

KEY REVISIONS: McHENRY COUNTY UNIFIED DEVELOPMENT ORDINANCE September 4, 2012

The following memorandum summarizes the key revisions of the McHenry County Unified Development Ordinance (UDO). As a UDO, this Ordinance consolidates a number of County ordinances. These are as follows:

- » McHenry County Zoning Ordinance
- » McHenry County Subdivision Ordinance
- » McHenry County Sign Ordinance
- » Addendum to the McHenry County Subdivision Ordinance - Conservation Design Developments: Standards and Procedures
- » McHenry County Telecommunication Carriers Ordinance
- » McHenry County Groundwater Monitoring and Protection at Earth Extraction Sites Ordinance
- » McHenry County Camp Ground Ordinance
- » McHenry County Agricultural Trailer Affidavit Ordinance
- » McHenry County Street Addressing Resolution

Key revisions are summarized by article.

This draft also includes a number of illustrations. During the public review process, it is anticipated that additional illustrations may be added as provisions are revised and new regulations added.

Article 1. Title, Purpose & Applicability

This article introduces the Unified Development Ordinance (UDO), describes the relationship of the UDO to other County regulations, and defines the rules for transition from the current ordinances to the new UDO.

Key Revisions

- » The purpose statement includes new references to adopted policy plans, such as the 2030 Comprehensive Plan and Water Resources Action Plan.
- » For uses formerly permitted within a district, which are now a conditional use within the district, the Ordinance deems such a use nonconforming. These uses are allowed to continue and are controlled by the nonconformity and any addition, enlargement or expansion is required to obtain a conditional approval permit.
- » In the case of pending zoning or subdivision applications, the application is processed according to the Ordinance in effect at the time of application.
- » The Ordinance makes provision for an effective date. This means that the new UDO would only come into effect after a certain time period following the adoption date. Thirty days has been proposed within this draft.

Article 2: Definitions

The “definitions” article defines all terms within the Ordinance. This includes definitions for all general terms and a definition for every use within the use table.

Article 3. Ordinance Administrators

Article 3 describes the powers of administrative bodies and officials in administering the ordinance.

Key Revisions

- County Board. County Board powers have not changed, though the UDO specifically describes the powers of the Planning and Development Committee.
- Zoning Board of Appeals. Powers remain the same.
- Hearing Officer. Powers remain the same.
- Staff Plat Review Committee. Two key changes are the ability of the SPRC to review and make final decisions on site plan review applications (a new application) and clarification of membership.

The membership of the SPRC is defined in this draft as follows:

- A. Voting members:
 - Director of the Department of Planning and Development
 - Zoning Enforcement Officer
 - Director of the Division of Transportation/County Engineer
 - Director of Environmental Health
 - Chief Stormwater Engineer
 - Building Enforcement Officer, as defined by the McHenry County Building Code
- B. For subdivision applications, additional non-voting ex-officio members are as follows:
 - Applicable Township Highway Commissioner(s)
 - Applicable Fire Chief(s)
 - Applicable School Superintendent(s)
 - A representative of the nearest municipality within a 1.5 mile boundary of subject property or a representative of the municipality within 1.5 mile boundary of the subject property that is granted planning authority through an approved intergovernmental boundary agreement
- Zoning Enforcement Officer. Formerly called the Code Enforcement Officer, the Zoning Enforcement Officer is delegated with administration and enforcement of the Ordinance, including decisions on temporary use permits, sign permits and zoning interpretations.

Article 4. Zoning Application Process

The Zoning Application Process defines the general procedures for application processes – filing, notice and public hearing conduct.

Key Revisions

- » All applications are filed with the Department of Planning and Development. The application procedures now include a completeness review. When a zoning application is submitted, the Zoning Enforcement Officer conducts a review of the application to ensure that all submittal requirements are met and that the application is complete. Once the application is complete, it

can be forwarded to the appropriate bodies for review. (This is not formal review of the application, only a tallying of submittal requirements to prevent incomplete applications from being forwarded.)

- » A limitation on successive applications has been included. Within one year of the date of denial, the same application cannot be reviewed or heard unless there is substantial new evidence available, or if a significant mistake of law or of fact affected the prior denial.
- » Notice requirements have been described by a table, as follows (administrative variations have specific notice requirements unique to that application, described separately):

Zoning Approval	Published Notice	Mailed Notice	Posted Notice	Notice to Official Bodies
Zoning Text Amendments	X			
Zoning Map Amendments	X	X	X	X
Conditional Use Permit	X	X	X	X
Zoning Variation	X	X	X	X
Zoning Appeal	X			X

- » The County is responsible for published and mailed notice. For posted notice, the County will provide the sign and determine the appropriate locations for posting, but the applicant is responsible for installing the sign.
- » The rules for conducting a public hearing have been included to ensure that public hearings are conducted in accordance with Illinois case law.

Article 5. Zoning Applications

The following zoning applications are included in Article 5:

- » Zoning map and text amendment
- » Variation
- » Variation to wireless telecommunications standards
- » Conditional use
- » Site plan review
- » Map correction
- » Zoning interpretation
- » Sign permit
- » Zoning appeal
- » Temporary use permit

Key Revisions

- » One of the major revisions to the zoning application processes is the inclusion of timeframes. Major steps in the process have deadlines defined by number of days.
- » The administrative variation process was included in the Ordinance (a variance application for 10% or less of the zoning district yard and bulk regulations). This power is granted through Illinois statute and was part of County practice.
- » The additional application requirements for conditional uses (Section 502.1) was omitted as these should be kept with the conditional use application as submittal requirements. This allows the County to change them on an as-needed basis.

- » In addition to revocation of a conditional use for violations, the UDO adds the provision that a property owner granted conditional use approval may request in writing revocation of conditional use approval to the Zoning Enforcement Officer. Once the request is accepted, the conditional use must cease all operation and, if re-establishment is desired, a new application is required
- » A new site plan review process was added, mandatory for all new construction other than single-family and two-family dwellings, residential accessory structures, and agricultural exempt construction, conditional uses and planned developments, and any uses identified in Article 14 (Use Standards) or by overlay districts as requiring site plan review prior to approval. The SPRC will conduct the site plan review and make a final decision. Site plan review reviews the proposed development for compliance with the Ordinance and to make sure that the site functions safely and efficiently.
- » A new map correction process was added to the Ordinance. The purpose of a map correction is to correct drafting errors on the Zoning Map. Such a map adjustment is solely to correct a mapping error made by the County.
- » A new process for zoning interpretations was added to the Ordinance. This is a formal application, made to the Zoning Administrator, to provide a written interpretation of Ordinance provisions. This allows the Village to document interpretations and consistently implement the Ordinance.
- » The temporary use permit authorization is defined within the Ordinance, under the authority of the Zoning Enforcement Officer. This permit authorizes the temporary use of land and structures for certain events and structures that are non-permanent in nature. A temporary use permit authorizes only those temporary uses that occur entirely on a zoning lot. Temporary uses located within the public right-of-way are regulated separately by the roadway jurisdiction.

Article 6. Subdivision Applications

The application for a subdivision has been updated and described in Article 6. Generally, the process remains the same as in the current subdivision regulations, with the following revisions highlighted below.

Key Revisions

- » The subdivision plat review is defined as a three step review procedure: 1) an optional pre-application review; 2) preliminary plat; and 3) final plat. The only exceptions are plats of vacation and technical adjustments which require a one step review.
- » A key revision is that the pre-application review with the SPRC is now an optional step (applicant's choice). An applicant may choose to begin at the preliminary plat stage, but must submit all sketch plat requirements as part of the preliminary plat.
- » Actions eligible for technical adjustment are defined as follows:
 - A minor change in the boundary between two adjoining lots where both lots continue to conform to the underlying zoning requirements.
 - The division of a single lot into two lots as long as both lots conform to the underlying zoning requirements.
 - The consolidation of two lots into a single lot as long as the resulting lot conforms to the underlying zoning requirements.
 - A conveyance of land made to correct a description in a prior conveyance.

- A revision of a plat to match a vacation of a township right-of-way by the Township Highway Commissioner.
 - The removal or relocation of any easement, including but not limited to, drainage way, stormwater management, pedestrian trail and path, or access easements,
 - The elimination or relocation of areas identified as septic restricted areas.
- » A new exemption for subdivision regulations has been incorporated. A property owner may request an exemption from the subdivision requirements of Article 19 (Site Improvement 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 Article 19 are eligible for an exemption. Variation from the zoning requirements of the applicable zoning district must follow the zoning variation process).
- » For submittal requirements, all information required for the pre-application review meeting is required for a preliminary plat. If a pre-application meeting was conducted, all materials must be updated if the meeting was conducted more than one year prior to the submittal date or if site conditions have changed.

Article 7. Planned Developments

The planned development process for the County has been updated and clear approval processes, approval standards, submittal requirements, and changes to approved planned developments defined within the article.

Key Revisions

- » Existing planned developments, including Estate Districts (PD-E), Planned Development – Residential Districts (PD-R), and Commercial, Office, Research, Light Industrial Planned Developments (CORI) developments approved prior remain valid.
- » A planned development (PD) is a conditional use in the applicable zoning districts, as indicated in the use tables.
- » Exceptions to district regulations are permitted as part of a PD, including allowed uses.
- » One of the key revisions is the requirement that a PD provide a public benefit or amenity. In exchange for flexibility offered under the PD process, the County should gain high-quality amenities, open space, building design and/or other benefits to the community. A menu of amenities has been provided to assist the developer in understanding what the County would like to see. The list is not definitive, in the sense that one item on the list must be picked, but is considered a “starting point” allowing the County to negotiate with the developer as to the appropriate amenity. These are listed as:
- Enhanced design characteristics including, but not limited to, mixed-use development, low-impact development, sustainable development and green architecture.
 - Community amenities including, but not limited to, outdoor seating, public art, pedestrian and transit facilities, plazas and community gardens.
 - Preservation of natural areas, sensitive aquifer recharge areas, and natural drainage ways.
 - Historic preservation.
 - Adaptive reuse.
 - Additional active open space and recreational amenities including, but not limited to, recreational open space and playgrounds, dog parks, and natural water features and conservation areas.

- Additional public infrastructure improvements in addition to the minimum required, included, but not limited to, new or repaved streets, provision of bicycle paths, installation of drainage improvements, and traffic control devices to improve traffic flow.
 - Affordable housing, senior housing, or accessible dwelling units with accessible features beyond what is required by the Americans with Disabilities Act (ADA) or any other applicable codes.
- » The process has been revised so that there are four steps to planned development approval. Each step of the process has submittal requirements and approval standards.
1. A pre-application conference with SPRC to discuss the project. (No fee or formal application required.)
 2. A concept plan, where the applicant presents the concept plan to the SPRC and then to the Zoning Board of Appeals for input prior to submittal of a preliminary plan.
 3. A preliminary plan is the step at which the conditional use would be approved in conjunction with the plan. The SPRC would review and make a recommendation, the Zoning Board of Appeals would hold a public hearing, and the County Board would approve a PD.
 4. A final plan must be submitted within one year of approval of the preliminary plan. If the final plan is in substantial conformance with the preliminary plan, the SPRC would approve the final plan.
- » During construction minor changes required by engineering or other physical site circumstances not foreseen at the time that the final plan was approved but encountered during construction on site may be authorized by the Zoning Enforcement Officer. The Zoning Enforcement Officer may not approve any changes that violate the underlying zoning or approved exceptions or any conditions attached to the approved planned development.
- » The County Board may approve minor changes to the approved final plan that are not listed as a major change (see below). The County Board may not approve any changes that violate the underlying zoning or approved exceptions, or any conditions of approval attached to the approved planned development, with the exception of modifications to a planned development's time or phasing schedule.
- » The following major changes require resubmittal of a planned development at the preliminary plan stage, including all application requirements and fees, and must follow the planned development approval process:
- A 10% or more increase or 25% or more decrease in the approved density.
 - A change in building height over the approved maximum heights.
 - A significant change in the type, location and arrangement of uses within the development as shown on the previously approved final plan. A significant change is defined as a change to a land use category, such as residential to commercial uses, single-family dwellings to multi-family dwellings, multi-family dwellings to single-family, and similar land use category changes.
 - A change in the boundaries of the planned development.
 - A decrease in open space that was included as a public benefit or amenity.
 - Any change that violates the underlying zoning or approved exceptions, or any conditions of approval attached to the approved planning development. This does not include modifications to a planned development's time or phasing schedule, which are considered a minor change.

Article 8. Zoning Districts

Article 8 introduces the zoning districts of the UDO and how they are applied to the Zoning Map, including annexed or unclassified land, which is subject to the requirements of the A-1 District, unless otherwise rezoned or controlled by a court decision, and a blanket exemption for public road rights-of-way and public utilities.

This Article also contains the global use matrix for the zoning districts. Permitted, conditional and temporary uses are listed within the matrix, along with reference to specific use standards. As discussed, a generic use approach has been incorporated into the draft of the UDO. A generic approach to the listing of uses is established by combining all, or most uses, into broader terms. For example, by converting to a generic use approach, barber shops, beauty parlors, shoe repair shops, tailors and similar specific uses can be replaced by the term “personal services establishment,” which would permit additional similar uses such as pet grooming establishments, dry cleaners and nail salons. Generic uses have the advantage of being broad enough to include a wide range of uses, eliminating the need for amendments as new uses emerge. All uses are defined and included in the definitions section of the Ordinance. Certain specific uses have still been called out to better control where they locate and to apply specific standards.

General District Revisions

- » The district standards use the term setback to describe the minimum distance that defines the buildable area – the minimum distance a structure must be setback from the applicable lot line. A structure can set back further if desired, but only needs to meet this minimum distance. This uncouples the setback line from being defined as the building line. In Article 15, two standards are established – the required setback (as described here) and the “effective yard,” which describes the area between the building lines and the lot lines. Only certain limitations are placed on what can locate in an effective yard.
- » Rather than creating a front setback and a corner side setback, these have been consolidated into one standard – the street setback.
- » A perimeter setback standard has been applied to flag lots/parcels and landlocked lots/parcels, applied to the area excluding the “flag” portion or any access easement. This will make it easier to apply the setback standard and ensure sufficient space between adjoining lots.
- » The UDO makes permissions for the keeping of horses for personal use in all districts. A two acres or more lot or parcel is required. Up to three horses may be maintained on a two acre parcel, with an additional area of 14,000 square feet required for each additional horse over eight months of age on lots or parcels up to 10 acres in area. Lots or parcels of 10 or more acres are not subject to a minimum area per horse.

Article 9. Agricultural and Open Space Zoning Districts

Agricultural uses permissions and bulk standards have been updated. Four districts make up this Article:

- » A-1 Agriculture District - permits agricultural purposes and activities and residences on large agricultural parcels within the County. The standards of the A-1 District promote the continuation of farming and protect agricultural land uses from the encroachment of incompatible uses.
- » A-2 Agriculture District - permits individual single-family residences within agricultural areas. All residences within this district must be compatible with surrounding agricultural operations, and must maintain, preserve and enhance agricultural activities. Any zoning map amendments to the

A-2 District must meet the standards of Section 9.2 (A-2 District Rezoning Standards).

The A-2 District rezoning standards have been simplified to the following:

- The A-2 District can only be established by rezoning property from the A-1 District.
- The subject property shall have an existing lawfully constructed residential dwelling on the property.
- The subject property shall meet one (1) of the exemptions from the Plat Act (765 ILCS 205/0.01 et. seq. as amended).
- The zoning petition shall be restricted to a single existing or proposed parcel.

This revision removed provisions requiring structures to cover 50% or more of the lot or function as a barrier to agriculture, which were difficult standards to administer. Also, the restriction on lots with no structures in place, the LESA system and natural resources requirements were also eliminated. This simplification focused on only permitting A-2 rezonings when a residence was in place, to better align with its original intent.

- » A-3 Agricultural Business District - permits a mix of agricultural, residential and limited commercial uses within agricultural areas to support and promote the economic viability of agricultural activities. Any map amendment to the A-3 District must also meet the standards of Section 9.3 (A-3 District Rezoning Standards).

The A-3 District is a new district intended for areas of agriculture and related commercial uses, to prevent encroachment of commercial uses into larger A-1 District agricultural areas. One of the main controls in this district is the use structure, generally limited to a use that is directly part of a larger agricultural use or directly supports agricultural activities of the surrounding properties. Uses allowed as “standalone” are only those that provide support to farming operations.

- » OS Open Space District - protects open space, natural areas, and passive and active outdoor recreation facilities within the County.

Article 10. Residential Zoning Districts

The residential districts have remained essentially the same, with bulk and setback standards clarified. However, one new standard has been added to the street setback requirement. The table establishes a minimum street setback but, a property owner may choose to establish the street setback by using either the platted street setback or the average of the street setback of existing homes on the same side of the blockface when 60% of the blockface is developed. This provides greater flexibility in areas of street setback variability.

A new R-LWN Legacy Waterfront Neighborhood Residential District is proposed to address existing residential areas within the County that developed along the County’s lakes and rivers prior to the County’s adoption of current zoning and subdivision standards. The R-LWN District is intended to accommodate infill development and redevelopment of these existing unique development patterns of these areas. The R-LWF District is not intended to facilitate new development in previously undeveloped waterfront areas. This area is currently under study by the County and when this study is complete, the findings and standards will be integrated into the UDO.

Article 11. Commercial Zoning Districts

The same structure for commercial districts has been maintained, with bulk and setback standards clarified. The B-2 District remains the Alcoholic Beverage Business District. The distinction between the B-1 District as a neighborhood business district and the B-3 as a general business district is also retained. However, the distinction between the B-1 and B-3 based on the gross floor area of a business has been removed. This arbitrary cut-off led to variances and served to discourage new businesses from locating in the area or required a building to construct a much larger – and therefore pave more – structure than needed. The distinction between these districts is now based on the types of uses allowed within each (see global use matrix).

Also, shopping centers and linear retail developments within the commercial districts are required to comply with basic design standards that address facades facing a public street, to ensure high quality development. These apply in new construction and when substantial rehabilitation of the exterior façade of an existing shopping center and linear retail development is undertaken (but only those design standards that relate to the rehabilitation actions apply). These standards do not apply to interior remodeling.

Article 12. Office and Industrial Zoning Districts

The office and industrial districts have been maintained, with bulk and setback standards clarified. New design standards for an office campus development have been included, in line with Comprehensive Plan policies promoting office park development. These apply in new construction and when substantial rehabilitation of the exterior façade of an office structure is undertaken (but only those standards that relate to the rehabilitation actions apply). These standards do not apply to interior remodeling.

Article 13. Overlay District

Overlay zoning districts create special controls in certain areas of the County that have special characteristics, providing common controls over areas that require a specific control but are typically zoned more than one base zoning district. The UDO contains two overlay districts:

1. SARA Sensitive Aquifer Recharge Area Overlay District. This overlay protects the most sensitive recharge areas within the (unincorporated) County. The SARA Overlay District implements the Water Resources Action Plan to prevent damage to the soil's natural recharge ability.
2. Class III Special Resources Groundwater Protection Areas Overlay District. This overlay district is targeted at Class III Special Resources Groundwater Protection Areas designated by the Illinois Pollution Control Board. The development standards that protect these water resources from the potential negative impacts of development.

Both districts use similar controls, as both protect groundwater:

- » Overlay District Mapping. These districts are mapped by reference, to the SARA Map and that created by the Illinois Pollution Control Board, respectively.
- » On-Site Verification. The property owner is afforded the opportunity, by presenting evidence, that the overlay districts do not apply. In addition, where only a portion of the site is subject to the overlay regulations, only that portion must comply. Site plan review is required for in order to verify the relationship of designated and non-designated areas of the property.

- » Prohibited Uses. The following uses are prohibited in these areas: low-level radioactive waste sites, municipal waste landfills, and special or hazardous waste landfills. Salvage yards, Class V underground injection wells, and clean construction and demolition debris facilities are also prohibited unless specific standards are met.
- » Development Standards. Special development standards also reply limiting the amount of impervious surface, requirements for site plan review, and stormwater management.

Article 14. Use Standards

The use standards article contains specific standards for conditions for principal and temporary uses. These are cross-referenced from the global use matrix (Table 8-1). The standards are meant to control secondary impacts from these uses within the County. In many cases, these are updates of current Ordinance standards where out of date provisions have been eliminated and others are new to address new uses or conditions that occur within the County but are not addressed in the current Ordinance. All uses (principal and temporary) are defined in Article 2.

The following principal uses have standards:

- | | |
|--|--|
| <ul style="list-style-type: none"> » Accessory Dwelling Unit (new) » Adult Use » Agriculture Employee Housing » Agritourism (new) » Airport, Commercial or Reliever, or Heliport (new) » Auto Repair, Major and Minor » Campground » Cemetery » Day Camp » Day Care Center » Day Care Home – Licensed or Unlicensed » Drive-In Theater » Earth Extraction and Mining » Fairground » Flea Market (new) » Farmstand (new) » Government and Public Safety Facilities » Horse Stable » Hospital » Hotel/Motel » Kennel - Commercial (new) | <ul style="list-style-type: none"> » Landing Area, Personal or Restricted (new) » Landscape Business (new) » Landscape Waste Composting Facility » Marina » Mobile Home Park » Off-Premise Commercial Advertising (new) » Outdoor Amusement Facility (new) » Outdoor Shooting Range » Place of Worship » Pollution Control Facility » Power Production » Public Safety Training Area » Recycling Collection Center (new) » Recycling Processing Facilities (new) » Residential Care Facility (new) » Salvage Yard » Solar Farm (new) » Storage Yard (new) » Towers and Antennas » Wind Energy Systems (new) » Winery/Brewery/Distillery (new) |
|--|--|

A series of temporary uses, which require a temporary use permit, are also regulated:

- » Portable Asphalt/Concrete Plant. Use in road construction and repair, valid for 60 days but may be renewed.
- » Real Estate Project Sales Office. For any new subdivision approved by the County Board, valid for one year but may be renewed.

- » Temporary Agritourism Event. Incidental to and directly supportive of a main agricultural use of the property, limited to eight events per calendar year, with a minimum of three days between events, and a maximum duration of four days per event.
- » Temporary Contractor's Office. Incidental to a construction project, valid for one year but may be renewed.
- » Temporary Emergency Residence. Use of a recreational vehicle or mobile home for a family during rehabilitation of the original residence or construction of a new residence in the event of a fire or natural disaster that results in the partial or total demolition of any main residence.
- » Temporary Outdoor Entertainment Events. Fireworks shows, horse shows (unless otherwise exempted), animal shows, circuses, music concerts, worship services, but does not include spectator sport horse racing event for a commercial purpose. A management plan is required and events are limited to four events per calendar year, a minimum of 30 days between events, and a maximum duration of seven days per event.
- » Temporary Outdoor Sales Event. Auctions (except auctions of personal property), flea markets, Christmas tree sales. A management plan is required and events are limited to four events per calendar year, a minimum of 30 days between events, and a maximum duration of four days per event. However, Christmas tree sales are permitted a maximum duration of 35 days.

Article 15. Site Development Standards

Article 15 includes additional development standards outside of those required by district regulations, including the following.

Rules of measurement and general development standards are described:

- » The maximum number of principle buildings on a lot or parcel, which is restricted to one building on a Agricultural (excluding agriculture exempt structures), Estate, and R-1 Zoning District lot or parcel, and multiple buildings in other districts.
- » A requirement that all lots or parcels front on a public or private street.
- » A description of the location and how to measure required setbacks and effective yards, which is necessary since setback lines have been uncoupled from the building line. Required setbacks are measured as the minimum dimension required by a zoning district measured from the applicable lot lines contiguous lots or parcels. An effective yard is the open space located between a structure and the adjoining lot lines. Certain accessory structures are prohibited from locating within effective yards. The distinction is made because certain principal buildings may be set back further than required by district standards, thereby creating a yard larger than the minimum required setback dimension.
- » Measurement of building height, including permitted height exceptions.

Exterior lighting controls have been added. These apply to lighting on private property. Key provisions include the requirement for shielded lighting and limits on light pole heights. Lighting restrictions are controlled by wattage, related to a district or use.

A full range of accessory structures and uses have been added, including those related to sustainable development. These are:

- » Apiaries (Non-Agriculture Exempt)
- » Chicken Coops and Chicken Runs (Non-Agriculture Exempt)
- » Drive-Through Facilities
- » Fences
- » Home Occupations
- » Mechanical Equipment
- » Outdoor Sales and Display, and Outdoor Storage
- » Recycling Drop-Off Point
- » Satellite Dish Antennas
- » Solar Panel
- » Swimming Pools
- » Wind Energy Systems – Building Mounted

A permitted encroachments table has also been added. An encroachment is the extension of an architectural feature of a principal dwelling into a required setback. Finally, environmental performance standards have been included to assist in enforcement of nuisances. These are general regulations to control noise, odors, hazardous materials, etc.

Article 16. Off-Street Parking and Loading

Article 16 includes all regulations related to the requirements for and design of parking, both vehicle and bicycle, and loading areas. This includes regulations for:

- » Required site plan review of parking lots of ten or more spaces and parking structures.
- » The design of off-street parking spaces, including minimum dimension of spaces within parking lots and structures, surfacing, pavement markings, curbing and wheel stops, and required stormwater management.
- » Permissions for location of required off-street parking spaces, allowing for lots to locate in the commercial districts to locate within 400 feet of the use and within 600 feet in industrial districts. When a parking lot is not located on the same site, a pedestrian pathway must be provided when located on the same side of the street or a pedestrian crosswalk when located across the street.
- » Required stacking spaces for drive-through uses.
- » Required bike parking for multi-family dwellings, retail goods establishments, personal services establishments or office uses over 10,000sf in GFA, indoor or outdoor amusement facilities, educational facilities, and parking lot or structure with 250 or more vehicle spaces, including design standards.
- » Required loading facilities for commercial and industrial uses, including design standards.
- » Permissions for storage of commercial and recreational vehicle for residential uses, including restrictions on the number of vehicles that can be stored outside.

The required number of parking spaces for each use has been updated. The parking table reflects the uses listed within the global use matrix. It is important to note that in many cases the parking requirements have been lowered from that of the current Ordinance. Parking flexibilities have also been included. These are the ability to use collective parking, a land-banked parking permission, and permissions for cross-access easements.

Article 17. Landscape and Screening

New comprehensive landscape requirements have been added. These include design and maintenance standards for landscape to ensure that plants are properly installed to successfully grow to maturity but also provide visual interest and screening when planted. Species diversity is also required plant material for visual interest and to reduce the risk of losing a large population of plants due to disease.

The following types of landscape is required by the Ordinance:

- » Perimeter landscape is required for all paved parking lots and shall be established along the edge of the parking lot. Perimeter parking lot landscape provides for the enhancement and screening of parking lots by requiring a scheme of pedestrian walls and/or landscape along public streets.
- » Interior parking lot landscape is required for those lots of ten or more spaces to improve the appearance of parking lots, improve stormwater retention, and reduce the heat island effect.
- » Buffer yards are required for new construction or uses when a non-residential structure or use abuts a property zoned residential, estate, or A-2 district, unless separated by a street or alley. (However, when new commercial construction locates next to an existing residential use, the new commercial construction shall provide the buffer yard. Conversely, if a new residential use locates next to an existing commercial use, the existing commercial use is not required to provide a buffer yard and is not considered nonconforming.) Agricultural buildings and uses are not required to provide buffer yards. Buffer yards are required along the interior side and rear lot lines and must comply with a series of planting and fencing requirements.

For existing parking lots that currently do not comply with the required parking lot landscape, such landscape is only required when a new principal building is constructed or an existing building or use is expanded to the extent that the parking lot is required to be expanded by 50% or more.

The Article also has a series of screening requirements, a fence, wall or dense hedge, for refuse disposal dumpsters and refuse storage areas, loading berths, and outdoor storage and outdoor sales and display

Article 18. Signs

The sign regulations have been completely revised to clarify the types of signs allowed and the districts in which each sign type is allowed. A significant revision is the elimination of regulating sign area by the total sign area allowed by the site and rather controlling signs by individual sign area by sign type allowed. The Ordinance also clearly describes where electronic message signs are allowed. Generally non-residential uses are permitted to include an electronic message component as part of a ground or wall sign.

Also, billboards have been removed from sign controls. Instead they are considered a use allowed within the A-3, business and industrial districts by conditional use permit. An electronic off-premise commercial advertising signs may only be erected, in those same districts, when three existing off-premise commercial advertising signs are removed.

New multi-tenant non-residential structures are required to submit a master sign plan for review as part of site plan review. A master sign plan is intended to provide a coordinated sign design. The plan must describe the general appearance, sign area, lighting and location building-mounted signs (wall signs, projecting signs and awning signs).

Certain types of signs are prohibited, which are generally signs that prove to be a distraction to drivers or are low quality design:

- » Animated signs
- » Flashing signs
- » Moving signs
- » Painted signs
- » Signs on vehicles
- » Signs that interfere with traffic
- » Snipe signs

Temporary signs, which do not require a permit, are limited by sign area and in most cases display time. These include:

- » Attention-getting devices
- » Banners
- » Construction signs
- » Political campaign and noncommercial message signs
- » Real estate signs
- » Temporary subdivision identification signs

Finally permanent signs are regulated as two types. First, there are those that do not require a permit, which are generally smaller or highly specialized signs. The second type of permanent signs require a permit; these signs must be reviewed by the County prior to erection to ensure that they are installed correctly and securely. Within each of the permanent sign regulations, sign areas and sign height are tailored to the district. The following describes the types of permanent signs allowed:

No Permit Required

- » Agricultural Signs
- » Directional Signs
- » Flags
- » Memorial Plaques
- » Nameplate
- » Parking Lot Signs
- » Scoreboard
- » Warning Signs
- » Window Sign

Permit Required

- » Awnings and Canopies
- » Ground Signs
- » Menu Board Signs
- » Projecting Sign
- » Wall Sign

Article 19. Subdivision Standards

Article 19 updates the County's current subdivision requirements. The UDO organizes the subdivision process in two section – Article 6 is the process and this article contains the standards. The conservation design appendix has been incorporated into this article (Article 19) as well.

Subdivision requirements are organized as follows:

- » Conservation design (CD) triggers are cited in the beginning of the section to make it clear that certain subdivisions may be required to comply with the CD standards. Triggers have been clarified and expanded to include areas within the SARA map.
- » Lot configuration has been updated to require lots to comply with the zoning district standards for lot frontage, rather than the blanket 50 foot requirement currently in place.
- » Right-of-way design has been updated. As part of this process, reviews will be undertaken of these draft standards with the Township Highway Commissioners to better align county and township roadway standards.
- » Current requirements for easements and street naming/addressing have been maintained.
- » The stormwater management regulations in the current ordinance have been eliminated and replaced with a reference to the Stormwater Management Ordinance.
- » Conservation design requirements have been updated and reorganized to better reflect the intent of such development.
- » The tree protection requirements of CD remain applicable only to conservation design development. The County may want to consider expanding these to apply County-wide, however it should be noted that this would require additional expertise on the County staff.
- » The most recently adopted school donation requirements have been incorporated into the regulations. The residential districts article also contains a provision that cross-references these regulations for when a new dwelling is built that is not part of a subdivision. Certain provisions related to school decisions on how to grade the site have removed, as these are not the County's responsibility.

Article 20. Nonconformities

Nonconformity standards have been clarified for the four types of nonconformities that can occur: uses, structures, lots or parcels, and signs, including off-premise advertising. A series of general provisions apply to these:

- » Any structure, lot or use that existed as a lawful nonconformity at the time of the adoption of this Ordinance, and any structure, lot or use that has been made nonconforming because of the terms of this Ordinance or any subsequent amendments, may continue subject to the provisions of this Article so long as it remains otherwise lawful. A structure or use that is illegal at the time of the adoption of this Ordinance, remains illegal if it does not conform with each and every requirement of this Ordinance.
- » If property is used in a manner that was classified as a permitted use prior to the effective date of this Ordinance, and that use is now classified as a conditional use as of the effective date of this Ordinance, that use is deemed a nonconforming use. Such uses are allowed to continue, but any addition, enlargement or expansion of the use is required to obtain a conditional use permit.
- » In all cases, the burden of establishing the status of a nonconformity are upon the property owner of the structure, use or lot.

A nonconforming use is the use of land or use of a structure that, as of the Ordinance effective date, is used for purposes that are not allowed in the zoning district in which it is located, provided that the property owner can document that the use was in conformance with the zoning ordinance in effect the date the use was established or if the property owner can provide documentation that the use existed prior to March 1, 2001. The following standards apply:

- » Normal maintenance and incidental repair may be performed on any structure that is used in whole or in part to a nonconforming use.
- » Structural alterations, expansions and relocations are prohibited.
- » A nonconforming use cannot be changed to another nonconforming use or, if the use is changed to a conforming use, it cannot be changed back.
- » Where a residential dwelling is a nonconforming use in a zoning district, additions and the construction of a private garage is permitted.
- » If a nonconforming use is discontinued or the structure that it occupies becomes vacant and remains unoccupied for a continuous period of one year such use is deemed abandoned and cannot be reestablished, unless the discontinuance is caused by government action or acts of God. However, if the property owner files notice, in writing, of the suspension of a nonconforming use with the Zoning Enforcement Officer prior to the expiration of the one year timeframe of allowed discontinuance, the Zoning Enforcement Officer may approve an extension of one additional year. A failure to file such notice is deemed as intent to abandon the nonconforming use. Once all suspension periods have expired, the nonconforming use is deemed abandoned and cannot be resumed.
- » When any structure that is used, in whole or in part, to a nonconforming use, and is damaged or destroyed to the extent of 50% or more of its replacement value at that time (defined in the UDO), then the nonconforming use cannot be continued unless it conforms to all regulations of the zoning district in which it is located.

A nonconforming structure is a structure that conformed to applicable zoning regulations, but, as of the effective date of this Ordinance, no longer conform to district bulk and setback requirements or other development standards. The following standards apply to nonconforming structures:

- » Normal maintenance and incidental repair may be performed on any nonconforming structure.
- » Structural alterations, expansions and relocations are prohibited.
- » When a nonconforming structure is damaged or destroyed to the extent of 50% or more of its replacement value at that time (defined in the UDO), then the nonconforming use cannot be continued unless it conforms to all regulations of the zoning district in which it is located.
- » A flexibility has been built into the Ordinance, where a single-family or two-family dwelling is a legal nonconforming structure because of encroachment into the required setback, the structure may be enlarged or extended vertically or horizontally along the same plane as defined by its existing perimeter walls, so long as the resulting structure does not increase the degree of the existing nonconformity.

Nonconforming lots or parcels do not conform to required lot width or lot area requirements of the zoning district. A nonconforming lot or parcel of record may be used for a use allowed within the zoning district,

provided the structure meets all district requirements. To acknowledge situations that occur in the County, when land area is acquired by a government agency for expansion of right-of-way or when the action of waterways that forms the boundaries of a lot reduce the lot area, such lots are deemed conforming.

A nonconforming sign is an existing sign that does not meet the standards of the Ordinance. It may remain in use, so long as it remains lawful. The sign face of an existing nonconforming sign may be replaced. However, in the event that a nonconforming sign is damaged by 50% or more of its fair market value of the sign immediately prior to the damage, the rebuilt sign must conform to the Ordinance standards. However, nonconforming off-premise advertising signs (i.e., billboards) must be brought into compliance with this Ordinance or removed within five years of this Ordinance's effective date. In order to be brought into compliance, the property owner must apply for and receive approval of a conditional use permit.

Article 21. Enforcement

The enforcement provisions of Article 21 are those allowed the County by state statute.



McHenry County Unified Development Ordinance

Public Workshop

April 6, 2011

Presented by

Camiros, Ltd.

with

Baxter & Woodman

Barrick, Switzer, Long, Balsley & Van Evera

PROJECT TEAM

CAMIROS, LTD -

LEAD FIRM - ZONING

Les Pollock, FAICP (*Managing Principal*)

Arista Strungys, AICP, PP (*Project Manager*)

Nik Davis, ASLA (*Landscape Architect, Sustainability Planner*)

Jake Seid, AICP (*Project Planner*)

BAXTER & WOODMAN – Engineering

Larry Thomas

BARRICK, SWITZER, LONG, BALSLEY & VAN

EVERA – Legal

Roxanne Sosnowski

OUR ASSIGNMENT

...TO DRAFT A UNIFIED DEVELOPMENT ORDINANCE (UDO)

What is a UDO?

1. The UDO combines...
 - Zoning Ordinance
 - Subdivision Regulations
 - Conservation Design
 - Sign Code
 - Various County Ordinances that deal with land use
2. The UDO regulates the unincorporated areas of McHenry County

What about other ordinances affecting development?

Create awareness by cross-references

What are we implementing?

1. 2030 Comprehensive Plan
2. Water Resources Action Plan

WORK PROGRAM

PHASE 1

EVALUATING THE EXISTING ORDINANCES

1. Reconnaissance (Dec.)
2. Project Website (Dec.)
www.camiros.com/mchenrycoUDO
3. Key Person Interviews (Feb.)
4. Shadowing (Mar.)
5. Public Workshop #1
6. Ordinance Evaluation
 - ✓ Technical Review
 - ✓ Proposed Approaches
 - ✓ Outline of UDO Structure
7. Public Workshop #2
8. Presentation to County Board

WORK PROGRAM

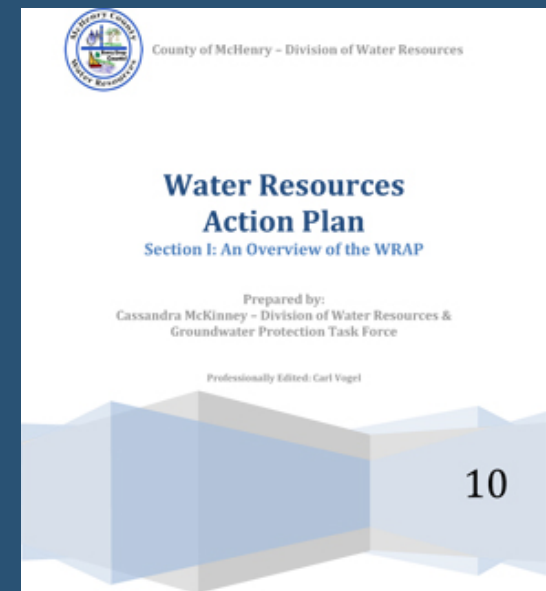
PHASE 2

DRAFTING THE UDO

1. Draft 1: Internal staff review
2. Draft 2: P&D and ZBA review
3. Draft 3: Public review
4. Public Workshop #3
5. Draft 4: P&D and ZBA review
6. Public Hearing Draft
7. Public Hearing
8. County Board Adoption

IMPLEMENTING THE PLANS

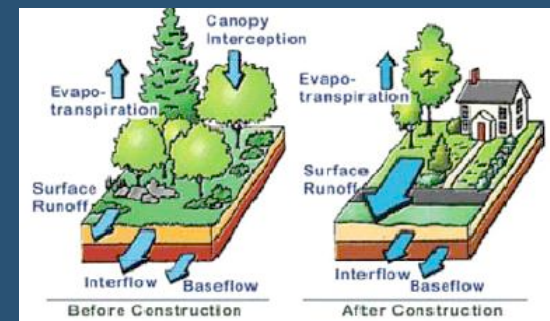
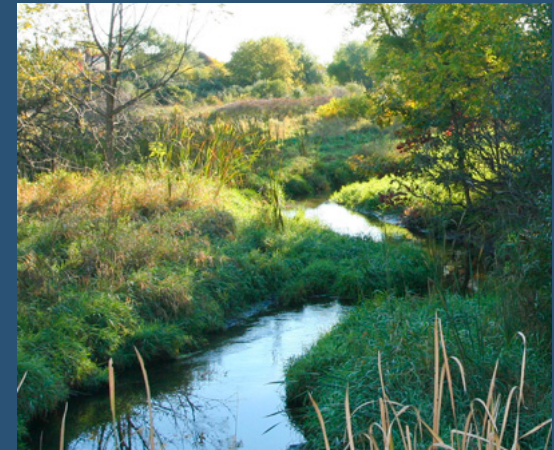
- Sustainability
- Groundwater (aquifer) protection
- Agricultural preservation
- Natural resource preservation
- Environmentally sensitive areas protection
- Compact development
- Resource management
- Affordable housing
- Residential dwelling diversity
- Economic development, including green tech
- Connecting active and passive open space



SUSTAINABLE REGULATIONS

DEVELOPMENT REGULATIONS

- Allow for alternative energy technologies
- Preserve natural resources & agriculture
- Preserve County's rural heritage:
 - ✓ Agri-business/-tourism
 - ✓ Horse culture
- Accommodate alternate modes of transportation:
 - ✓ Pedestrian
 - ✓ Bicycle
- Water management & groundwater protection
 - ✓ "Water Resources Action Plan"
 - ✓ Landscape regulations
- Effective conservation design



CURRENT ZONING

SITE DEVELOPMENT STANDARDS

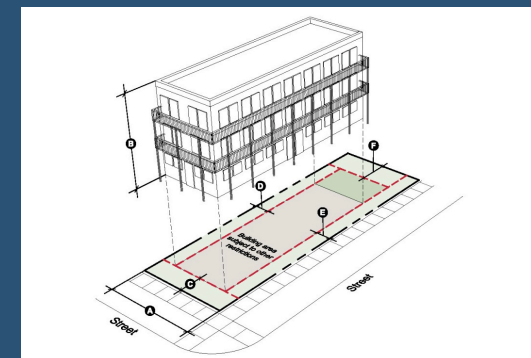
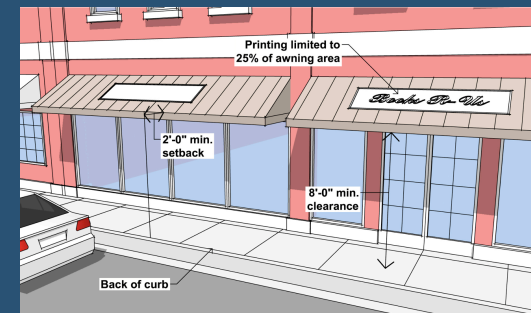
- Comprehensive landscape standards
- Comprehensive parking standards
- Updated sign regulations

DISTRICTS

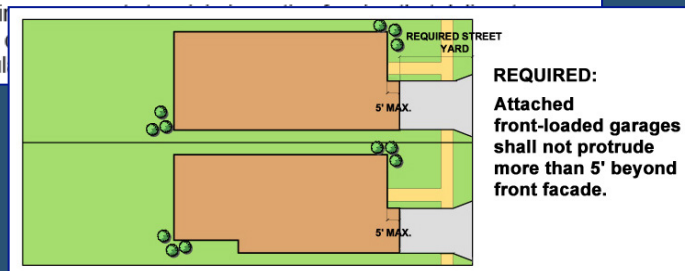
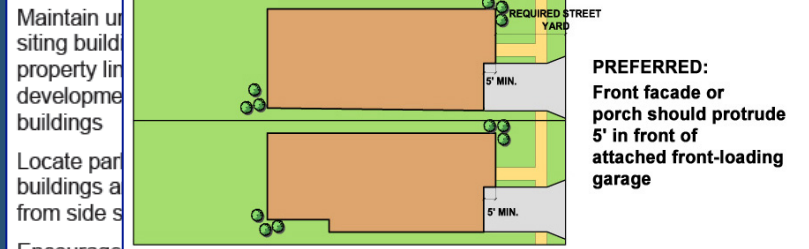
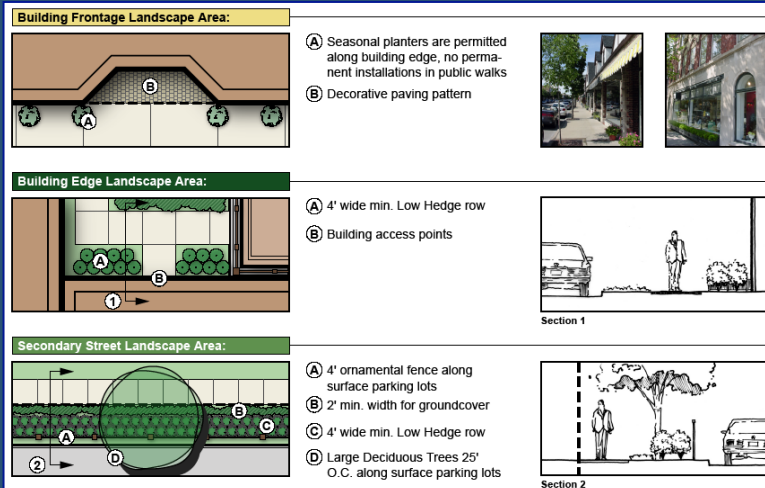
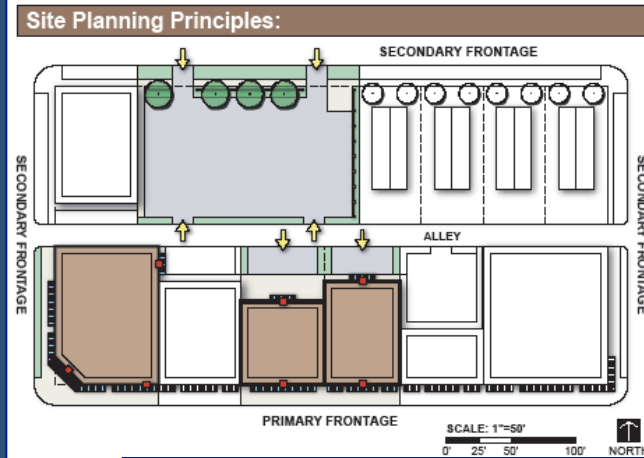
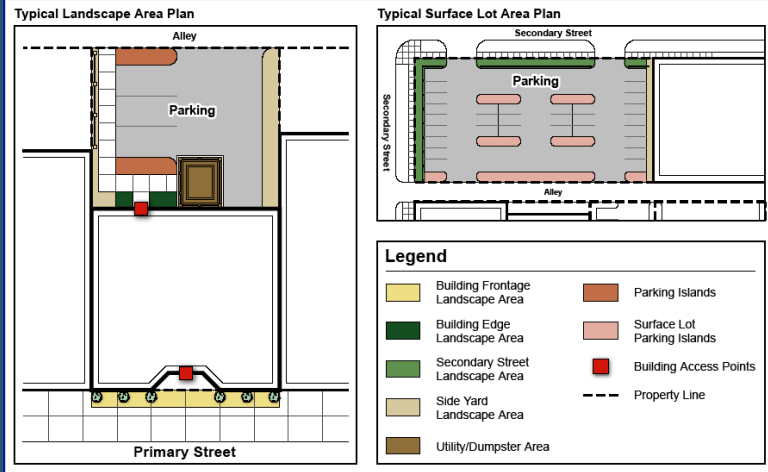
- District uses linked to function and purpose
- Define form for higher intensity development
- New environmental districts
- Rural character preservation

USER-FRIENDLY UDO

- Compartmentalization
- Predictable and consistent administration
- Generic use structure



ILLUSTRATIONS



TABLES

TABLE 15-4: PERMITTED OBSTRUCTIONS
Y= PERMITTED // N= NOT PERMITTED

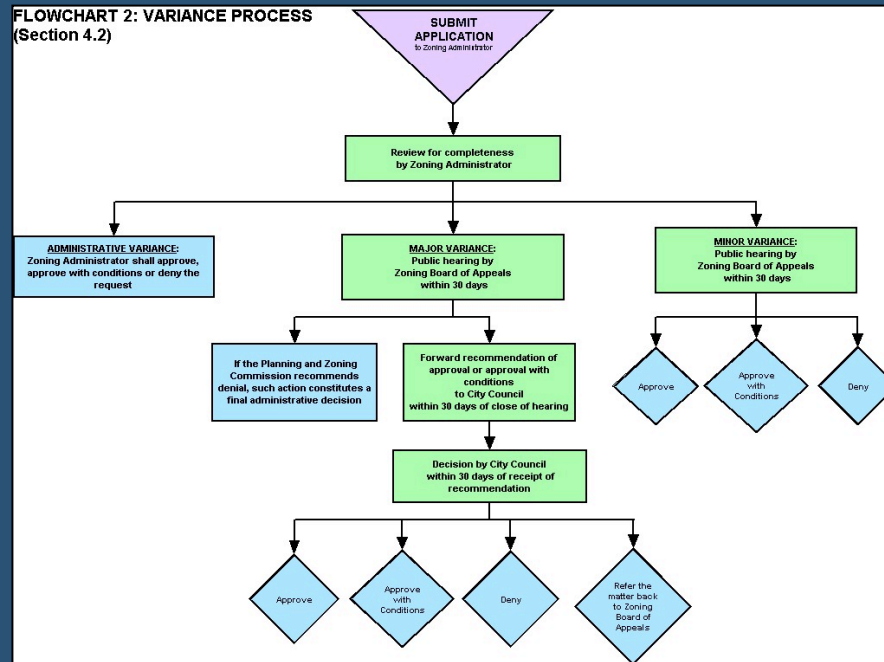
TYPE OF OBSTRUCTION	YARDS WHERE PERMITTED		
	FRONT OR STREET SIDE SETBACK	INTERIOR SIDE SETBACK	REAR SETBACK
Accessibility Ramp	Y	Y	Y
Air Conditioner Window Unit - No more than 18" into any required yard	Y	Y	Y
Arbor or Trellis	N	N	N
Awning & Canopy (Residential Use)	Y, but no more than 4' into required setback	Y, but no more than 2' into required setback	Y, but no more than 4' into required setback
Balcony	Y, but no more than 4' into required setback	Y, but no more than 4' into required setback (3' in R-1A & R2 Districts)	Y
Bay Window - Must be located 18" above the ground	Y, but no more than 2.5' into required setback	Y, but no more than 2.5' into required setback (2' in R-1A & R2 Districts)	Y
Chimney - No more than 18" into a required yard	Y		
Compost Pile	N		
Deck - No higher than the first floor of a structure	Y, but no more than 4' into required setback	Y, but no more than 4' into required setback (1A & R2 Districts)	
Dog House & Dog Run	N		
Eaves (Principal Building)	Y, but no more than 4' into required setback	Y, but no more than 4' into required setback (1A & R2 Districts)	

TABLE 8-1: RESIDENTIAL DISTRICTS PERMITTED AND CONDITIONAL USES

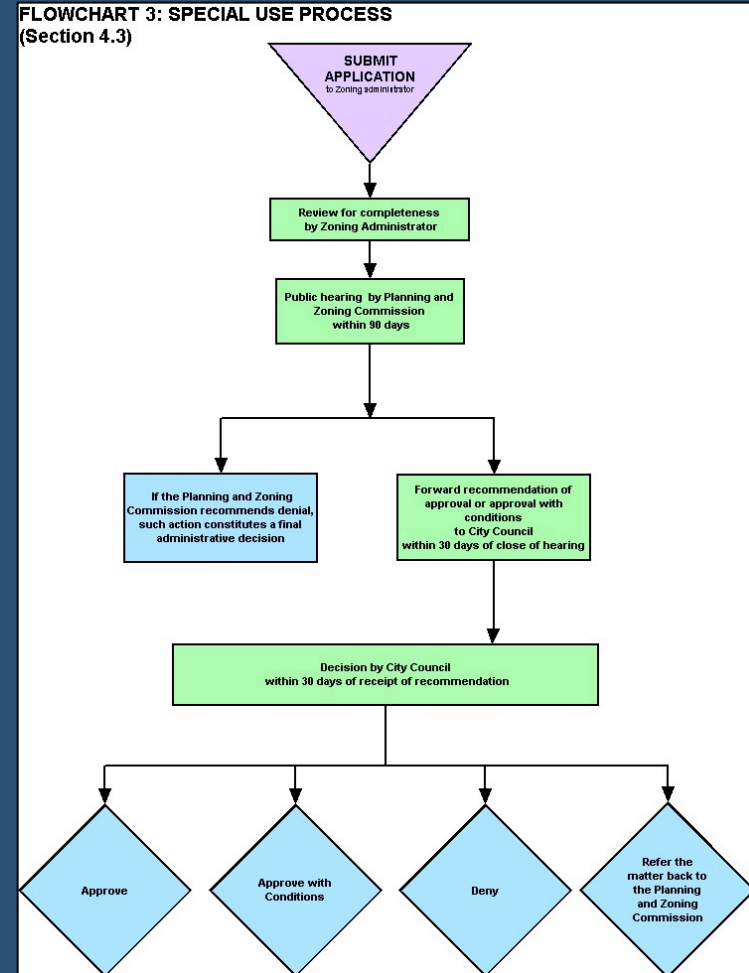
USES	DISTRICTS											USE STANDARD
	RR	R-1	R-1A	R-2	R-3	R-3A	R-4	R-5	R-6	R-7		
Agricultural Uses¹	RR	R-1	R-1A	R-2	R-3	R-3A	R-4	R-5	R-6	R-7		
Agricultural Service Establishment	C											
Crop, Vegetable and/or Flower Farm: Over 100 acres		P	P	P								
Hobby Farm ¹	P											
Nursery and/or Tree Farm	P											
Living Quarters for 6 or More Persons Employed On-Premises (Farming Operation)	P											
Living Quarters for Persons Employed On-Premises	P											
Raising of Stock (Excludes Fur-Bearing Animals) ¹	C											
Stable ¹	C											
Residential Uses	RR	R-1	R-1A	R-2	R-3	R-3A	R-4	R-5	R-6	R-7		
Bed and Breakfast Facility	C	C	C	C	C	C	C	C	C	C	See Section 14.3.C	
Dormitory					P					P		
Dwelling, Multi-Family					P	P	P	P	P	P		
Dwelling, Single-Family Detached	P ³	P	P	P	P	P	P	P	P	P	See Section 14.3.H	
Dwelling, Townhouse							P	P	P	P	See Section 14.3.H	
Dwelling, Two-Family	P			P	P	P	P	P	P	P	See Section 14.3.H	

ADMINISTRATION

FLOWCHART 2: VARIANCE PROCESS
(Section 4.2)



FLOWCHART 3: SPECIAL USE PROCESS
(Section 4.3)



WHAT WE'VE HEARD SO FAR...

Procedures & Applications

- Streamline process
- User-friendly
- Greater uniformity in application requirements
- Define all decision-makers: ex., role of Township Commissioners
- Define timeframes for adequate time & predictability

Conditional Uses

- Clear link between where conditional uses allowed & district function
- Easy removal of conditional use approval
- Use standards for conditional uses
- Prevent use of conditional uses as means to circumvent zoning

WHAT WE'VE HEARD SO FAR...

Districts & Uses

- Tailor uses, yards and bulk regulations to function of districts
- Address former summer homes on lakes and rivers
- Update accessory uses & structures – definitions, permissions, location & design
- Evaluate current regulations of the A2 District
- Clear standards for certain uses
- New uses, ex. alternative energy producers

Agri-tourism & Agri-business

- Should not be dealt with on a case-by-case basis
- Uses: u-pick, corn mazes, hay rides, sales of agricultural products
- Events: concerts, horse shows, dirt bike tracks, farm-to-table dinners, wedding receptions
- Create standards and define permissions – temporary vs. permanent

WHAT WE'VE HEARD SO FAR...

Water Management

- Implement Water Resources Action Plan, Groundwater Resources Management Plan and local watershed improvement plans
- Incorporate Sensitive Aquifer Recharge Areas (SARA) maps as overlay
- Create opportunities for groundwater recharge: permeable paving, bio-swales, natural landscape, controls on paved areas

Incorporated vs. Unincorporated

- Increase compatibility between the County and municipalities
- Encourage new development to adjacent to municipalities

Clarify Conservation Design

- Role of conservation design within the County
- Clear definition of density allowed
- Regulations for preserved areas & open space permissions
- Permitted & preferred locations

THANK YOU!

Questions?

www.camiros.com/mchenrycoUDO