

**ZONING, PLANNING & ORDINANCE COMMITTEE MEETING MINUTES
MARCH 1, 2011 – 6:30 P.M.**

Chairman Opper called the meeting to order at 6:30 p.m. Committee members present: Aldermen Opper, Logan, Ulmer. Alderman Leyden was absent. Also present were Mayor Nolan, City Clerk Wells, City Administrator Nelson, Aldermen Marzahl, Musgrove and Perkins and Chief Kazy-Garey.

OPEN BURNING/OUTDOOR RECREATIONAL FIRE

Alderman Opper brought up discussion on open fires for recreational use and proposed that the ordinance be amended to add outdoor recreational fires that are contained in a chiminea or fire pit with dimensions of around 30". Chief Kazy-Garey had no objections but suggested leaving it to the discretion of the officer with regard to a specific size limit. Additional discussion was to allow safely contained supervised commercially available fireplace/fire pits and in ground fire pits not to exceed 36" interior diameter using wood only and to prohibit burn barrels.

Moved by Logan, seconded by Ulmer directing City staff to prepare a draft ordinance and e-mail to the Committee for review, to be placed on the next City Council agenda. All ayes. Motion carried.

MCHEMRY COUNTY STORMWATER MANAGEMENT

Community Development Director Santeler reviewed the history and purpose of the McHenry County Stormwater Management Ordinance which was adopted by the City in 2004. Initially the City became a certified community by default but rescinded the certification in 2007 due to issues with developers who didn't comply with the county regulations. In the past three years, Director Santeler has had the opportunity to become educated on storm water management and the City's petition for recertification has been granted by the County. The Mayor indicated that the City's recertification would expedite the process for local development. The Committee reviewed the Proposed Fee Structure for Storm Water Management Permits.

Moved by Logan, seconded by Ulmer to amend Chapter 20 to include the proposed fee structure and to amend Chapter 8 and Chapter 1 as needed with fines at double the permit fee. All ayes. Motion carried.

PRIVATE TOWING

Alderman Musgrove brought up discussion regarding an issue with a resident in Northfield Court Apartments whose car was towed because his parking sticker fell off or was expired. Cunat's hires a private towing company who tows vehicles that are violating posted parking violations to Union. Administrator Nelson and Chief Kazy-Garey related that McHenry County opted out of the ICC regulations and there aren't current regulations for private towing companies. Chief Kazy-Garey reported that regulations are posted in the apartment complex and the towing company involved complies with all laws and notifies the Police Department when vehicles are towed. Chief Kazy-Garey recommended that the City not get involved in private towing regulations. Alderman Musgrove suggested that the City Council send a letter recommending that apartment owners use a local company. After further discussion, the general consensus was not to get take any action at this time.

At 7:05 p.m., moved by Ulmer, seconded by Logan to adjourn the meeting. All ayes. Motion carried four to zero.

Submitted by:
Chairman Carl Opper

ARTICLE I. AUTHORITY AND PURPOSE

A. AUTHORITY

This Ordinance is enacted pursuant to the powers granted to McHenry County by 55 ILCS 5/5-1041, 1042, 1049, 1062, 1063, 1104, 12003 & 15001 et seq., (County) and by 65 ILCS 5, Sections 1-2-1, 11-12-12, 11-30-2, 11-30-8, 11-31-2 and 615 ILCS 5, Sections 5 et seq. including 18g (1994 State Bar Edition). The administration and enforcement of this Ordinance shall be performed by:

1. Certified communities, within their respective jurisdictions; and,
2. The Stormwater Committee, its consultants, agents or employees in both incorporated and unincorporated areas of McHenry County.

B. PURPOSE

The purpose of this Ordinance is to establish reasonable rules and regulations for development of watershed integrity in order to:

1. Protect and preserve the quality and environmental values of land and water resources in McHenry County;
2. Encourage development in a manner that promotes the orderly, sustainable and cost-effective utilization of land and water resources;
3. Assure that development does not increase flood and drainage hazards, create unstable conditions susceptible to erosion or reduce water quality at or downstream of the site;
4. Minimize the need for additional expenditure of public funds for flood control projects, repairs to flood damaged public facilities and utilities, and flood related emergency operations;
5. Prevent additional disruption of governmental services and the economy due to flooding and drainage problems;
6. Maintain eligibility for the National Flood Insurance Program (NFIP) by equaling or exceeding Federal Floodplain development regulations (NFIP codified as 44 CFR 59-79, as amended) thereby making federally subsidized flood insurance available to residences in participating communities;
7. Protect the hydrologic, hydraulic, water quality and other beneficial functions of streams, lakes, Wetlands, Floodplains and flood prone areas;
8. Meet the requirements of The Rivers, Lakes and Streams Act, 615 ILCS 5/18g (1994 State Bar Edition) effective November 18, 1987;
9. Prevent additional harm due to periodic flooding including loss of life and property and threats and inconveniences to public health, safety and welfare; and,
10. Protect buildings and improvements to buildings from flood damage.

Proposed Fee Structure for Storm Water Management Permits

The criteria in the Stormwater Management Ordinance (SMO) that triggers the need for a watershed development permit, requires one of two scenarios to take place; 5,000 square feet or more of disturbed surface area, or excavation in excess of 100 cubic yards.

Listed below are the five classifications of development that require permitting, as well as a proposed fee structure:

- Minor development- Less than 20,000 sq. ft. of disturbance, not in a floodplain, not a road project. Single and two family homes fall in this category.
\$50.00 permit for single and two family homes.

Projects that are not part of a unified development and are classified as a minor development
\$50.00 permit
\$500.00 retainer for professional review.

- Intermediate Development- between 20,000 sq. ft. and 5 acres of disturbance, not in a flood plain, not a road project.
\$500.00 permit
\$2,500.00 retainer for professional review.

- Public road development-*City required to have a third party review*

- Major Development-a development that does not meet the criteria to classify as a minor, intermediate, or public road development.
\$500.00 permit
Retainer amount based on City engineers estimate for professional services

- Special Flood Hazard Area Development- a development in a regulatory flood prone area as defined by FEMA, ACOE, or MCSC. *\$500.00 permit, \$2,500.00 retainer for professional review*

Wording should be considered for projects that are unique and unusual to where the professional review costs in regards to stormwater management may exceed \$2,500.00, we would rely on our engineers to produce a cost estimate for the review.