#2022-042ta

ORDINANCE

AMENDING THE TEXT OF THE MCHENRY COUNTY

UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the County of McHenry is authorized to enact a zoning ordinance and to provide for its administration, enforcement and amendment; and

WHEREAS, the County of McHenry has previously adopted the McHenry County Unified Development Ordinance, which is currently in effect, pursuant to the statutory procedures and regulation as set forth in the Counties Zoning Act, 55 ILCS 5/5-12001 et. seq.; and

WHEREAS, the County Board of McHenry County deems it necessary, for the purpose of promoting the health, safety, moral, general welfare and orderly development of McHenry County, to amend Chapter 16.24: SUBDIVISION APPLICATIONS of the Unified Development Ordinance; and

WHEREAS, that in order to accomplish said purpose, the Department of Planning and Development has completed a review of the said provisions of the Unified Development Ordinance and has proposed changes to the same; and

WHEREAS, all requirements of the Counties Zoning Act with regard to preparation, presentation and consideration of the proposed amendments to the McHenry County Unified Development Ordinance have been met.

NOW THEREFORE BE IT ORDAINED by this County Board of McHenry County, Illinois, that the Unified Development Ordinance adopted by the McHenry County Board on October 22, 2014, and amended on January 19, 2016, March 17, 2016, March 19, 2018, August 21, 2018, November 19, 2019, January 18, 2021, and August 16, 2022 is hereby revised in accordance with the attached amendments herewith and made part hereof.

BE IT FURTHER ORDAINED that any text found to be referencing amended sections is to be updated to be consistent with the approved amendments.

BE IT FURTHER ORDAINED that the County Clerk is hereby authorized to insert these amendments of the Unified Development Ordinance into the McHenry County Code of Ordinances and to make any necessary changes to the numbering schema or document formatting necessary to accomplish the same.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

DATED at Woodstock, McHenry County, Illinois on this _____ day of _____, 2023 A.D.

_____
Chairperson, McHenry County Board
McHenry County, Illinois

ATTEST:

_____
County Clerk

NUMBER VOTING AYE: _____

NUMBER VOTING NAY: _____

NUMBER ABSTAINING: _____

NUMBER ABSENT: _____

CHAPTER 16.24: SUBDIVISION APPLICATIONS

Section

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§ 16.24.010 PURPOSE.

A subdivision or resubdivision of land requires a property owner to comply with certain procedures outlined in the Counties Code and the Plat Act (55 ILCS 5/5-15007 and 765 ILCS 205/1 *et seq*.). This chapter establishes additional procedures governing the platting of land in McHenry County, and is adopted to establish reasonable procedures for subdivision or resubdivision of land and provide for an orderly subdivision process and promote continuity with existing development.

(Ord. O-201410-10-035, passed 10-14-2014; Ord. O-201601-ZBA-006, passed 1-19-2016; Ord. O201603-ZBA-010, passed 3-17-2016, § 6.1; Ord. O-201803-ZBA-10-08, passed 3-19-2018; Ord. O201808-10-033, passed 8-21-2018)

§ 16.24.020 APPLICABILITY.

A. No plat of subdivision will be approved that does not comply with all of the provisions of this Ordinance. No subdivision plat may be recorded unless it has been approved by the Zoning Enforcement Officer, the Planning**, Environment,** and Development Committee, and the County Board.

B. No owner or agent of the owner of any land located in a proposed subdivision may transfer, sell, lease, or offer for sale or lease any such land before a final plat of such subdivision has been approved in accordance with the provisions of this Ordinance and recorded. Whoever sells or leases, or offers for sale or lease, any lot or block in any subdivision before complying with all of the requirements of these regulations is guilty of an offense and subject to the applicable fine **as set forth by Chapter 16.84 of this Title**.

C. The subdivision of any lot or any parcel of land by the use of metes and bounds descriptions for the purpose of sale, transfer or lease with the intent of evading these regulations is prohibited. All subdivisions described by metes and bounds are subject to all of the requirements of this Ordinance.

(Ord. O-201410-10-035, passed 10-14-2014; Ord. O-201601-ZBA-006, passed 1-19-2016; Ord. O-201603-ZBA-010, passed 3-17-2016, § 6.2; Ord. O-201803-ZBA-10-08, passed 3-19-2018; Ord. O201808-10-033, passed 8-21-2018)

§ 16.24.030 PLAT ACT EXCEPTIONS.

A. Specifically excepted from the subdivision procedures are those properties described in the Plat Act (765 ILCS 205/1 *et seq*.), where the Plat Act provisions do not require platting as a subdivision.

B. Subdivision procedures do not apply to plats of dedication prepared by or for the Illinois Department of Transportation, the McHenry County Division of Transportation, and/or any applicable township highway commissioner in connection with the improvement or vacation of any highway or road.

(Ord. O-201410-10-035, passed 10-14-2014; Ord. O-201601-ZBA-006, passed 1-19-2016; Ord. O-201603-ZBA-010, passed 3-17-2016, § 6.3; Ord. O-201803-ZBA-10-08, passed 3-19-2018; Ord. O201808-10-033, passed 8-21-2018)

§ 16.24.040 SUBDIVISION REVIEW PROCEDURE.

The following procedure applies to subdivision plat review in McHenry County. All plats are subject to a three (3) step review procedure (a~~n optional pre-application review~~ **sketch plan**, preliminary plat and final plat), except plats of vacation and **plats of** technical adjustment which require a one (1) step review as described in §§ 16.24.040D. (Plat of Vacation) and 16.24.040E.(Technical Adjustment) in this section. Submittal requirements are found within § 16.24.060 (Submittal Requirements). A. ***Sketch Plan*** (renumber this section)

~~*Pre-Application Review.*~~ **1** A property owner or other person expressly authorized by the owner in writing may initiate ~~an optional subdivision pre-application meeting~~ **a sketch plan** process by completing application forms as provided by the Department of Planning and Development and the payment of fees as required by the County adopted fee ordinance. ~~An applicant may choose to begin at the preliminary plat stage, but shall submit all sketch plan requirements as part of the preliminary plat.~~

1. The ~~property owner~~ **applicant** shall submit four (4) copies of a sketch plan prepared in accordance with the requirements of this section to the Department of Planning and Development and one (1) copy to each applicable township highway commissioner. Additionally, one (1) electronic copy of the sketch plan shall be submitted to the Department of Planning and Development. Sketch plans shall be submitted at least twenty-eight (28) calendar days prior to the Staff Plat Review Committee meeting where they will be considered.

2. The Department of Planning and Development will distribute a copy of the sketch plan to the Staff Plat Review Committee. The following individuals and organizations shall also be notified by the Department of Planning and Development of the place, date, and the time of the meeting where the sketch plan will be considered.

a. Owner and ~~his~~ designated representative.

b. ~~Owner's engineer, planner, or surveyor.~~

c. Applicable fire protection district(s).

d. ~~Any homeowner's association, which has indicated an interest in the review of the subdivision.~~

e. McHenry-Lake County Soil and Water Conservation District.

f. Each municipality within one and one-half (1½) miles of the subdivision.

g. Applicable school district(s).

h. Applicable township highway commissioner(s).

i. Illinois Department of Transportation (where applicable).

j. Applicable township supervisor(s).

k. Utility company representatives including, but not limited to, cable TV companies, telephone companies, electric companies, sewer and water utility companies, and gas companies.

l. McHenry County Conservation District.

m. Watershed groups **and active Drainage Districts** with plans that have been adopted or accepted by the County Board covering the property in question.

3. The **property** owner or designated representative is required to be present when the Staff Plat Review Committee reviews and evaluates the sketch plan.

B. Preliminary Plat.

1. A property owner or other person expressly authorized by the owner in writing may initiate the preliminary plat process by completing application forms as provided by the Department of Planning and Development and the payment of fees as required by the County adopted fee ordinance.

2. The ~~property owner~~ **applicant** shall submit four (4) copies of a preliminary plat **and preliminary engineering drawings** prepared in accordance with the requirements of this section to the Department of Planning and Development and one (1) copy to each applicable township highway commissioner, fire district, **nearest municipal planning commission within one and one-half (1 1/2) miles of the proposed subdivision or municipality within one and on-half (1 ½) miles that is granted planning authority through an intergovernmental boundary agreement,** and school district. Additionally, one (1) electronic copy of the preliminary plat **and preliminary engineering drawings** shall be submitted to the Department of Planning and Development.

3. Preliminary plats **and preliminary engineering drawings** shall be submitted at least twentyeight (28) calendar days prior to the Staff Plat Review Committee meeting where it will be considered.

4. The Department of Planning and Development will distribute a copy of the preliminary plat to the Staff Plat Review Committee. The following individuals and organizations shall also be notified by the Department of Planning and Development of the place, date, and the time of the meeting where the preliminary plat will be considered.

a. Owner and ~~his~~ designated representative.

b. ~~Owner's engineer, planner, or surveyor.~~

c. Applicable fire protection district(s).

d. ~~Any homeowner's association, which has indicated an interest in the review of the subdivision.~~

e. McHenry-Lake County Soil and Water Conservation District.

f. Each municipality within one and one-half (1½) miles of the subdivision.

g. Applicable school district(s).

h. Applicable township highway commissioner(s).

i. Illinois Department of Transportation (where applicable).

j. Applicable township supervisor(s).

k. Utility company representatives including, but not limited to, cable TV companies, telephone companies, electric companies, sewer and water utility companies, and gas companies.

l. McHenry County Conservation District.

m. Watershed groups **and active Drainage Districts** with plans that have been accepted or adopted by the County Board covering the property in question.

5. The **property** owner or designated representative is required to be present when the Staff Plat Review Committee reviews the preliminary plat.

6. Approval of the preliminary plat by the Staff Plat Review Committee and a letter from each applicable school district indicating whether a school site or a cash donation in lieu of land is required prior to submission of the preliminary plat to the Planning**, Environment,** and Development Committee for their review.

7. A rejected preliminary plat may be appealed to the Planning**, Environment,** and Development Committee, the Public Health Administrator, or Board of Health Hearing Committee if the appeal is related to construction of private sewer or water systems~~, or the Stormwater Management Hearing Officer if the appeal is related to stormwater management~~. Such appeal shall be submitted to the Department of Planning and Development within ninety (90) calendar days **of vote by the Staff Plat Review Committee denying plat approval** and shall be placed on the agenda of the next available meeting for the appropriate body. Appeals related to private sewer and water systems must be filed with the Public Health Administrator in accordance with the provisions of the Public

Health Ordinance (**§8.04.040)**. ~~Appeals related to stormwater management must be filed with the Chief Stormwater Engineer, in accordance with the provisions of the Stormwater Management Ordinance.~~

8. It is the ~~property owner's~~ **applicant's** responsibility to request that the Department of Planning and Development submit the preliminary plat **and preliminary engineering drawings**, as approved by the Staff Plat Review Committee, to the Planning**, Environment,** and Development Committee within one hundred eighty (180) calendar days from the date of approval by the Staff Plat Review Committee. If a preliminary plat has been conditionally approved by the Staff Plat Review Committee, all conditions of approval shall be met and four (4) copies of the revised plat and **engineering**

drawings submitted to the Department of Planning and Development, and an electronic copy, before the preliminary plat may be forwarded to the Planning**, Environment,** and Development Committee. If the applicant fails to submit the revised plat and **engineering** drawings, or if the applicant fails to request that the approved preliminary plat be submitted to the Planning**, Environment,** and Development Committee within one hundred eighty (180) calendar days, the preliminary plat shall be void.

9. Approval of the preliminary plat by the Planning**, Environment,** and Development Committee is required prior to the submission of a final plat.

10. The preliminary plat shall be approved by the planning commission of the closest municipality within one and one-half (1½) miles of the proposed subdivision or by the municipality within one and one-half (1½) miles that is granted planning authority through an intergovernmental boundary agreement.

11. Following approval of a preliminary plat by the Planning**, Environment,** and Development Committee, a final plat shall be recorded within two (2) years or the preliminary plat ~~expires~~**shall be void**. When approval ~~has expired~~**is void**, the preliminary plat shall again be reviewed and approved by the Staff Plat Review Committee and the Planning**, Environment,** and Development Committee before a final plat may be submitted. *C. Final Plat.*

1. A property owner or other person expressly authorized by the owner in writing may initiate the final plat process by completing application forms as provided by the Department of Planning and Development and the payment of fees as required by the County adopted fee ordinance.

2. A final plat shall be recorded within two (2) years of the approval of the preliminary plat by the Planning**, Environment,** and Development Committee. A final plat may be recorded in phases. The first phase shall be recorded within two (2) years of approval of the preliminary plat by the Planning**. Environment,** and Development Committee. The application for a final plat for a phased development shall include a proposed schedule for the recording of each subsequent phase, to be approved by the Planning**, Environment,** and Development Committee.

3. The ~~property owner~~ **applicant** shall submit four (4) copies of the final plat and four (4) copies of the **final** engineering drawings and reports to the Department of Planning and Development and one (1) copy of the final plat and the **final** engineering drawings and reports to each applicable township highway commissioner, fire district, **school district,** and to the nearest municipality within one and one-half (1½) miles of the property or the municipality within one and one-half (1½) miles of the property that is granted planning authority through an intergovernmental boundary agreement. Additionally, one (1) electronic copy of the final plat and the **final** engineering drawings and reports shall be submitted to the Department of Planning and Development.

4. Final plat and the **final** engineering drawings and reports shall be submitted at least twentyeight (28) calendar days prior to the Staff Plat Review Committee meeting at which they are to be considered.

5. The Department of Planning and Development will distribute a copy of the final plat and the **final** engineering drawings and reports to the Staff Plat Review Committee. The following individuals and organizations shall also be notified by the Department of Planning and

Development of the place, date, and the time of the meeting where the final plat will be considered.

a. Owner and ~~his~~ designated representative.

b. ~~Owner's engineer, planner, or surveyor.~~

c. Applicable fire protection district(s).

d. ~~Any homeowner's association, which has indicated an interest in the review of the subdivision.~~

e. McHenry-Lake County Soil and Water Conservation District.

f. Each municipality within one and one-half (1½) miles of the subdivision.

g. Applicable school district(s).

h. Applicable township highway commissioner(s).

i. Illinois Department of Transpiration (where applicable).

j. Applicable township supervisor(s).

k. Utility company representatives including, but not limited to, cable TV companies, telephone companies, electric companies, sewer and water utility companies, and gas companies.

l. McHenry County Conservation District.

m. Watershed groups **and active Drainage Districts** with plans that have been accepted or adopted by the County Board covering the property in question.

6. The **property** owner or designated representative is required to be present when the Staff Plat Review Committee reviews the final plat.

7. Approval of the final plat by the Staff Plat Review Committee and completion of all requirements of this section is required prior to submission of the final plat to the Planning**, Environment,** and Development Committee.

8. A rejected final plat may be appealed to the Planning**, Environment,** and Development Committee. Such appeal shall be submitted to the Department of Planning and Development within ninety (90) calendar days **of vote by the Staff Plat Review Committee denying plat approval** and shall be placed on the agenda of the next available Planning**, Environment,** and Development Committee meeting. Appeals related to private sewer and water systems must be filed with the Public Health Administrator in accordance with the provisions of the Public Health Ordinance **(§8.04.040)**. ~~Appeals related to stormwater management must be filed with the Chief Stormwater Engineer, in accordance with the provisions of the Stormwater Management Ordinance.~~

9. It is the ~~property owner's~~ **applicant's** responsibility to request the Department of Planning and Development submit the final plat, as approved by the Staff Plat Review Committee, to the Planning**, Environment,** and Development Committee within one hundred eighty (180) calendar days of approval by the Staff Plat Review Committee. If a final plat has been conditionally approved by the Staff Plat Review Committee, all conditions of approval shall be met and four (4) copies of the revised final plat and drawings submitted to the Department of Planning and Development. Additionally, one (1) electronic copy of the revised final plat **and final engineering drawings** shall be forwarded to the Planning and Development Committee.

The applicant shall submit the revised final plat and **final engineering** drawings to the Staff Plat Committee for re-review within one hundred eighty (180) calendar days. The applicant shall request that the approved final plat **and final engineering drawings** be submitted to the Planning**, Environment,** and Development Committee within one hundred eighty (180) calendar days.

10. In accordance with state statute, the Planning**, Environment,** and Development Committee shall hold a public hearing in conjunction with their approval of final plats with regard to ~~the donation of land or cash contribution in lieu thereof, or a combination of both, for school or other purposes prior to approval. The Planning and Development Committee shall also conduct a public hearing on~~ the establishment of ~~the~~ **a** backup Special Service Area, if ~~any~~ **required**.

11. It is the ~~property owner's~~ **applicant's** responsibility to make arrangements to obtain all signatures needed to finalize the **final** plat, other than the County Board chairman. When all signatures required on the **final** plat have been obtained, the property owner may submit the **final** plat to the Planning**, Environment,** and Development Committee.

12. The final plat shall be approved by the Planning**, Environment,** and Development Committee before submittal to the County Board for consideration. The applicant shall request that the final plat be submitted to the County Board within one hundred eighty (180) calendar days of approval by the Planning**, Environment,** and Development Committee.

13. Following approval by the Planning**, Environment,** and Development Committee, the Planning**, Environment,** and Development Committee chairman and Zoning Enforcement Officer shall affix their signatures to the preliminary plat and a final plat may be scheduled for review by the County Board **in accordance with its adopted agenda procedures.** ~~in accordance with the Zoning Board of Appeals' agenda procedures~~.

14. ~~Within three (3) business days after a final plat is submitted for approval, the County Board shall notify the president of the school board and the superintendent of each school district in which any of the subdivided land is located that the final plat has been submitted for approval by the County Board and that it is available for inspection. The notice shall also give the date, time, and place of the hearing on approval or disapproval of the plat. The notice shall be served by certified mail, return receipt requested, or by personal delivery. Failure to notify the school board and superintendent as required by this section does not invalidate the plat.~~

15. After a final plat has been approved by the County Board, it will be placed in the custody of the McHenry County Clerk, who shall obtain the signature~~s~~ of the County Board chair~~man~~, and attest to that signature on the plat.

16. After a final plat has been recorded and digitally scanned, the property owner shall obtain the number of copies specified by the Zoning Enforcement Officer, and deliver them to the Department of Planning and Development for distribution to the voting members of the Staff Plat **Review** Committee. The Department of Planning and Development may refuse to issue building permits for lots in the subdivision until the required number of copies is submitted pursuant to the Plat Act (765 ILCS 205/56).

D. *Plat of Vacation*.

1. **A property owner or other person expressly authorized by the owner in writing may initiate the plat of vacation process by completing application forms as provided by the Department of**

Planning and Development and the payment of fees as required by the County adopted fee ordinance.

2. An ~~person wishing to vacate all or part of an existing plat~~ **applicant** shall submit four (4) copies of the plat **of vacation** prepared in accordance with the requirements of this section to the Department of Planning and Development, and one (1) copy to the applicable township highway commissioner, fire district, county engineer, IDOT District Engineer, and to the public utility or utilities involved. Additionally, one (1) electronic copy of the plat shall be submitted to the Department of Planning and Development.

3. A plat **of vacation** shall be submitted **to the Department of Planning and Development** at least twenty-eight (28) calendar days prior to the Staff Plat Review Committee meeting where it will be considered.

4. The Department of Planning and Development will distribute a copy of the plat to the Staff Plat Review Committee. The Department of Planning and Development will notify the following individuals and organizations of the place, date, and the time of the meeting where the plat will be considered.

a. Owner and ~~his~~ designated representative.

b. ~~Owner's engineer, planner, or surveyor.~~

c. Applicable fire protection district(s).

d. ~~Any homeowner's association, which has indicated an interest in the review of the subdivision.~~

e. McHenry-Lake County Soil and Water Conservation District.

f. Each municipality within one and one-half (1½) miles of the subdivision.

g. Applicable school district(s).

h. Applicable township highway commissioner(s).

i. Illinois Department of transportation (where applicable).

j. Applicable township supervisor(s).

k. Utility company representatives including, but not limited to, cable TV companies, telephone companies, electric companies, sewer and water utility companies, and gas companies.

l. McHenry County Conservation District.

m. Watershed groups **and active Drainage Districts** with plans that have been accepted or adopted by the County Board covering the property in question.

4. The **property** owner or designated representative is required to be present when the Staff Plat Review Committee reviews the plat.

5. ~~Staff Plat Review Committee minutes from each meeting where the plat of vacation was evaluated shall be sent to the owner and/or his technical representative, the Staff Plat Review Committee voting and ex-officio members, and other parties requesting copies of the minutes.~~

6. Staff Plat Review Committee approval of the plat of vacation is required prior to submission of the plat to the Planning**. Environment,** and Development Committee.

7. Staff Plat Review Committee approval of the plat **of vacation** and completion of all requirements of this section are required prior to submission of the final plat **of vacation** to the Planning**, Environment,** and Development Committee.

8. A rejected plat of vacation may be ~~submitted on~~ appeal**ed to the Planning, Environment, and Development Committee** within ninety (90) calendar days **of the vote by the Staff Plat Review Committee denying plat approval** ~~to the Planning and Development Committee.~~ **and shall be placed on the agenda of the next available Planning, Environment, and Development Committee meeting.**

9. ~~Staff Plat Review Committee approval of a plat of vacation expires one hundred eighty (180) calendar days from the date of approval. When the approval has expired, the applicant shall submit a new plat of vacation to the Staff Plat Review Committee for review and approval before submission of the plat of vacation to the Planning and Development Committee.~~

10. It is the property owner's responsibility to request the Department of Planning and Development submit the plat **of vacation**, as approved by the Staff Plat Review Committee, to the Planning**, Environment,** and Development Committee. If a plat has been conditionally approved by the Staff Plat Review Committee, all conditions of approval shall be met before the plat may be forwarded to the Planning**, Environment,** and Development Committee. **If the applicant fails to submit the revised plat of vacation, or if the applicant fails to request that the approved plat of vacation be submitted to the Planning, Environment, and Development Committee within one hundred eighty (180) calendar days, the plat of vacation shall be void.**

11. The plat **of vacation** shall be approved by the Planning**, Environment,** and Development Committee before it can be submitted to the County Board for consideration. **The applicant shall request the plat of vacation be submitted to the County Board within one hundred eighty (180) days of approval by the Planning, Environment, and Development Committee.**

12. Following Planning**, Environment,** and Development Committee approval, the Planning**, Environment,** and Development Committee chairman and Zoning Enforcement Officer shall affix their signatures to the plat **of vacation** and ~~a~~**the** plat of vacation will be scheduled for County Board approval in accordance with its adopted agenda procedures.

13. After a plat of vacation has been approved by the County Board, it is in the custody of the McHenry County Clerk, who shall obtain the signatures of the County Board chairman, and attest to that signature on the plat. When all signatures required on the plat have been obtained, the property owner may obtain the plat of vacation from the McHenry County Clerk and present it to the McHenry County Recorder's Office for recording.

14. After a plat of vacation has been recorded and digitally scanned, the property owner shall obtain the number of copies specified by the Zoning Enforcement Officer, and deliver them to the Department of Planning and Development.

2. ~~A plat of vacation which has not been recorded within one hundred eighty (180) calendar days after County Board approval is no longer valid and cannot be recorded.~~ **The plat of vacation must be filed with the McHenry County Recorder within one hundred eighty (180) calendar days from the date of approval by the County Board. If the plat of vacation is not filed with the McHenry County Recorder within one hundred eighty (180) calendar days , the plat of vacation is void and the**

applicant shall submit a new plat of vacation application to the Staff Plat Review Committee for review and approval.

15.

*E. **Plat of** Technical Adjustment.*

1. The following actions are eligible for **plat of** technical adjustment.

a. A minor change in the boundary between two (2) contiguous lots where both lots continue to conform to the underlying zoning requirements.

b. The division of a single lot into two (2) lots as long as both lots conform to the underlying zoning requirements.

c. The consolidation of two (2) lots into a single lot as long as the resulting lot conforms to the underlying zoning requirements.

d. A conveyance of land made to correct a description in a prior conveyance.

e. A revision of a plat to match a vacation of a township right-of-way by the township highway commissioner.

f. The removal or relocation of any easement, including but not limited to, drainage way, stormwater management, pedestrian trail and path, or access easements.

g. The modification, creation, or elimination of a designated water well installation area, water well, or septic system restricted area, or designated on-site wastewater treatment system installation area.

3. **A property owner or other person expressly authorized by the owner in writing may initiate the plat of technical adjustment process by completing application forms as provided by the Department of Planning and Development and the payment of fees as required by the County adopted fee ordinance.**

4. An applicant shall submit a **plat of** technical adjustment application that describes the proposed adjustment, on forms provided by the ~~County~~ **Department of Planning and Development**, and submittal of fees in accordance with County adopted fee ordinance.

5. A **plat of** technical adjustment application shall be submitted **to the Department of Planning and Development** at least twenty-eight (28) calendar days prior to the Staff Plat Review Committee meeting where it will be considered.

6. The **property** owner or designated representative is required to be present when the Staff Plat Review Committee reviews the **plat of** technical adjustment application.

7. ~~Staff Plat Review Committee minutes from each meeting where the technical adjustment application was evaluated shall be sent to the owner and/or his technical representative, the Staff Plat Review Committee voting and ex-officio members, and other parties requesting copies of the minutes.~~

8. Approval of the **plat of** technical adjustment ~~application~~ by the Staff Plat Review Committee is required.

9. If the subdivision is served by on-site wastewater treatment systems, the **plat of** technical adjustment shall fully comply with the requirements of the McHenry County Public Health Ordinance**(Title 8 Chapter 8.04)** and requires a signature by the Public Health Administrator.

10. The **plat of** technical adjustment must be filed with the McHenry County Recorder within one hundred eighty (180) calendar days from the date of approval by the Staff Plat Review Committee. If the **plat of** technical adjustment is not filed with the McHenry County Recorder within one hundred eighty (180) calendar days , the ~~approval has expired~~ **plat of technical adjustment is void** and the applicant shall submit a new **plat of** technical adjustment application to the Staff Plat Review Committee for review and approval.

(Ord. O-201410-10-035, passed 10-14-2014; Ord. O-201601-ZBA-006, passed 1-19-2016; Ord. O-201603-ZBA-010, passed 3-17-2016, § 6.4; Ord. O-201803-ZBA-10-08, passed 3-19-2018; Ord. O201808-10-033, passed 8-21-2018)

§ 16.24.050 EXEMPTIONS FROM SUBDIVISION STANDARDS.

A. *Purpose.* A property owner **or other person expressly authorized by the owner in writing** may request an exemption from the subdivision requirements of Chapter 16.76 (Subdivision Standards) but only to provide relief from certain practical difficulties or hardships in carrying out the strict letter of those requirements. Only the subdivision requirements of Chapter 16.76 (Subdivision Standards) are eligible for an exemption. Variation from the zoning requirements of the applicable zoning district shall follow the variation provisions of § 16.20.020 (Variation). The subdivision shall comply with the requirements of all other ordinances unless variances from those ordinances are separately approved by the responsible enforcement agency. *B. Process.*

1. Requests for exemptions shall be made in writing and presented to the Staff Plat Review Committee as part of the preliminary plat review process. If the Staff Plat Review Committee determines that an exemption is unwarranted, the applicant may appeal to the Planning**, Environment,** and Development Committee. The Planning**, Environment,** and Development Committee may reverse or affirm the decision of the Staff Plat Review Committee **during their review of the preliminary plat and preliminary engineering drawings**.

2. The exemption request shall be included as part of the preliminary plat. Review of the exemption is required by both the Staff Plat Review Committee and the Planning**, Environment,** and Development Committee, and will be evaluated against the standards of subsection C. below (Standards). An exemption request can move forward either by approval of exemption by both the Staff Plat Review Committee and the Planning**, Environment,** and Development Committee or, if an exemption is denied by the Staff Plat Review Committee it may be appealed to the Planning**, Environment,** and Development Committee, which may reverse or affirm the decision of the Staff Plat Review Committee.

C. *Standards.* Requests for exemptions shall, at a minimum, include evidence and written documentation that demonstrate the exemption meets the following standards:

1. The particular surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out.

2. The purpose of the exemption is not based exclusively upon a desire to increase the monetary gain realized from the property.

3. The alleged difficulty or hardship is caused by the Ordinance and has not been created by any person presently having an interest in the property.

4. That the granting of the exemption will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

5. That the granting of the exemption requested will not confer on the applicant any special privilege that is denied by this Ordinance to other land.

(Ord. O-201410-10-035, passed 10-14-2014; Ord. O-201601-ZBA-006, passed 1-19-2016; Ord. O-201603-ZBA-010, passed 3-17-2016, § 6.5; Ord. O-201803-ZBA-10-08, passed 3-19-2018; Ord. O201808-10-033, passed 8-21-2018)

§ 16.24.060 SUBMITTAL REQUIREMENTS.

The following submittal requirements are required for each of the three (3) steps in the review procedure (sketch plan, preliminary plat and final plat) and for plats of vacation **and plats of technical adjustment**.
All required certificates and forms shall meet the wording and format requirements of Appendix A (Required Certificates and Forms).

*A. ~~Pre-Application Review Meeting~~ **Sketch Plan Submittal Requirements**.* (renumber this section)

1. ~~The pre-application review meeting is optional.~~

2. ~~A sketch plan shall be submitted for the pre-application review meeting.~~ The sketch plan shall show the basic resource features of the site and the proposed lot division, roadway layout, and general drainage features. A scale of one inch to one hundred feet (1"=100') is recommended. The sketch plan shall include the following information for the entire geographic extent of the proposed subdivision and for three hundred (300) feet surrounding the subdivision.

    a. The title "Sketch Plan" with the name of the proposed subdivision underneath.

    b. The name and address of the **property** owner.

    c. A separate location map on the same sheet at an appropriate scale.

    d. The ~~present~~ **current** zoning.

    e. Existing property lines and roads, and proposed lot lines, block lines, and roads.

    f. Existing man-made features such as structures, septic systems, and wells.

    g. General features of adjacent areas necessary to show how the proposed development fits into the surrounding area.

3. The following information is required on separate sheet:

    a. Name of subdivision.

    b. Location (section, township, range).

    c. Tax Parcel Permanent Index Number(s) (PIN).

    d. Area of the subdivision and the proposed number of lots.

e. Name, address, and telephone number of the owner, engineer, and any other contact persons.

f. Natural Resources Inventory Report number.

g. Type of zoning and zoning case number, if additional zoning approvals are needed.

h. For Conservation Design, open space conservation goals and objectives.

4. A Natural Resource Inventory (NRI) Report from the McHenry-Lake County Soil and Water Conservation District shall be submitted with the sketch plan.

5. An analysis of whether the proposed subdivision requires Conservation Design, as determined by triggers of applicability of §16.76.030 (Conservation Design Triggers).

6. If onsite wastewater treatment systems will be utilized in the subdivision, the sketch plan shall include information as required by the Public Health Ordinance **(Title 8 Chapter 8.04)**.

7. When located within the SARA Overlay District, a property owner may submit a soil or geologic analysis documenting that their property does not have the characteristics of a sensitive aquifer recharge area, in accordance with the processes specified in § 16.52.030C. (On-Site Verification and Review).

B. Preliminary Plat Submittal Requirements.

1. All information required for the ~~pre-application review meeting~~ **sketch plan**. ~~If a pre-application meeting was conducted, all~~ **All** materials must be updated if the ~~meeting was conducted~~ **sketch plan** **was approved by the Staff Plat Review Committee** more than one (1) year prior to the submittal date or if site conditions have changed.

2. A preliminary plat depicts the proposed lot and block lines, streets, existing and proposed street names, and other engineering improvements superimposed on a map of the existing topography. Where on-site wastewater treatment systems will be used for subsurface waste disposal, submit all information required by the McHenry County Public Health Ordinance **(Title 8 Chapter 8.04)**.

3. A preliminary plat shall be prepared in accordance with the following requirements. The preliminary plat and all accompanying technical data shall be signed, sealed, and dated by the **licensed** professional engineer or **Illinois licensed** land surveyor who supplied it.

4. ~~If a pre-application review meeting was conducted, the~~ **The** sketch plan and all comments of the Staff Plat Review Committee shall be included as part of the preliminary plan submittal requirements. ~~If a pre-application review meeting was not conducted, all submittal requirements for the sketch plan are considered submittal requirements for the preliminary plat.~~

5. The preliminary plat shall be prepared at a reasonable size and scale, and all lettering legible and clear. A scale of one inch to one hundred feet (1"=100') is recommended and the scale and north arrow indicated. The requirements are as follows:

a. The title, as described below, shall be at the top of the sheet:

Preliminary Plat

Subdivision Name

(Legal Description)

Township

Zoning District

b. All existing property lines, section and quarter section lines, and existing buildings.

c. The lines and dimensions of all contiguous properties, and the names, lines, and dimensions of all existing rights-of-way within a two-hundred-foot (200') radius.

d. The names of all subdivisions within three hundred (300) feet. All property not subdivided shall be so marked.

e. **A correct survey of the property being subdivided, including a legal description, prepared by an Illinois licensed land surveyor.**

e. The zoning of surrounding property within three hundred (300) feet.

f. Topography with contour intervals based on the typical slopes found on the property, in accordance with the following:

(1) (a) Slope 0-25%: One-foot (1') contours.

(b) Slope 25% or greater: Two-foot (2') contours.

(2) If a different scale is used, a contour interval shall be selected that will result in a similar spacing of contour lines and provide a clear understanding of the topography.

(3) Topography shall be extended along all existing streets and roads within two hundred (200) feet.

(4) The topographic layout shall be referenced to a United States Geological Survey North American Vertical Datum of 1988 (NAVD88) and the reference benchmark cited.

g. A list of all political and service districts including, but not limited to, the following:

fire protection, educational facility, post office, park, and library.

h. All dedicated areas for parks, ponds, preserves, and school lots.

i. A statement listing all municipalities within one and one-half (1½) miles of the proposed subdivision or, if there are no municipalities within one and one-half (1½) miles, the statement shall so indicate. The statement shall also indicate which municipality is exercising the statutory privilege of planning advice, if a planning boundary line has been negotiated.

j. The following certificates:

(1) A certificate verifying approval by the ~~city council or board of trustees~~ **Planning Commission** of the closest municipality within one and one-half (1½) miles or the municipality within one and onehalf (1½) miles that has planning authority based on an intergovernmental boundary agreement.

(2) A certificate verifying approval by the applicable township highway commissioner(s).

(3) **County highway certificate for plats adjacent to County highways (sample certificates can be found in the McHenry County Division of Transportation Permit Procedures and Requirements Manual).**

(4) **A certificate verifying approval by the Planning, Environment, and Development Committee.**

(5) **A certificate verifying approval by the Zoning Enforcement Officer.**

(6) **Owner's certificate and notary certificate.**

(7) **Surveyor's certificate.**

(8) **Public Health Administrator certificate.**

(9) **McHenry County Recorder's certificate.**

k. Maximum impervious coverage per lot.

l. The following requirement of the Stormwater Management Ordinance:

(1) Stormwater easements, including all conveyances, detention, and compensatory storage.

(2) Wetland and buffer easements.

(3) Base flood elevation and limits.

(4) Building protection elevations.

(5) Detention normal, two-year (2-year), and one-hundred-year (100-year) water surface elevations.

(6) Subsurface drainage (drain tile) survey.

6. The following written reports and statements shall be submitted along with the preliminary plat:

a. A proposal for a homeowner's association, if applicable, and any proposed covenants and restrictions. Covenants should include a clause stipulating that they cannot be revoked or amended without prior approval by the County Board.

b. A description of how non-right-of-way dedicated areas will be maintained and stormwater control systems will be maintained, consistent with the Stormwater Management Ordinance.

c. A description of the type of water supply to be used.

d. A report, plans, and calculations that are sealed by a registered professional engineer that meet the application requirements of the Stormwater Management Ordinance.

e. A report and plans with all applicable roadway design information as specified in the McHenry County Division of Transportation Permit Procedures and Requirements Manual, Chapter 3.

f. An Illinois Department of Natural Resources Endangered Species Consultation (EcoCAT) Report completed within the previous two (2) years.

C. Final Plat Requirements.

1. In order to prepare a final plat suitable for recording, the final plat shall show all lots, easements, blocks, streets and other dedicated areas, and other items such as building setback lines, restrictions for on-site wastewater treatment systems, and any ingress and egress

restrictions. The final plat shall be ~~prepared under the supervision of~~ **signed, sealed, and dated by** a ~~registered~~ **licensed** Illinois land surveyor.

2. A final plat shall be prepared as follows: (renumber this section)

a. ~~The final plat shall be prepared digitally or drawn in ink on suitable Mylar drafting film.~~

b. The final plat shall be drawn in accordance with the approved preliminary plat and may only vary from the preliminary plat in minor respects that are approved by the ~~County~~ **Planning, Environment, and Development Committee**. The plat shall be labeled as a final plat, and show the name of the subdivision with the township name underneath and the zoning classification of the property being subdivided.

c. Drawn to a scale of one inch to one hundred feet (1"=100'). A larger scale may be used if desired for a proper exhibit of the subdivision. The maximum sheet size is twenty-four inches by thirty-six inches (24" x 36") but more than one (1) sheet may be used if necessary. All hand lettering shall be legible and at least one-tenth (0.1) of an inch high. All typed or printed lettering shall be at least the same size as "Pica 12."

d. A correct survey of the property being subdivided, including a legal description, prepared by a r~~egistered~~ **licensed** Illinois land surveyor.

e. All dimensions, linear, curvilinear, and angular, necessary to properly re-survey, shall be shown with linear dimensions in feet and decimals of a foot.

3. Each new subdivision shall be provided with monuments located and described on the final plat in the manner required by the Plat Act (765 ILCS 205/1*et seq*.), and as follows:

a. Reference shall be made upon the plat to known and permanent monuments from which future surveys may be made.

b. The **licensed Illinois land** surveyor shall, at the time of making the survey, set good and sufficient monuments, and set in such a manner that the monuments will not be moved by frost,

marking the external boundaries of the tract to be divided or subdivided and designate upon the plat the point where they may be found.

c. These monuments shall be placed at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line, and at all angle points along a meander line. The points shall not be less than twenty (20) feet back from the normal water elevation of a lake or from the bank of a stream, unless such corners or points fall within an existing or proposed street, then the monuments shall be placed in the right-of-way line of the street.

d. Two (2) of the monuments shall be of stone or reinforced concrete and shall be set at opposite extremities of the property being platted. One (1) monument shall be

located adjacent to a public roadway and one (1) monument shall be marked with a NAVD 1988 elevation established by the **licensed Illinois land** surveyor and its location and elevation shown on the plat.

e. All internal boundaries, corners, and points shall be monumented in the field by like monuments as defined above. These monuments shall be placed at all block

corners, at each end of all curves, at the points where a curve changes its radius, and at all angle points in any line. All lots shall be monumented in the field with two (2) or more monuments.

f. All monuments shall meet the following standards:

(1) Concrete or stone monuments: ~~two (2)~~ **three (3)** feet long, six (6) inches square at the bottom and four (4) inches square at the top.

(2) Pipe: two (2) feet long and two (2) inches in diameter.

(3) Iron stakes – for internal boundary monuments only: at least one-half (½) inch in diameter and two (2) feet long.

g. A certificate, to be signed by ~~the~~ **a licensed Illinois land** surveyor, shall be placed on the final plat to indicate that all monuments required by the Plat Act and this Ordinance have been set and

properly described on the final plat.

4. The final plat shall include the following certificates, as shown in Appendix A. Certificates need not be signed prior to review of the final plat by the Staff Plat Review Committee. Certificates (**with the exception of signatures of county staff and officials)** shall be signed prior to submitting the final plat to the Planning**, Environment,** and Development Committee.

a. Certificate indicating proximity to municipalities.

b. Certificate indicating approval by the authorized representative of the closest municipality within one and one-half (1½) miles of the proposed subdivision or for the

municipality within one and one-half (1½) miles of the proposed subdivision that has planning authority through an intergovernmental boundary agreement.

c. ~~Certificate indicating compliance with school donation requirements.~~

d. Owner's certificate and notary certificate.

e. Township highway commissioner's certificate and notary certificate.

f. County highway certificate for plats adjacent to County highways (sample certificates can be found in the McHenry County Division of Transportation Permit Procedures and Requirements Manual).

g. Surveyor's certificate.

h. Certificate regarding flood hazard.

i. Certificate regarding monuments.

h. ~~Department of Health certificate~~ **Public Health Administrator certificate**.

j. County Clerk's certificate.

k. Planning**, Environment,** and Development Committee certificate.

l. County Board certificate.

m. McHenry County Recorder's certificate.

n. Easement-crossing certificate.

o. Covenants and restrictions certificate.

p. Drainage certificate.

q. ~~Public Utility certificate(s)~~

5. All easements, dedications, and districts shall be shown on the plat including:

a. The easement requirements of each utility and cable TV company shall be determined, and all required utility and cable TV company easements shown on the plat.

b. Other required easements such as drainage, stormwater detention and retention, road construction and maintenance, and pedestrian way easements shall be shown on the plat. Each easement shall be adequately dimensioned, and its purpose indicated.

c. All non-right-of-way dedicated areas shall be indicated on the plat. The purpose of each such area, any restrictions on its use, and conveyance of ownership to either a unit of government or a property owners' association shall also be indicated on the plat. It is onvention to indicate each such area as "hereby dedicated."

d. A list of all governmental districts in which the property is located including, but not limited to, post office, schools, and fire protection shall be placed on the plat.

6. Maximum impervious coverage per lot.

7. Compliance with all requirements of the Stormwater Management Ordinance, including but not limited to:

a. Stormwater easements, including all conveyances, detention, and compensatory storage.

b. Wetland and buffer easements.

c. Base flood elevation and limits.

d. Building protection elevations.

e. Detention normal, two-year (2-year), and one-hundred-year (100-year) water surface elevations.

8. If a declaration of covenants and restrictions is prepared for the subdivision, it shall be filed in the McHenry County Recorder's Office. A reference to the declaration, including document number, shall be placed on the plat. In addition to other provisions, the declaration shall specify:

a. The obligation of the association to maintain the common properties.

b. The mandatory membership of all property owners.

c. The obligation of all owners to pay assessments.

d. The right of the association to enforce any restrictions.

e. Automatic renewal of the covenants after a fixed period.

9. The engineer shall determine if any part of the proposed subdivision is located within a flood hazard area, as identified by the Federal Emergency Management Agency and the McHenry County Stormwater Management Ordinance and place an appropriate certificate on the plat.

10. In accordance with an Act in Relation to the Regulation of Rivers, Lakes and Streams of the Illinois Compiled Statutes, if a subdivision borders upon or includes any public waters in which the State of Illinois has any property rights or property interests, it shall have a boundary line indicated between the private interests and public interests. The proposed boundary line shall be reviewed and approved by the Illinois Department of Natural Resources Office of Water Resources. A certificate shall be placed on the final plat to indicate that the boundary line has been approved by said department. Subdivisions bordering the following lakes and streams within McHenry County are subject to this requirement:

~~a.~~ **1.**Fox River **(Illinois River Basin)**.

~~b. Nippersink Creek.~~

~~c. Crystal Lake.~~

~~d.~~ **2.** Griswold Lake **including the connecting channel to the Fox River**.

~~e.~~ **3. Fox Chain-O-Lakes: Bluff Lake, Lake Catherine, Channel Lake, Fox Lake, Grass Lake, Lake Marie, Nippersink Lake, Dunns Lake, Pistakee Lake, Lake Jerilyn, Lac Louette, Redhead Lake.**

~~f. Pistakee Lake.~~

11. In accordance with the Plat Act, a topographic study depicting the existing topography shall be submitted along with the final plat. The topographic study shall be at the same scale as the final plat, indicate road and lot outlines, and suitable for use as an overlay. If it is contemplated that the flow of surface water will be changed as a result of the subdivision, the topographic study shall indicate any such changes. A statement regarding drainage of surface water shall be included with the topographic study and be signed by ~~the~~ **a licensed** professional engineer and the owner or his/her duly authorized attorney, to the effect that to the best of their knowledge and belief the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof, or, that if such surface water drainage will be changed, reasonable provision has been made for collection and diversion of such surface waters into public areas, or drains which the subdivider has a right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices and the McHenry County Stormwater Management Ordinance so as to reduce the likelihood of damage to the adjoining property because of the construction of the subdivision.

12. Stormwater plans in accordance with the Plat Act requirements for drainage and the Stormwater Management Ordinance.

13. A road plan prepared by a **licensed** professional engineer is required. The road plans shall be prepared to the same topographic datum as the preliminary plat, and include a permanent benchmark clearly noted on the plans. Road plans shall include the following minimum data:

a. Plan and profile, at a suitable scale, of all roads to be either built or improved.

b. Station cross-sections at a suitable scale, but a minimum of one inch to one hundred feet (1"=100').

c. Size, length, and invert elevation of all drainage structures. Calculations shall be furnished to justify all structures twenty-four (24) inches or more in diameter.

d. Plan and profile, at a suitable scale, cross-sections if appropriate, a typical section of all off-site drainage within three hundred (300) feet of the subdivision, and all on-

site drainage in drainage easements.

e. Typical road section or sections as appropriate.

f. Details of all structures and special construction of any nature.

g. Typical or specific details at road intersections, cul-de-sacs, T-turnarounds, traffic circles, etc.

h. Road construction and maintenance easements, drainage easements, and lot lines.

i. If a subdivision is adjacent to a County highway and access to that County highway is proposed, additional and separate plans for the access and improvements to the County highway are required. These plans shall be prepared in accordance with the McHenry County Access Control and Right-of-Way Management Ordinance and the Permit Procedures and Requirements Manual. Additional and separate permitting is required with the McHenry County Division of Transportation for access to a County highway.

14. The final plat shall be consistent with the approved preliminary plat with regard to number of lots, configuration, setback lines, etc. In addition, the following is required:

a. A street address in conformance with the numbering system of § 16.76.070 (Street Naming And Addressing) for each lot and indicated on the plat.

b. Where a lot has frontage on both an interior road and an existing main road, access shall be restricted to the interior road. A note indicating such restriction shall be indicated on the plat.

15. If a back-up Special Service Area (SSA) is required to ensure the permanent maintenance of stormwater management facilities and/or common open space, an ordinance shall be submitted with the final plat.

16. Prior to submission of a final plat for approval by the Planning**, Environment,** and Development Committee:

a. All certificates shall be signed, except those for the Planning**, Environment,** and Development Committee, County Board (attested to by the County Clerk), and the McHenry County Recorder's Office.

b. An affidavit shall be filed with the Department of Planning and Development stating the right of the property owner to cause the land in question to be subdivided. An affidavit shall be submitted in the form required by this Ordinance, as shown in Appendix A.

c. Signed and dated by the **licensed Illinois** land surveyor who prepared it, and include his/her official seal.

d. Road design engineer signature seal and the date on roadway plans.

e. The tax search fee shall be paid directly to the McHenry County Clerk.

17. A complete and detailed estimate of cost prepared by a **licensed** professional engineer. D. *Plat of Vacation Submittal Requirements.*

A plat of vacation shall be prepared as follows:

(renumber this section)

1. ~~The plat of vacation shall be digitally prepared or drawn in ink on suitable Mylar drafting film.~~

2. The plat of vacation **must be drawn** to a scale of one inch to one hundred feet (1"=100'). A larger scale may be used if desired for a proper exhibit of the subdivision. The maximum sheet size is twenty-four inches by thirty-six inches (24" x 36") but more than one (1) sheet may be used if necessary. All hand lettering shall be legible and at least one-tenth (1/10) of an inch high. All typed or printed lettering shall be at least the same size as "Pica 12."

3. The plat of vacation shall be labeled as such and include a correct survey of the property and a legal description of the area involved.

4. A north arrow, the scale, and all section and quarter-section lines shall be indicated on the plat.

5. All required certificates and any statements or approvals regarding continuation or abandonment of existing easements regarding public service facilities or utilities, as referred to in the Plat Act (765 ILCS 205/6 *et seq.*), shall be placed on the plat.

6. If the vacation includes any portion of a right-of-way, plats shall be approved by the applicable roadway authority and a certificate indicating such approval placed on the plat.

7. The utility and the cable TV companies shall provide written approval if the vacation pertains to utility easements. The document shall be recorded and the document number placed on the plat.

8. If the plat of vacation lies within one and one-half (1½) miles of a municipality or a municipality within one and one-half (1½) miles of the subdivision that is granted planning authority through an intergovernmental boundary agreement, the plat shall be approved by the city council or board of trustees of that municipality and a certificate of such approval, signed by the municipal clerk and mayor or president, placed on the plat.

9. The final plat of vacation shall be signed and dated by the **licensed Illinois** land surveyor who prepared it and bear his/her official seal. No additions or corrections are permitted by anyone other than the **licensed Illinois** surveyor or someone under his immediate supervision.

D. **Plat of Technical Adjustment Requirements.**

1. **The plat of technical adjustment must be drawn to a scale of one inch to one hundred feet (1"=100'). A larger scale may be used if desired for a proper exhibit of the subdivision. The maximum sheet size is twenty-four inches by thirty-six inches (24" x 36") but more than one (1) sheet may be used if necessary. All hand lettering shall be legible and at least one-tenth (1/10) of an inch high. All typed or printed lettering shall be at least the same size as "Pica 12."**

2. **The plat of technical adjustment shall be labeled as such and include a correct survey of the property and a legal description of the area involved.**

3. **A north arrow, the scale, and all section and quarter-section lines shall be indicated on the plat.**

4. **All required certificates and any statements or approvals regarding continuation or abandonment of existing easements regarding public service facilities or utilities, as referred to in the Plat Act (765 ILCS 205/6 *et seq.*), shall be placed on the plat.**

5. **If the plat of technical adjustment includes any portion of a right-of-way, plats shall be approved by the applicable roadway authority and a certificate indicating such approval placed on the plat.**

6. **The utility and the cable TV companies shall provide written approval if the plat of technical adjustment pertains to utility easements. The document shall be recorded and the document number placed on the plat.**

7. **The plat of technical adjustment shall be signed and dated by the licensed Illinois land surveyor who prepared it and bear his/her official seal. No additions or corrections are permitted by anyone other than the licensed Illinois land surveyor or someone under his immediate supervision.**

8. **If the plat of technical adjustment includes changing locations of required monuments, all applicable requirements set forth in §16.24.060.C above shall be met.**

9. **If the plat of technical adjustment includes changes to stormwater management facilities and/or easements, all applicable requirements set forth in §16.24.060.C above shall be met.**

10. **If the plat of technical adjustment includes changes to on-site waste water disposal systems and/or easements, all applicable requirements set forth in §16.24.060.C shall be met.**

11. **If the plat of technical adjustment includes changes to the area of flood hazard, flood boundary change documentation issued by the Federal Emergency Management Agency shall be recorded with the plat of technical adjustment.**

(Ord. O-201410-10-035, passed 10-14-2014; Ord. O-201601-ZBA-006, passed 1-19-2016; Ord. O-201603-ZBA-010, passed 3-17-2016, § 6.6; Ord. O-201803-ZBA-10-08, passed 3-19-2018; Ord. O201808-10-033, passed 8-21-2018)

§ 16.24.070 PAYMENT OF TAXES.

The McHenry County Clerk will conduct a tax search of the land being subdivided. Before a final plat may be submitted to the Planning**, Environment,** and Development Committee, the **property** owner shall make all payments of any and all taxes and special assessments levied against the property being platted. In vacating subdivisions previously platted, the ~~petitioner~~ **property owner** shall submit evidence of the payment of all taxes and special assessments levied against the property in the same manner as is required for subdividing.

(Ord. O-201410-10-035, passed 10-14-2014; Ord. O-201601-ZBA-006, passed 1-19-2016; Ord. O-201603-ZBA-010, passed 3-17-2016, § 6.7; Ord. O-201803-ZBA-10-08, passed 3-19-2018; Ord. O201808-10-033, passed 8-21-2018)

§ 16.24.080 SECURITY REQUIREMENTS.

A. General Requirements.

1. In order to insure that the work will be completed, all engineering improvements proposed in conjunction with a new subdivision, letters of credit, cash or certificates of deposit with a federally insured bank or savings and loan association, or bonds from an insurance company with offices in

Illinois, shall be submitted to ensure the completion of all improvements. The institution providing the security shall be acceptable to the County.

2. In addition, a separate security shall be submitted for any work to be performed on the County roadway system, in accordance with the McHenry County Access Control and Right-of-Way Management Ordinance.

3. If a letter of credit is submitted as security, it shall be in substantially the form required by this Ordinance, and shall be without restrictions, non-declining, and irrevocable without approval of the ~~County~~ **McHenry County State's Attorney's Office**. *B. Amount of Security.*

1. The owner shall post good and sufficient security with the Zoning Enforcement Officer, in the sum of one hundred twenty-five percent (125%) of the engineer's cost estimate to insure completion of the work. The engineer's cost estimate is subject to County review and approval. Subdivisions that are adjacent to and have access from a County highway require separate permits and shall provide separate securities in accordance with McHenry County Access Control and Rightof-Way Management Ordinance.

2. Each security required by this Ordinance shall be accompanied by an agreement executed by the property owner, and approved in writing by the County Board, in which the property owner agrees to make and install the improvements in accordance with the plans and specifications accompanying the final plat and specifying completion date in accordance with this Ordinance.

3. Security provided shall have an initial term of at least two (2) construction seasons and shall automatically renew until released by the County. *C. Release of Security.*

1. At the discretion of the Zoning Enforcement Officer and township highway commissioner, partial reductions in the letter of credit may be issued. Partial reductions will only be considered for project construction elements that are substantially completed and only when the total project is twenty-five percent (25%), fifty percent (50%), and seventy-five percent (75%) completed, based on the engineer's cost estimate. Each request for a reduction in the letter of credit shall be accompanied by as built drawings, or other suitable documentation, showing the work completed, a statement certifying that all improvements have been completed in accordance with the approved engineering plans and specifications. The property owner shall also submit revised engineer's cost estimate for all remaining construction. The revised engineer's cost estimate shall be based on construction costs current to the date of the estimate. The revised engineer's cost estimates are subject to County approval. The County shall retain security in the sum of one hundred fifty percent (125%) of the estimated cost of the remaining construction.

2. At the time the security is submitted to the Zoning Enforcement Officer, the owner shall notify the Zoning Enforcement Officer in writing as to the name and address of the ~~Illinois~~ licensed professional engineer who will establish lines and grades and exercise general supervision as construction progresses.

3. Prior to the County's release of securities for subdivision improvements, a~~n Illinois~~ licensed professional engineer representing the property owner for such improvements will be required to submit as-built drawings, or other suitable documentation, showing the work completed and a statement certifying that all improvements have been completed in accordance with the approved engineering plans. Such certification shall cover all engineering aspects of the development including, but not limited to, roads, detention/retention, grading, filling, stabilization, and any topographic

changes or adjustments proposed and approved by the Staff Plat Review Committee. Certification shall be in writing and submitted to the Zoning Enforcement Officer prior to release of securities. Applicants must separately apply for the release of any bonds held by the McHenry County Division of Transportation.

(Ord. O-201410-10-035, passed 10-14-2014; Ord. O-201601-ZBA-006, passed 1-19-2016; Ord. O-201603-ZBA-010, passed 3-17-2016, § 6.8; Ord. O-201803-ZBA-10-08, passed 3-19-2018; Ord. O201808-10-033, passed 8-21-2018)

APPENDICES

Appendix

~~Appendix A: Required certificates and forms~~

Appendix B: Overlay districts reference maps

Appendix C: Best management practices for wind energy systems

Appendix D: Road classification map

~~**APPENDIX A: REQUIRED CERTIFICATES AND FORMS.**~~

Delete existing Appendix A (renumber section)

MCHENRY COUNTY

ZONING BOARD OF APPEALS

MINUTES ● December 1, 2022

Zoning Hearing | **Conference Room A** | **1:30 PM**

667 Ware Rd, Woodstock, IL 60098

ZONING BOARD OF APPEALS REPORT TO THE MCHENRY COUNTY BOARD - #2022-042TA

1. **APPLICANT:** Planning, Environment, and Development Committee

2. **REQUEST:** Amend Text of Unified Development Ordinance Chapter 16.24: *Subdivision Applications*

3. **LOCATION AND SIZE OF PROPERTY IN QUESTION:** Text Amendment

4. **DATE AND TIME OF HEARING AND VOTING MEETING:** December 1, 2022, 1:30 PM

5. **LOCATION OF HEARING AND VOTING MEETING:** Conference Room A, 667 Ware Road, Woodstock, Illinois

6. **PRESENT AT HEARING:**
   A. ZBA Members: David Stone-Chair, Linnea Kooistra-ViceChair, Charles Eldredge, Vicki Gartner, Robert Kosin, Kurt Schnable, and Donald Smolinski

   B. Witness: Renee Hanlon, County Staff, Lisa Haderlein, Public, and Jan Vanderspool, Public

   C. Attorney: None

   D. Public: Anna Kurtzman – County Staff

7. **ITEMS OF EVIDENCE:** None

8. **SUMMARY OF TESTIMONY AT HEARING:**

Chairman Stone called the hearing to order. He then asked Ms. Hanlon to provide an overview of the changes to the Unified Development Ordinance being proposed.

Ms. Hanlon explained the history of the subdivision application regulations and emphasized that they were established as part of the Unified Development Ordinance in 2014. Since 2014 there have been only a few subdivision applications and those were of very limited scope. In 2022 an application for a

resubdivison of an existing lot was processed by the Staff Plat Review Committee (SPRC). During the processing of this application, planning staff noticed some errors and omissions in Chapter 16.24: Subdivision Applications. The text amendment aims to make the necessary changes to correct and complete this chapter. Planning staff believe that these changes will also provide more clarity to the applicant as s/he goes through the process.

She further stated that this is mostly a "cleanup" amendment, but there are a few substantive changes. Firstly, the existing language provides for an optional first step in the process for review of a concept sketch. The text amendment requires this step instead of it being optional. The reason is that there is no downside to having the subdivider come in for this concept conversation so that they understand what will be required of them with specificity. The other change is that the certificate and easement language has been removed in its entirety from the Appendix. These are proposed to be removed, because a change to any of the language would require a text amendment to the UDO. Staff would like to have more flexibility in revising certificate and easement language. These will be kept as a pdf file and provided to the subdivider at the beginning of the process.

Mr. Eldredge asked if staff could respond to the letter from some area environmental groups received by the Zoning Board of Appeals. Ms. Hanlon said that she had discussed all the concerns with Joanna Colletti, Stormwater Engineer, and that she was confident that she understood the concern expressed in the letter.

Chair Stone invited Lisa Haderlein, Land Conservancy of McHenry County, to speak as a signatory of the letter.

Ms. Haderlein expressed her concern that all groups interested in watershed issues will be notified of any subdivision application. Ms. Hanlon explained that existing provisions and proposed changes ensure that all known watershed groups and drainage districts are informed of subdivision applications. There was discussion of how watershed groups and drainage districts are formalized. Watershed groups must register with the Illinois Environmental Protection Agency and file a plan. Drainage Districts are established by court action.

Ms. Haderlein expressed her concern that the list of waterways that require Department of Natural Resources notification is being changed. Ms. Hanlon explained that the list in the existing ordinance is incorrect and the change is only for the purpose of accurately listing waterways that are regulated by the Department of Natural Resources.

Mr. Haderlein expressed concern that watershed groups will not be informed of applications for technical adjustment. Ms. Hanlon explained that technical adjustments are filed for changes such as; lot consolidations and location changes for septic areas. These types of changes have no impact to the watershed; therefore, staff does not believe the watershed or drainage districts need to be notified of such filings.

Chair Stone invited Jan Vanderspool to speak as a concerned citizen.

Mr. Vanderspool stated his concern that language was removed that required staff to notify homeowners' associations of subdivision applications.

Ms. Hanlon explained that the language was very vague and concerning to staff. The ordinance stated that "homeowner's associations that have expressed an interest" shall be notified. She further explained that staff has no intention of leaving anyone out of the process and will welcome all

interested parties to speak; however, this language is concerningly vague for a legislative requirement. She also reminded the audience that the subdivision process does not include public hearing. The time to protest development of a parcel is during the rezoning process. It is during that process that land development density and design are discussed in a public forum. The subdivision process is a technical process to ensure that the division of land is made properly. Well before the subdivision process, there will be public hearings and public meetings in which adjacent landowners may speak to the use of the property.

Chairman Stone closed the public hearing.

9. SOIL AND WATER CONSERVATION DISTRICT REPORT:

The land use opinion was not required for this application.

10. ILLINOIS DEPARTMENT OF NATURAL RESOURCES:

The consultation was not required for this application.

11. SUMMARY OF VOTING MEETING DISCUSSION:

Chair Stone opened the voting meeting immediately following the hearing. Mr. Eldredge stated that he believed that these changes are mostly of a technical nature and are necessary to correct and complete the subdivision application chapter. Each board member agreed with the comments of Mr. Eldredge.

12. FACTS THAT SUPPORT RECOMMENDING APPROVAL OF THE REQUEST:

- There is a need for these changes to the existing Unified Development Ordinance to improve the subdivision process.

13. FACTS THAT SUPPORT RECOMMENDING DENIAL OF THE REQUEST:

None

14. MOTIONS:

Mr. Eldredge made a motion, seconded by Ms. Kooistra, to replace the slash between “watershed districts” and “drainage districts with “and”. Motion passed by voice vote.

Mr. Eldredge made a motion, seconded by Ms. Kooistra, to approve the text amendment as amended.

15. VOTE:

7– AYES; 0 – NAYS; 0 - ABSTAIN

GOES TO COUNTY BOARD WITH ZBA RECOMMENDATION FOR APPROVAL

Full Comments for the above agenda items are included in the audio recording of this meeting, which can be found on the McHenry County Meeting Portal.

Linnea Kooistra: We just proposed this change. That's it. We can just vote on it as is.

David Stone: Okay. Chair will entertain a motion to approve.

Charles Eldredg...: I made the motion.

Linnea Kooistra: Charlie made the motion. It's been, and I seconded.

Vicki Gardner: Yeah. And it's been amended already.

David Stone: Moved and seconded by, moved by Charlie, seconded by an Linnea.

Linnea Kooistra: To insert and.

David Stone: To insert the word and

Linnea Kooistra: Wherever this is.

Charles Eldredg...: Yeah. And delete the slash.

Linnea Kooistra: And delete the slash.

David Stone: And delete the slash. That's it?

Linnea Kooistra: Yep.

Charles Eldredg...: Yep.

David Stone: Okay. Do we really need any discussion on this?

Vicki Gardner: We did already.

David Stone: Does anyone understand?

Linnea Kooistra: Yes.

David Stone: All right. I'm going to call, does this regard a-

Linnea Kooistra: I think a voice vote.

David Stone: Voice vote.

Okay. All in favor of the amendment signify by saying Aye.

Multiple Speake...: Aye.

Charles Eldredg...: Opposed, nay?

David Stone: Motion carried.

Charles Eldredg...: I make a motion that we adopt the changes as amended.

Linnea Kooistra: Second.

David Stone: And as amended under exhibit ...

Linnea Kooistra: You want to call this exhibit number one? Exhibit A?

David Stone: Okay. Exhibit A is admitted as of 12/1/22. Put back in the file, hopefully never to be seen again.

Linnea Kooistra: We need discussion.

David Stone: We have to do what?

Linnea Kooistra: We need Charlie to have discussion on the motion.

David Stone: Charlie, discussion on this motion?

Charles Eldredg...: Yes. I believe that the county PED has put forth to us some proposed changes recommended by staff that are of a technical nature, which are just cleaning up some language that wasn't addressed when the UDO was originally adopted. I believe these are improvements to the UDO and I support the request.

David Stone: Mr Schnable

Kurt Schnable: I fully agree and will support the request as well.

David Stone: Ms. Gardner.

Vicki Gardner: I have nothing further to the, and I agree.

David Stone: Ms Kooistra

Linnea Kooistra: Yes, I agree with Mr. Eldredge. I think this does what staff is hoping to do to make this so that we protect the county better, we simplify the language, we make it better so we meet legal standards for the state. I'm in favor.

David Stone: Mr. Smolinski

Donald Smolinsk...: I agree with Mr. Eldredge's comments on this and will support the application.

David Stone: Mr. Kosin, we're all waiting.

Robert Kosin: Succinctly, Mr. Chairman, I too support this.

David Stone: All right. That makes us all feel good. Okay. Motion has been ... I guess we have to do a actual vote. Eldredge?

Charles Eldredg...: Yes.

David Stone: Kooista.

Linnea Kooistra: Yes.

David Stone: Gardner?

Vicki Gardner: Yes.

David Stone: Kosin?

Robert Kosin: Yes.

David Stone: Schnable

Kurt Schnable: Yes.

David Stone: Smolinski?

Donald Smolinsk...: Yes.

David Stone: Stone? Yes. Goes to the county board seven to zero recommendation.