural area. Construction on these streams requires a permit from the IDNR/OWR. (Ill Admin. Code tit. 17, pt. 3700.30). The IDNR/OWR may grant approval for specific types of activities by issuance of a statewide permit which meets the standards defined in Section 16-140 of this division.”

- XII. Amended Text: The present language contained in the definition of “Letter of map amendment (LOMA)” contained in Section 16-52 of the Kendall County Code is hereby amended to read as follows:

“Letter of map amendment (LOMA) means official determination by FEMA that a specific building, defined area of land, or a parcel of land, where there has not been any alteration of the topography since the date of the first NFIP map showing the property within the floodplain, was inadvertently included within the floodplain and that the building, defined area of land, or a parcel of land is

~~removed from the floodplain FEMA's determination that either an entire legally defined parcel of land, or the lowest grade adjacent to a structure, is above the base flood elevation and is therefore the specific structure is excluded from the SFHA. A LOMA amends the effective flood hazard boundary map, flood boundary floodway map, or flood insurance rate map."~~

XIII. Amended Text: The present language contained in the definition of "Letter of map revision (LOMR)" contained in Section 16-52 of the Kendall County Code is hereby amended to read as follows:

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

XIV. Amended Text: The present language contained in the definition of "Manufactured home" contained in Section 16-52 of the Kendall County Code is hereby amended to read as follows:

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

XV. Amended Text: A definition of the term "NAVD 88" is added in the appropriate place alphabetically in Section 16-52 of the Kendall County Code and shall read as follows:

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

XVI. Amended Text: The present language contained in the definition of "Plan" contained in Section 16-52 of the Kendall County Code is hereby amended to read as follows:

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

XVII. Amended Text: A definition of the term "Repetitive loss" is added in the appropriate place alphabetically in Section 16-52 of the Kendall County Code and shall read as follows:

“Repetitive loss means flood related damages sustained by a structure on two (2) separate occasions during a ten (10)-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.”

XVIII. Amended Text: The present language contained in the definition of “Start of construction” contained in Section 16-52 of the Kendall County Code is hereby amended to read as follows:

“Start of construction, ~~for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97—348),~~ includes substantial improvement and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.”

XIX. Amended Text: The present language contained in the definition of “Structure” contained in Section 16-52 of the Kendall County Code is hereby amended to read as follows:

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

XX. Amended Text: A definition of the term “Substantial damage” is added in the appropriate place alphabetically in Section 16-52 of the Kendall County Code and shall read as follows:

“Substantial Damage means damage of any origin sustained by a structure whereby the cumulative percentage of damage during a ten (10) year period equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes “Repetitive Loss Buildings” (see definition).”

XXI. Amended Text: The present language contained in the definition of “Substantial improvement” contained in Section 16-52 of the Kendall County Code is hereby amended to read as follows:

“Substantial improvement—is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- (2) any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

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

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

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

XXII. Amended Text: A definition of the term “Violation” is added in the appropriate place alphabetically in Section 16-52 of the Kendall County Code and shall read as follows:

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

XXIII. Amended Text: The present language contained in Section 16-138 of the Kendall County Code is hereby amended to read as follows:

**“Sec. 16-138. - General.**

(a) This subdivision sets forth requirements for developments within floodplains and floodways. References to IDNR/OWR permits or approvals in this section shall be construed as their designee where a portion or all of their authority has been delegated.

(b) Development that qualifies for any of the self-issuing Statewide or regional permits administered by IDNR/OWR (Statewide Permit Nos. 2 through 14) are similarly permitted under this article. The developer need only submit a permit application to the Administrator with such information as shall show the Administrator that the development qualifies for the particular Statewide or regional permit in question under the regulations established by IDNR/OWR for such permit and no further submittal need be made under this article. All other provisions of this division applicable to such development, however, continue to apply.

(c) No person, firm, corporation, or governmental body, not exempted by law, shall commence any development in the floodplain without first obtaining a stormwater permit from the Floodplain Administrator.

(d) No person, firm, corporation, or governmental body shall commence any development of a critical facility on land below the 0.2% annual chance flood elevation without first obtaining a stormwater permit from the Floodplain Administrator.

(e) The Floodplain Administrator shall only issue a permit for development activities, including new construction and substantial improvements, which meet the requirements of this ordinance.”

XXIV. Amended Text: The present language contained in the first paragraph of Section 16-139 of the Kendall County Code is hereby amended to read as follows:

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

(A) Any development located on land that is shown by survey elevation to be below the current BFE is subject to the provisions of this division.

(B) Any development located on land shown to be below the BFE and hydraulically connected to a flood source, but not identified as floodplain on the current FIRM, is subject to the provisions of this division.

(C) Any development located on land that can be shown by survey data to be higher than the current BFE and which has not been filled after the date of the site’s first flood map showing the site in the floodplain, is not located in a mapped floodway, or located in a Zone A, is not in the floodplain and therefore not subject to Subdivision IV of this division.

(D) Any development located on land that is above the current BFE but will be graded to an elevation below the BFE, is subject to the provisions of this division.

(E) Base flood elevation

This division’s protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall perform a detailed

engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.”

XXV. Amended Text: The present language contained in Section 16-139 (1) (a) of the Kendall County Code is hereby amended to read as follows:

“The base flood elevation for the floodplains ~~of Aux Sable Creek, Blackberry Creek, Clear Creek, Dave Bob Creek, East Branch Little Rock Creek, Big Rock Creek, Fox River, Harvey Creek, Middle Aux Sable Creek, North Arm Saratoga Creek, Waubensee Creek, and West Aux Sable Creek~~ shall be as delineated on the one hundred (100) year flood profiles in the County-wide Flood Insurance Study of Kendall County prepared by the Federal Emergency Management Agency on ~~January 8, 2014 February 4, 2009~~, for panels ~~17093C0005G, 17093C0010G, 17093C0015G, 17093C0020G, 17093C0030G, 17093C0035H, 17093C0037H, 17093C0039H, 17093C0040G, 17093C0045H, 17093C0051G, 17093C0052G, 17093C0053G, 17093C0054G, 17093C0056G, 17093C0057G, 17093C0058G, 17093C0059G, 17093C0065H, 17093C0070G, 17093C0078G, 17093C0086G, 17093C0087G, 17093C0089G, 17093C0100G, 17093C0125G, 17093C0130H, 17093C0135H, 17093C0140H, 17093C0145H, 17093C0176G, 17093C0200G, 17093C0225H, 17093CIND00005, 0010, 0015, 0020, 0030, 0040, 0051, 0052, 0053, 0054, 0056, 0057, 0058, 0059, 0070, 0078, 0086, 0087, 0089, 0100, 0125, 0176, 0200 and dated January 8, 2014, for panels 0035, 0037, 0039, 0045, 0065, 0130, 0135, 0140, 0145 and 0225.~~”

XXVI. Amended Text: The present language contained in Section 16-140 (a)(6) of the Kendall County Code is hereby amended to read as follows:

“(6) Proposals for new subdivisions, planned unit developments (PUDs) and additions to subdivisions or PUDs or land development greater than fifty (50) lots or five (5) acres shall include base flood or one hundred (100) year frequency flood elevation data and floodway delineations.”

XXVII. Amended Text: The present language contained in Section 16-140 (b) of the Kendall County Code is hereby amended to read as follows:

“(b) *Public health protection standards.* Public health standards must be met for all floodplain development. In addition to the requirements of this article and Sections 16-142 and 16-143 apply:

(1) No development in the floodplain shall include location or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Subsection (c) of this section.

(2) Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.

(3) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above-ground openings located below the flood protection elevation shall be watertight.

(4) New on-site waste disposal systems, such as septic systems, shall not be constructed within the floodplain. An applicant seeking a variance to this restriction shall comply with all provisions of Subdivision IX of this division and with the following minimum standards:

- a. The invert of any wastewater distribution lines shall be a minimum of two (2) feet above the water surface elevation of the base flow of any perennial stream;
- b. The lateral distance from a ditch, creek, or other riverine source to the wastewater distribution lines shall be a minimum of seventy-five (75) feet;
- c. The elevation of any areas which are to receive wastewater distribution shall be above the OHWM;
- d. The soil of the receiving field shall be of a type suitable for septic fields;
- e. The tank shall be placed out of the floodplain with the invert of the outlet about the BFE.

(5) New, substantially improved, or replacement wastewater treatment plants shall have watertight openings for those openings located below the FPE. Such facilities should be located to avoid impairment to the facility or contamination of floodwaters during the base flood.

(6) New and replacement water supply facilities shall be designed and constructed to minimize or eliminate infiltration of floodwater.

(7) If a proposed building site is in a floodplain, all new construction and substantial improvements shall:

- a. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- b. Be constructed with materials resistant to flood damage;
- c. Be constructed by methods and practices that minimize flood damages;
- d. Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(8) Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reasonably safe from flooding, including the following requirements:

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

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

XXVIII. Amended Text: The present language contained in Section 16-140 (c)(1)(a) of the Kendall County Code is hereby amended to read as follows:

“ a. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars (\$1,000.00) or seventy (70) square feet.

XXIX. Amended Text: The present language contained in Section 16-140 (c)(1)(b) of the Kendall County Code is hereby amended to read as follows:

“b. Substantial improvements or structural alteration made to an existing building that increases the floor area by more than twenty (20) percent or is equal or greater than fifty percent (50%) percent of the structure market value prior to the start of construction of the improvements. Alteration shall be figured cumulatively during a ten (10) year period from the date of the permit application. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.”

XXX. Amended Text: The present language contained in Section 16-140 (c)(1)(e) of the Kendall County Code is hereby amended to read as follows:

“e. Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage). If the manufactured home was originally placed after the effective date of flood regulations adopted by the County then placing it back on the site after it was removed to avoid flood damage must be in compliance with the regulations (ordinance, FIRM and FIS or FHBM) that were in effect at the time it was originally placed.”

XXXI. Amended Text: Section 16-140 (c)(1)(g) of the Kendall County Code is hereby added to read as follows:

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

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

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

The Administrator shall maintain records, available upon request by FEMA, all supporting analysis

and documentation used to make that determination, including but not limited to, all correspondence, professional certification, existing and proposed grading, sump pump sizing, foundation plans, Elevation Certificates, soil testing and compaction data for all new and substantially improved buildings.”

XXXII. Amended Text: The present language contained in Section 16-140 (c)(2)(a)(2) of the Kendall County Code is hereby amended to read as follows:

“2. The fill shall be placed in layers no greater than six (6) inches before compaction and should extend at least twenty (20) ~~ten (10)~~ feet beyond the foundation before sloping below the flood protection elevation in lieu of a geotechnical report;”

XXXIII. Amended Text: The present language contained in Section 16-140 (c)(2)(b) of the Kendall County Code is hereby amended to read as follows:

“b. The building may be elevated by structural means in accordance with the following:

1. The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to floodwaters.

2. All components located below the FPE shall be constructed of materials resistant to flood damage.

3.2. The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meter shall be located at or above the flood protection elevation.

4.3. If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of floodwaters. Designs must either be certified by a registered professional engineer or by having a minimum of one (1) permanent opening on each wall not more than one (1) foot above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation, the lowest inside grade must match the lowest existing outside grade adjacent to the structure.

5.4. The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current waves, ice and floating debris.

6.5. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.

7.6. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation, provided they are waterproofed.

8.7. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space.

9 ~~8~~. In lieu of the above criteria, the design methods to comply with these requirements shall be certified by a registered professional engineer.”

XXXIV. Amended Text: The present language contained in Section 16-140 (c)(2)(c) of the Kendall County Code is hereby amended to read as follows:

“ c. The building may be constructed with a crawlspace located below the flood protection elevation, provided that the following conditions and requirements of FEMA Technical Bulletin 11, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas, which ever are more restrictive are met:

1. The building must be designed and adequately anchored to resist floatation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space.

3. All enclosed areas below the FPE shall provide for equalization of hydrostatic pressures by allowing the automatic entry and exit of floodwaters. A minimum of one (1) permanent opening shall be provided on at least two walls that is below the BFE and no more than one (1) foot above finished grade. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the BFE, or the design must be certified by a Registered P.E. as providing the equivalent performance in accordance with accepted standards of practice. Refer to FEMA Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures, for additional guidance. ~~Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one (1) opening on each wall having a total net area of not less than (1) square inch per one (1) square foot of enclosed area. The openings shall be no more than one (1) foot above grade.~~

4. The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed four (4) feet at any point.

5 ~~4~~. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.

6 ~~5~~. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage.

7 ~~6~~. Utility systems within the crawlspace must be elevated above the flood protection elevation.”

XXXV. Amended Text: The present language contained in Section 16-140 (c)(5)(e) of the Kendall County Code is hereby amended to read as follows:

“e. The vehicles largest horizontal projections must be no larger than four hundred (400) square feet when measured at the largest horizontal projection.”

XXXVI. Amended Text: The present language contained in Section 16-140 (c)(6) of the Kendall County Code is hereby amended to read as follows:

“(6) Garages, sheds, or other minor accessory structures constructed ancillary to an existing residential use may be permitted, provided the following conditions are met:

- a. The garage or shed must be non-habitable.
- b. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
- c. The garage or shed must be located outside of the floodway or have the appropriate State and/or Federal permits.
- d. The garage or shed must be on a single-family lot and be accessory to an existing principal structure on the same lot.
- e. The exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the BFE, must be built with flood-resistant materials. Below the base flood elevation, the garage or shed must be built of material not susceptible to flood damage.
- f. All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.
- g. The garage or shed must have at least one (1) permanent opening on at least two (2) each wall not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area.
- h. The structure must be no more than one story in height and no more than six hundred (600) square feet in size. The garage or shed must have a value less than ten thousand dollars (\$10,000.00) in market value or replacement cost whichever is greater or be less than less than five hundred (500) square feet in total floor area.
- i. The structure shall be anchored to resist floatation and overturning.
- j. All flammable or toxic materials (gasoline, paint, insecticides, fertilizer, etc.) shall be stored above the flood protection elevation.
- k. The lowest floor elevation should be documented, and the owner advised of the flood insurance implications.

~~1. Accessory structures that do not meet all of the above criteria may be constructed if they are dry floodproofed or elevated at least one half (1/2) foot above the BFE.”~~

XXXVII. Amended Text: The present language contained in Section 16-140 of the Kendall County Code is hereby amended to add the following language to end of this section to read as follows:

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

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

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

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

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

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

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

XXXVIII. Amended Text: The present language contained in Section 16-142 (1) of the Kendall County Code is hereby amended to read as follows:

“(1) Except as provided in Subsection (2) of this section, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood height or velocities or threat to public health and safety. Obtain appropriate State Permits when project conditions meet the requirements of such permits. The following specific development activities shall be considered as meeting this requirement:

a. Bridge and culvert crossing of streams in rural areas meeting all conditions of the IDNR/OWR Statewide Permit Number 2.

b. Barge fleeting facilities meeting all conditions of IDNR/OWR Statewide Permit Number 3.

~~e. Aerial utility crossings meeting all conditions of IDNR/OWR Statewide Permit Number 4.~~

~~d. Minor boat docks meeting all conditions of IDNR/OWR Statewide Permit Number 5.~~

~~e. Minor, non-obstructive activities meeting all conditions of IDNR/OWR Statewide Permit Number 6.~~

~~f. Outfall pipes, devices and drainage ditch outlets meeting all conditions of IDNR/OWR Statewide Permit Number 7.~~

~~g. Underground pipeline and utility crossings meeting all the conditions of IDNR/OWR Statewide Permit Number 8.~~

~~h. Bank stabilization projects meeting all the conditions of IDNR/OWR Statewide Permit Number 9.~~

~~i. Accessory structures and additions to existing residential buildings meeting all conditions of IDNR/OWR Statewide Permit Number 10.~~

~~j. Minor maintenance dredging activities meeting all conditions of IDNR/OWR Statewide Permit Number 11.~~

~~k. Bridge and culvert replacement structures and bridge widening meeting all conditions of IDNR/OWR Statewide Permit Number 12.~~

~~l. Temporary construction activities meeting all conditions of IDNR/OWR Statewide Permit Number 13.~~

~~m. Special uses of public waters meeting all conditions of IDNR/OWR Statewide Permit Number 14.~~

~~n. Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from state floodway permits requirements.”~~

XXXIX. Amended Text: The present language contained in Section 16-142 (2) of the Kendall County Code is hereby amended to read as follows:

“(2) Other development activities not listed in Subsection (a) of this section may be permitted only if:  
a. The development will result in a change in the regulatory floodway location or a change in the BFE, the applicant shall submit the information required to be issued a conditional letter of map revision (CLOMR) to IDNR/OWR, FEMA and the Administrator. Filling, grading, dredging or excavating may not take place until issuance of a CLOMR from FEMA, an IDNR/OWR permit and approval from the Administrator. Subsequent to completion of work within the floodway the applicant shall submit record plans and information to the Administrator and FEMA for consideration of the final LOMR. No further development activities shall take place in the existing or proposed

floodplain until a letter of map revision (LOMR) is issued by FEMA unless such activities meet all the requirements of the [Section 16-140](#). The Director shall be copied on all related correspondence.

b. At a minimum, the following information is submitted to IDNR/OWR for their review and concurrence:

1. Analysis of the flood profile due to a proposed bridge, culvert crossings and roadway approaches.
2. An engineer's determination that an existing bridge, culvert crossing or approach road is not a source of flood damage and the analysis indicating the proposed flood profile.
3. Alternative transition sections and hydraulically equivalent compensatory storage.

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

XL. Amended Text: The present language contained in Section 16-144 of the Kendall County Code is hereby amended to read as follows:

**“Sec. 16-144. Critical Facilities**

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

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

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

**Sec. 16-144. -- Disclaimer:**

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

XLI. Amended Text: The following language is added as Section 16-145 to the Kendall County Code and shall read as follows:

**“Sec. 16-145. - Disclaimer.**

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

XLII. Amended Text: The present language contained in Section 16-145-Section 16-171 of the Kendall County Code is hereby amended to read as follows:

**“Secs. 16-1465—16-171. – Reserved.”**

XLIII. Amended Text: The present language contained in Section 16-172 (a) (1) of the Kendall County Code is hereby amended to read as follows:

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

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

b. No person, firm, corporation, or governmental body shall commence any development of a Critical Facility as defined in Section 16-52 facility on a site below the 0.2% annual chance flood elevation without first obtaining a Development permit from the Administrator.

c b. Any land disturbing activity to be performed in a watercourse or water body;

d e. Fill that will exceed three (3) feet in vertical height at its highest point measured from the natural ground surface where such fill violates the purpose or objectives of this division, as determined by the permitting authority;

e d. Any land disturbing activity requiring a site runoff storage facility; or

f e. The development disturbs more than forty-three thousand five hundred (43,500) square feet of ground cover, unless the development solely involves one (1) or more of the following:

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

2. Maintenance, repair, or at grade replacement of:

(i) Existing lawn;

(ii) Garden or cultivated areas;

- (iii) Residential driveway;  
not otherwise requiring a stormwater permit under this division.
3. Maintenance of an existing stormwater facility, not requiring other State or Federal permits or approvals.
4. Excavation below final grade for tanks, vaults, tunnels, swimming pools, cellars, or for basements and/or footings of a single-family residence and appurtenant structures on a site that is part of an engineered and final platted subdivision or for which a building permit has been issued by the permitting authority, unless the site would otherwise require a stormwater management permit.
5. Public roadway or bridge projects; consisting of improvement to an existing public roadway or public bridge sponsored by a public roadway agency and contracted as a public bid project.”

XLIV. Amended Text: The present language contained in Section 16-173 (b) of the Kendall County Code is hereby amended to read as follows:

“(b) *Extension*. If the permitted activity has been started but is not completed by the expiration date of the permit, and the permittee intends to pursue the permitted activity, then the permittee may submit a written request that the expiration date be extended. Upon receipt of such request, the Administrator may extend the expiration date in one (1) year increments a maximum of three (3) times for permitted activities outside regulatory floodplains and floodways. Expiration dates for permitted activities in regulatory floodplains and floodways may be extended in one (1) year increments a maximum of three (3) times, provided the activity is in compliance with then current requirements of this division or the applicable certified community ordinance; and the FIRM and FIS in effect at the time the extension is granted.”

XLV. Amended Text: The present language contained in Section 16-174 (b) of the Kendall County Code is hereby amended to read as follows:

“(b) *Modification of submittal requirements* ~~for stormwater permits on submittals for projects outside the floodplain~~. The Administrator may, at the discretion of the same, modify the submittal requirements on a case-by-case basis considering the size, complexity and likelihood that a development will affect the discharge of stormwater. Such modifications may increase or decrease the submittal requirements noted above. The Administrator shall note in writing the specific submittal requirements and relevant findings to support the modified requirements. Modifications of permit submittal requirements for projects within the floodplain shall not be allowed.”

XLVI. Amended Text: The present language contained in Section 16-174 (e)(1)(l) of the Kendall County Code is hereby amended to read as follows:

“1. FEMA and any site-specific benchmarks (NAVD 88 tied to County benchmarks) used;”

XLVII. Amended Text: The present language contained in the first paragraph of Section 16-174 (g) of the Kendall County Code is hereby amended to read as follows:

“(g) *Floodplain submittal*. The applicant shall obtain approval from IDNR/OWR ~~and FEMA~~ for those cases in which their ~~permitting~~ authority applies or as noted in Subdivision IV of this division. The stormwater management permit will not be issued until such approval is received. Documentation supporting a finding that the proposed development is in compliance with Subdivision IV of this division shall be submitted with the application. At a minimum, the following material shall be submitted for approval with the application:”

XLVIII. Amended Text: The present language contained in Section 16-175 (a) of the Kendall County Code is hereby amended to read as follows:

“(a) The developer is required to submit record drawings of all permitted stormwater management facilities, including, but not limited to, storm sewers, culverts, overland flow paths and stormwater management basins. The record drawings shall include the following:

(1) The record drawings shall be in the same format and include the same sheet count as the approved permitted engineering plans. Supplemental topographic plans may be added to better detail stormwater management basins or overland flow paths. Submittal of record drawings shall be on such media and in such format as the certified community determines.

(2) All storm sewers and culverts shall depict actual location and elevation of all pipe inverts at all manholes and end sections. Rim elevation of all storm sewer frames and grates shall be noted. Pipe material and size shall be noted. All sump pump locations and connections shall be noted.

(3) All pipe slopes shall be calculated based on constructed elevations and lengths. The approved slope shall be crossed out and the record slope noted adjacent to the approved slope.

(4) All design cross sections shall be surveyed and record elevation and widths noted. Overland flow path slopes shall be surveyed and record elevation and locations noted. Design water surface elevations shall be calculated where cross section area or slope is less than the approved plan.

(5) Stormwater management basins and floodplain compensatory storage shall be surveyed and a one (1) foot topographic map provided. The flow control structure shall indicate type, size and elevation of the control device. Overflow measures such as control weirs, etc., shall be surveyed noting material, location, width and elevation. The record drawings shall include calculations verifying that the volumes of detention and compensatory storage required in the permit have been provided. The calculations shall compare proposed to actual volumes at one (1) foot elevation intervals.

(6) The plans shall be signed and sealed by a professional engineer who shall state that the project is constructed and will function in substantially conformance and with the approved and permitted plans and calculations.

(7) Floodproofing measures must be certified by a registered professional engineer or registered architect as being compliant with applicable floodproofing standards. FEMA Elevation Certificate and Floodproofing Certificate forms may be required as documentation of compliance.

- (8.7) The plans shall identify the entity with current maintenance responsibility and the entity with future maintenance responsibility for stormwater management facilities, including, but not limited to:
- a. Stormwater management basins.
  - b. Storm sewers.
  - c. Drainage ditches.
  - d. Overland flood routes.
  - e. Wetlands and natural areas.”

XLIX. Amended Text: The following language is added as Section 16-177 to the Kendall County Code and shall read as follows:

**“Sec. 16-177 Petition Time Frame**

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

L. Amended Text: The present language contained in Section 16-177-Section 16-205 of the Kendall County Code is hereby amended to read as follows:

**“Secs. 16-1787—16-205. – Reserved.”**

LI. Amended Text: The present language contained in Section 16-278 of the Kendall County Code is hereby amended to read as follows:

**“Sec. 16-278. - Amendments.**

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

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

LII. Amended Text: The following language is added as Section 16-279 to the Kendall County Code and shall read as follows:

**“Sec. 16-279. Effective Date**

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

LIII. Amended Text: The present language contained in Section 16-279-Section 16-304 of the Kendall County Code is hereby amended to read as follows:

**“Secs. ~~16-28079~~—16-304. – Reserved.”**

LIV. Amended Text: The present language contained in Section 16-306 (2) of the Kendall County Code is hereby amended to read as follows:

*“(2) County and floodplain variances. Variances to the requirements of this division or any variance of Subdivision IV of this division require approval by the certified community, the Director and the County Board in accordance with the procedures set forth herein.*

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

LV. Amended Text: The present language contained in Section 16-309 (a)(1) of the Kendall County Code is hereby amended to read as follows:

“ (1) The Oversight Committee shall not recommend nor shall the County Board or corporate authority grant a variance for a project from the provisions of this division unless the variance is consistent with the purpose of this division ([Section 16-50](#)) and meets the following standards based upon substantial evidence submitted with the variance application or at the hearing:

a. The variance will not increase the probability of flood damage or create an additional threat to the public health, safety or welfare.

b. The development activity cannot be reasonably located outside the floodplain.

c. b. The variance requested is the minimum relief necessary to accomplish the objectives of the development without compromising the objectives of [Section 16-50](#).

d. e. The variance will not result in a reduction of water quality benefits as compared to compliance with ordinance requirements.

e. d. The variance is not requested solely for the purpose of reducing site runoff storage requirements.

f. e. The variance shall not cause conveyance of stormwater from the project to increase peak discharges beyond design capacity of existing off-site conveyance facilities for any storm event from the two (2) year to the one hundred (100) year recurrence frequency.

~~g. f.~~ The variance shall seek to preserve valuable environmental and biological resources, including, but not limited to, stands of native trees, existing wetlands and natural floodplain storage.”

LVI. Amended Text: The present language contained in Section 16-309 (a)(2)(b) of the Kendall County Code is hereby amended to read as follows:

“b. Variances may be issued by the permitting agency for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the following procedures of this section:

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

(i) A showing of good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant;

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

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

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

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

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

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

(ii) Increase the risk to life and property.

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

~~3. A permitting agency shall notify the applicant in writing over the signature of the Administrator that:~~

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

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

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

(i) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.

(ii) The danger to life and property due to flooding or erosion damage.

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

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

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

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

7.4. The permitting agency shall:

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

LVII. Amended Text: The following language is added as Section 16-312 to the Kendall County Code and shall read as follows:

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

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

LVIII. Amended Text: The present language contained in Section 16-312-Section 16-340 of the Kendall County Code is hereby amended to read as follows:

**“Secs. 16-313~~2~~—16-304. – Reserved.”**

LIX. Amended Text: The present language contained in Section 16-341 (c)(1) of the Kendall County Code is hereby amended to read as follows:

“(1) The maintenance of all records and the submission of all reports required for eligibility in the program, including elevation certificates, floodproofing certificates, and lowest floor elevations; for all new and substantially improved buildings;”

LX. Amended Text: The present language contained in Section 16-343 (c)(1) of the Kendall County Code is hereby amended to read as follows:

**“ Sec. 16-343. - Duties of Administrator.**

The Administrator shall:

(1) Receive a listing of all required Federal, State, regional and County permit applications filed for the project prior to issuing a permit under this division for areas covered by other stormwater related jurisdictions. The Administrator may request copies of the stormwater related permit applications;

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

(3) Upon submittal of stormwater permit applications, identify Critical Facilities as defined in Section 16-52 and determine the elevation of the 0.2% annual chance flood elevation at the site, as established by FEMA regulatory documents.

(4 ~~3~~) Review permit applications and determine whether to issue or deny permits;

(5) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of this division.

(6) Ensure that the building protection requirements for all buildings subject to this division are met and maintain a record of the “as-built” elevation of the lowest floor (including basement), elevation certificate, or floodproofing certificate.

(7) Review Elevation Certificates for accuracy and require incomplete or deficient certificates to be corrected.

(8) Ensure that water supply and waste disposal systems meet the Public Health standards of this division.

(9) Ensure that applicants are aware of and obtain any and all other required local, state, and federal permits; including permits pertaining to IDNR/OWR floodway and dam safety rules, Clean Water Act, Public Water Supply, Endangered Species Act, Illinois Endangered and Species Protection Act.

(10) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse under the jurisdiction of IDNR/OWR.

(11 ~~4~~) Ensure that the required notice of an application for a variance has been given in accordance with [Sections 16-347](#) and [16-348](#);

(12 ~~5~~) Notify the Director of an application for a variance, a CLOMR or a LOMR;

~~(13 6) Provide for inspections of developments as required by this division; and take action as necessary to ensure compliance with this division.~~

~~(14 7) Investigate complaints of violations of this division within the community;~~

~~(15 8) Notify violators within regulatory floodplains that failure to comply with the provisions of the National Flood Insurance Program could make them ineligible to receive flood insurance;~~

~~(16 9) Initiate any proceeding necessary to enforce this division within the community;~~

~~(17 10) Advise, consult and cooperate with other governmental agencies to promote the purposes of this division;~~

~~(18 11) Maintain copies of all applications and submittals, Federal and State permits, variances, CLOMR, LOMR, CLOMA, LOMA and all documentation associated with any of the foregoing for public inspection;~~

~~(19 12) Maintain documentation and data on the cost of any improvement to a structure in the floodplain in order to enforce the provisions of this division pertaining to substantial improvements to such structures;~~

~~(13) Notify adjacent communities in writing thirty (30) days prior to issuing a permit for the alteration or relocation of a watercourse affecting the adjacent community.~~

~~(20) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.~~

~~(21) Notify FEMA and IDNR/OWR of any proposed amendments to this division.~~

~~(22) Perform site inspections to ensure compliance with this division and make substantial damage determinations for structures within the floodplain.~~

~~(23) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the BFE or result in a change to the floodplain map.~~

~~(24) Establish procedures for administering and documenting determinations, as outlined below, of substantial improvement and substantial damage:~~

~~(i.) Determine the market value or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building before the start of construction of the proposed work. In the case of repair, the market value of the Building shall be the market value before the damage occurred and before any repairs are made.~~

~~(ii.) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building.~~

~~(iii.) Determine and document whether the proposed work constitutes substantial improvement or substantial damage.~~

(iv.) Notify property owner of all determinations and responsibilities for permitting and mitigation.”

LXI. Amended Text: The present language contained in Section 16-426 (c)(1) of the Kendall County Code is hereby amended to read as follows:

“(1) The Administrator may allow ~~and, or the~~ applicant may submit, a written request for the payment of a fee in lieu of site runoff storage to fulfill all of part of the site runoff storage requirement in accordance with [Section 16-81](#). A request for fee in lieu of site runoff storage shall be either rejected or approved within forty-five (45) days of the written request unless additional engineering studies are required.”

*IN WITNESS OF*, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 20<sup>th</sup> day of January, 2026.

Attest:

\_\_\_\_\_  
Kendall County Clerk  
Debbie Gillette

\_\_\_\_\_  
Kendall County Board Chairman  
Matt Kellogg