

Chapter 29
STORMWATER MANAGEMENT

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29.01 AUTHORITY AND PURPOSE (McHENRY COUNTY STORMWATER MANAGEMENT ORDINANCE AMENDMENTS)

Certain amendments, deletions and additions to the McHenry County Stormwater Management Ordinance, identified as follows and adopted by reference, are hereby approved for the Village, with an effective date of August 22, 2008.

AUTHORITY AND PURPOSE (ARTICLE I)

- A. This Chapter is enacted pursuant to the powers granted to the Village by Sections 1-2-1, 11-12-12, 11-30-8, 11-30-2 and 11-31-2 of the Illinois Municipal Code.
- B. Article I.B of the McHenry County Stormwater Management Ordinance (MCSMO) is hereby incorporated. Replace “McHenry County” in subsection B.1 with “the Village.”
- C. This Chapter 29 shall be referred to as the Lakewood Stormwater Management Ordinance, or, for shorter reference in Chapter 29, the “Ordinance.”

29.02 DEFINITIONS (ARTICLE II)

Article II of the MCSMO is hereby incorporated.

Delete the paragraph defining “Enforcement Officer” and replace with “Enforcement Officer.”
The Enforcement Officer shall be the Village Engineer.

Add “McHenry County Stormwater Ordinance (MCSMO): That certain ordinance enacted by McHenry County in 2008 regarding stormwater management.”

29.03 PROCEDURE AND ENFORCEMENT (ARTICLE III)

Article III of the MCSMO is hereby incorporated.

Replace subsection D8 with “Proposed amendments to this ordinance and appendices must be done in accordance with Section 29.12.”

29.04 GENERAL PROVISIONS AND JURISDICTION (ARTICLE IV)

Article IV of the MCSMO is hereby incorporated.

In subsection A5, replace “5,000 square feet” with “2,500 square feet.”

Add subsection A10: “Any land-disturbing activity that results from or is associated with any building construction or demolition permit issued by the Village.”

Replace subsection B5b with: “An approved final plat, if the approved drainage study is consistent with stormwater and floodplain ordinances in effect at the time of the approval by the Village or if the approved development will result in no increase in the impervious area.”

In subsection B6, replace “Article V.G.6” with “Section 29.05-G6” and replace “Article V.G.1.b(4)” with “Section 29.05-G1b(4).”

In subsection D1, replace “Article V.C” with “Section 29.05-C” and replace “Article V.E” with “Section 29.05-E.”

In subsection E1, replace “MCSC” with “Village.”

29.05 PERFORMANCE STANDARDS (ARTICLE V)

Article V of the MCSMO is hereby incorporated.

In subsection A4, replace “A community” with “The Village.”

Add subsection C4e: “Require that the buffer areas be physically delineated and identified on the site to reduce the likelihood of encroachment or future alteration of the buffer area. This may be accomplished using fencing, permanent signage or lot markers, walking paths or other methods approved by the Enforcement Officer.”

In subsection E1, replace “Article IV, Section A” with “Section 29.04-A.”

In subsection F1, replace “Article V.B” with “Section 29.05-B” and replace “as presented in the Technical Reference Manual” with “approved by the Village.”

In subsection F3c, replace both instances of “Article V.F.3.a” with “Section 29.05-F3a.”

In subsection F3g, replace “Article V.F.3.a” with “Section 29.05-F3a.”

In subsection F3h, replace “MCSC Chief Engineer” with “Village Engineer.”

In subsection F4e(6), replace “Article V.D” with “Section 29.05-D.”

In subsection F4e(7), replace “Article V.B.1” with “Section 29.05-B.1.”

In subsection F4l, delete “MCSC Chief Engineer in a non-Certified Community or the Enforcement Officer in a Certified Community.....”

In subsection F4o, delete “MCSC.”

Add subsection F4r: “Retention basins may be used as detention facilities subject to the following:

- (1) The basin shall be designated to provide the detention volume required by this Chapter;
- (2) The basin shall be designated as a wet detention facility only, with a wetland bottom;
- (3) The basin shall meet all of the requirements for an infiltration basin in Section 29.05-F4q.”

In subsection F5a, replace “Article V.B” with “Section 29.05-B.”

In subsection F6a, replace “MCSC” with “Village.”

In subsection F6c, replace “for each major watershed” with “the Kishwaukee watershed.”

In subsection G1d, replace “Article V.G.4” with “Section 29.05-G4.”

In subsection G2e, replace “MCSC” with “the Village.”

In subsection G5f(3), replace “each major watershed” with “the Kishwaukee watershed.”

In subsection G6b, replace “MCSC” with “the Village.”

In subsection G6d(4)(c), replace “Article II” with “Section 29.02.”

In subsection G6d(6)(a), replace “MCSC” with “the Village.”

In the paragraph immediately following subsection G6d(6)(c), replace “MCSC” with “the Vil-

lage.”

In subsection G6e, replace both instances of “MCSC” with “the Village.”

In subsection G7b, replace “MCSC” with “the Village.”

In subsection G7d(3), replace “MCSC” with “the Village.”

In subsection H, replace “McHenry County” with “the Village.”

In subsection H1b, delete “McHenry County.”

In subsection H1c, replace “the MCSMO” with “this Chapter.”

In subsection H2, delete “MCSMO.”

In subsection H3, delete “McHenry County.”

In subsection H3d, replace “the MCSMO” with “this Chapter.”

In subsection H4, replace “Article VI.F” with “Section 29.06-F.”

In subsection H6, replace “County’s” with “Village’s.”

In subsection H6a(1), replace “approved MCSMO permit” with “approved permit” and replace “aspects of the MCSMO” with “aspects of this Chapter.”

In subsection H6a(2), replace “approved MCSMO permit” with “approved permit” and replace “defined by the MCSMO” with “defined by this Chapter.”

In subsection H6e, replace “MCSC/MCSMO Certified Community” with “Village-.”

In subsection H6f, replace “an MCSC” with “a Village-approved” and replace “MCSC / MCSMO Certified Community” with “Village-.”

In subsection H6g, replace “an MCSC/MCSMO Certified Community” with “a Village-;” replace both instances of “McHenry County” with “the Village;” and replace “MCSC designated” with “Village-designated.”

In subsection H6h(2), replace “MCSC” with “Village.”

In subsections H6i(1)-(4), replace all four instances of “MCSC designated” with “Village-designated” and replace all four instances of “McHenry County” with “the Village.”

In subsection H6p, replace “Article V.H.6.a” with “Section 29.05-H6a.”

In subsection H8, replace “the McHenry County ordinance” with “this Chapter.”

Add the following as a new subsection I:

Long Term Maintenance: When required by the Enforcement Officer, the applicant shall provide restrictive covenants pertaining to the maintenance, repair, management and inspection of all wetlands, water bodies, flood plains, buffers and stormwater management facilities for the development project. Once the Village has approved the covenants, the applicant shall record the document prior to the sale of individual lots on the property and shall deliver a recorded copy to the Village Clerk. Once recorded, those portions of the covenants pertaining to wetlands, water bodies, flood plains, buffers and stormwater management facilities cannot be modified, amended, supplemented, repealed or terminated by the property owner, applicant or homeowners’ or business owners’ association without the prior written consent of the Board of Trustees.

Such covenants shall contain an affirmative responsibility by the applicant or permittee that 1) all common areas devoted to stormwater management, wetlands, buffers, open waters and stormwater management facilities shall be maintained by the owner, applicant or permittee; and 2) in the event such facilities are not maintained, repaired, restored or inspected as required with the approved stormwater management permit or as determined by the Enforcement Officer, the Village may undertake such maintenance, repair, restoration or inspection, and the Village shall be fully reimbursed by the applicant for all costs and fees incurred. Such action and maintenance by the Village shall not constitute acceptance of such facilities and the Village shall not be responsible for additional long term maintenance.

The property owner and applicant shall agree, as a condition of permit approval, to submit the property for inclusion in a special service area (“SSA”) established by the Village. The SSA is intended as a vehicle to reimburse the Village for any maintenance, repair, restoration or inspection of the stormwater management facilities. The owner and applicant shall not object to the adoption of an ordinance proposing and establishing a SSA and the Village shall have the sole right to determine if a SSA is to be established and utilized.

29.06 APPLICATION REQUIREMENTS (ARTICLE VI)

Article VI of the MCSMO is hereby incorporated.

Replace subsection A3 with: “A grading plan to a scale not less than one inch to 100 feet (1”-100”) showing proposed and existing contours at one-foot intervals. The information for the existing contours shall extend 100 feet beyond the site boundary unless waived by the Enforcement Officer.”

Add subsection A8: “The plans shall be certified and sealed by a Registered Professional Engineer. This requirement may be waived by the Enforcement Officer without a formal variation process”

In subsection B13, replace “MCSC” with “the Village.”

In subsection B14, replace “MCSC” with “the Village.”

Add subsection B17: “The location and depth of any water supply located within 50 feet of the proposed excavation and/or filing.”

Add subsection B18: “The location of any sewerage disposal system or underground utility line located within 50 feet of the proposed excavation and/or filing.”

Add subsection B19: “The location of any gas transmission pipe line operated at a maximum service pressure in excess of 200 p.s.i.g. located within 100 feet of the proposed excavation, grading or filing.”

Add subsection B20: “The location, type and current status of any previously permitted excavation, grading or fill operations on the site.”

29.07 VARIANCES AND APPEALS (ARTICLE VII) *Amended 2021-10, 2017-34*

Article VII of the MCSMO is hereby incorporated.

Replace subsection A1 with: “The Enforcement Officer shall administer the variance provisions of this Chapter, subject to the appellate review of the Board of Trustees.”

Replace subsection A2 with: “This Chapter shall not govern variances outside the jurisdiction of the Village.”

In subsection A9, delete “(Article V.C.)” and delete “(Article V.F.)”

In subsection A10, delete “(Article V.C.)” and delete “(Article V.F.)”

In subsection A11, replace “MCSC” with “Village.”

Replace subsection B1 with: “Any person aggrieved by the decision of the Enforcement Officer may request review thereof by the Board of Trustees by written notice filed with the Village Clerk within 10 days of the determination.”

Replace subsection B2 with: “Residents of the Village shall be permitted to appeal variance decisions on behalf of the Village upon approval by the Village Manager.”

29.08 INSPECTIONS AND ACCESS (ARTICLE VIII)

Article VIII of the MCSMO is hereby incorporated.

Replace all three instances of “MCSC” with Village

Replace “County” with “Village.”

29.09 VIOLATION AND PENALTY (ARTICLE IX)

Article IX of the MCSMO is hereby incorporated.

In subsection C, add “or the Village” after “Enforcement Officer.”

In subsection D, add “or the Village” after “Enforcement Officer.”

29.10 DISCLAIMER OF LIABILITY (ARTICLE X)

Article X of the MCSMO is hereby incorporated.

Replace “Stormwater Committee nor any Certified Community” with “Village.”

29.11 SEVERABILITY (ARTICLE XI)

Article XI of the MCSMO is hereby incorporated.

29.12 ABROGATION AND GREATER RESTRICTIONS (ARTICLE XII)

Article XII of the MCSMO is hereby incorporated.

Replace “and other ordinance” with “and other ordinances.”

Replace “community” with “Village.”

29.13 AMENDMENTS (ARTICLE XIII)

The Village may from time to time make amendments to this Chapter as determined to be appropriate and necessary to better achieve the goals and objectives and to protect the health and welfare of the community. Amendments to the technical requirements shall require the approval of the MCSC or the MCSC chief engineer prior to passage and approval by the Village. Amendments that apply only to the Village’s administration and enforcement of this Chapter may be made with notice to the MCSC and its chief engineer, but without prior approval.

To the extent that any amendments to the MCSMO are harmonious and consistent with the revisions made by this Chapter, those amendments are hereby adopted by operation of the incorporating provisions of this Chapter.

If required by the County, the Village shall, upon notice from the County, review any amendments made by the MCSC to the MCSMO and, upon finding that such amendments further the objective of providing a consistent level of flood protection throughout the community and are more restrictive than the current regulations, adopt such county amendment without further notice or public hearing.

29.14 MANAGEMENT FEES *Amended 2021-29*

The following fees shall be paid to the Village prior to the issuance of any permit required by this Chapter:

Type of Development	Fee
Minor Development - single lot development and improvements without special flood hazard areas or wetlands (1) (2)	
Review Fee	\$750
Re-submittals beyond the third submittal (3)	\$200 per submittal
Pre-arranged inspection services (4)	\$250 per inspection
Record Drawing Review Including Initial Site Review	\$400
Minor Development - single lot development and improvements with special flood hazard areas or wetlands (2)	
Review fee	\$900
Outside consulting review services	Charged on a time and material basis.
Re-submittals beyond the third submittal (3)	\$300 per submittal
Pre-arranged inspection services (4)	\$250 per inspection
Record Drawing Review Including Initial Site Review	\$500
All other development (intermediate, major, special flood hazard areas and wetlands) (2)	
Initial deposit fee	\$1,000
Outside consulting review services	Charged on a time and material basis.
Notes:	
(1) Minor development review fee for single lot development includes initial review plus one submittal and one final inspection	
(2) Minor, intermediate, major and special flood hazard area as defined in the McHenry County Stormwater Management Ordinance.	
(3) If additional review is required due to major re-design of the development, the entire base review fee may be re-applied, instead of an additional fee.	
(4) Additional inspection fees charged for requested or agreed services rendered, including temporary occupancy inspections.	

29.15 CONSTRUCTION AND INTERPRETATION

A. This Chapter is derived from the 2008 version of the MCSMO, and shall be construed and interpreted consistently with the MCSMO. This Chapter shall be interpreted in light of the public policy of the Village that the Village shall have jurisdiction over stormwater management and control within its boundaries.

B. Nothing in this Chapter shall be construed to affect the rights or processes created by other Chapters of the Code, including the Zoning Code and Subdivision Code. To the extent that regulations set forth in this Chapter conflict or appear to conflict with other provisions of the Village Code, the provisions of this Chapter shall prevail in matters of stormwater management, and shall be subordinate in all other matters.

29.16 APPENDICES

Appendix A: Appendix A to the MCSMO is hereby incorporated.

Appendix B: Appendix B to the MCSMO is hereby incorporated.

Appendix C: Appendix C to the MCSMO is hereby incorporated.

Appendix D: Flood Insurance Rate maps to the MCSMO are hereby incorporated.

29.17 ADOPTION OF THE McHENRY COUNTY STORMWATER MANAGEMENT ORDINANCE *Amended, 2020-24, 2012-09*

The provisions of the McHenry County Stormwater Management Ordinance, originally passed and approved by the McHenry County Board on January 20, 2004, and subsequently amended on April 15, 2008, October 19, 2010, and March 15, 2011, and September 15, 2020 are hereby adopted, as amended, for the Village and shall be known as Chapter 29 in the Lakewood Municipal Code.