

**CHAPTER 19  
DEVELOPMENT REGULATIONS**

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**19.01 INTENT, PURPOSE AND SCOPE** *Amended, 05-4-1*

The purpose of Chapter 19 is to regulate the development of land and to control the potable water, sanitary sewer, grading, surface water detention, proximity to public sanitary sewer and proximity to public water for all development projects other than individual single family residential units. In addition to the foregoing, the McHenry County Stormwater Management Ordinance, adopted by passage of Ordinance 04-10-3 and incorporated into this Code as Chapter 29, shall also govern regulations for development.

**19.02 DEFINITIONS** *Amended, 05-4-1*

In addition to the definitions found in Appendix A of this Code and Article 2 of the McHenry County Stormwater Management Ordinance, which was adopted by passage of Ordinance 03-10-3 and incorporated into this Code as Chapter 29, the following definitions shall be applicable to this Chapter 19:

**Alley:** A public way, not more than 30 feet wide, which affords only a secondary means of access to abutting property.

**Block:** A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad right-of-way, bulkhead lines, or shore lines of waterways or the corporate boundary lines of the City.

**Datus USGS Sea Level Datum 1929 Adjusted:** A reference point from which elevations are measured.

**Detention Basin:** An area designed to hold an accumulation of storm water thereby reducing the peak flow of a storm drainage system.

**Street:** A public way other than an alley.

1. Major thoroughfares which shall include all highways with the county, state and/or federal route marking and for which a right-of-way width of 100 feet shall be established. Illinois Routes 23 and 176 and U.S. Highway 20 are designated as major thoroughfares.
2. Secondary thoroughfare is any thoroughfare so designated by the City on the official plan or by ordinance which shall involve intercommunion vehicular traffic.
3. Major connecting street is any public right-of-way utilized primarily for intra-municipal travel, including the access to public and institutional facilities and business and recreational aspects of the City.

4. Minor connecting street is any public right-of-way utilized primarily for access to abutting properties.

**19.03 FEES** *Amended, 05-4-1*

The following fees and charges shall prevail for compliance with this Chapter 19:

1. The actual cost to the City for administration and services of the City Attorney, City Engineer, City Planner and any other professional persons as deemed necessary by the City with a deposit to be determined by the City Engineer at the time the application is made to proceed under this Chapter 19.
2. The City Engineer shall determine if a irrevocable letter of credit or a performance bond is needed due to the type or extent of improvement; such irrevocable letter of credit or performance bond shall be approved by the City Attorney.
3. See Section IV-E1 of Chapter 29 (McHenry County Stormwater Management Ordinance) for watershed development permit fees.

**19.04 LAND DEVELOPMENT CONSIDERATIONS** *Amended, 05-4-2, 05-4-1*

A. Drainage ways, wetlands, floodplains and Soil and Water Conservation District requirements shall be pursuant to Chapter 29, McHenry County Stormwater Management Ordinance; Chapter 23, Subdivision Control Regulations; Chapter 26, Cross-Connection Control Rules and Regulations; and Chapter 30, Groundwater Protection, of this Code.

B. APPEALS:

1. Any person aggrieved by a decision of a certified community's enforcement officer may request review thereof by the City Council.
2. Any person aggrieved by a decision, requirement, ruling or interpretation of this Chapter by the MCSC chief engineer, may appeal it to the MCSC by written notice filed with the MCSC chief engineer within 10 days of the determination.
3. The applicant or any person or agency which receives notice of the filing of the application may appeal the decision of City staff as provided in Article IV-A in Exhibit A of Chapter 29 to the City Council within 45 days after denial of the permit or 45 days after the commencement of work. Upon receipt of an appeal the City Council shall schedule and hold a public hearing, after giving 15 days notice thereof. The City Council shall render a decision within 30 days after the hearing. Factors to consider in the review shall include, but need not be limited to, the effects of the proposed development activities on the surface water flow to tributary and downstream lands; any comprehensive watershed management plans or the use of any retention facilities; possible saturation of fill and unsupported cuts by water, both natural and domestic; runoff surface waters that produce erosion and silting of drainage ways; natural and type of soil or rock which when disturbed by the proposed development activities, may create earth movement and produce slopes that cannot be landscaped; and excessive and unnecessary scarring of the natural landscape through grading or removal of vegetation.

**19.05 DESIGN STANDARDS**

A. Detailed engineering documents shall be as described in the Subdivision Control Ordinance.

B. Stormwater drainage system shall be as described in the Subdivision Control Ordinance.

C. Protecting buildings from flood damage shall be as described in the Subdivision Control Ordinance.

D. Public potable water shall be provided for the land tract to be developed, including to the extremities of the property, provided that an existing public potable water distribution system is within 500 feet of the subject tract.

E. Public sanitary sewer shall be provided for the land tract to be developed, including to the extremities of the property, provided that an existing public sanitary sewer system is within 500 feet of the subject tract.

F. A grading plan shall be furnished, including the topography and physical characteristics of surrounding land tracts, and to provide aesthetic elevation relating to the surrounding land tracts. A typical grading plan is on file in the office of the Clerk.

#### **19.06 COMPLIANCE WITH SUBDIVISION CONTROL ORDINANCE**

Developers of land within the City and within its planning jurisdiction shall comply with all the provisions of the Subdivision Control Ordinance, which are hereby incorporated herein by reference.

#### **19.07 PENALTIES**

A. Any person who violates this Chapter 19 shall be fined not less than \$100 nor more than \$500 for each violation. Each day a violation is determined to exist shall be considered a separate offense.

B. Violation of this Chapter 19 is declared to be a public nuisance, which a court may abate in the manner provided by law including imposition of an injunction terminating any development on any property for which this Chapter 19 has not been complied with as determined by the City Engineer.

C. The City shall have a lien for all fees owed under this Chapter 19 on all property subject to development for which the fees are owed.