What is the purpose of this report?

This report provides a brief description of the McHenry County Unified Development Ordinance (UDO), its purpose, and how it was created. It also provides highlights of the changes contained in the UDO compared to the County's existing adopted zoning, subdivision, and sign ordinances. It is not a complete summary of all changes. The public is encouraged to review the portions of the ordinance that are of particular interest to them and to compare those sections to the County existing adopted ordinances.

What is the UDO?

When adopted, the Unified Development Ordinance will regulate development in unincorporated McHenry County. The UDO consolidates and amends the text of the following McHenry County ordinances: the McHenry County Zoning Ordinance; Subdivision Ordinance (including the Conservation Design Addendum); Sign Ordinance; Telecommunication Carriers Ordinance; Groundwater Monitoring and Protection at Earth Extraction Sites Ordinance; Camp Ground Ordinance; the County-Wide Addressing System Resolution; the Trailer Coach Park and Motel Control Law; and the Agricultural Trailer Affidavit Ordinance.

Why create a UDO?

The County's primary objectives for developing a UDO include establishing regulations to implement the County's 2030 Comprehensive Plan and Water Resources Action Plan; addressing emerging land use topics such as wind turbines and agricultural tourism; and revising and adopting new standards for temporary uses, conditional uses, and non-conforming uses and structures. The UDO eliminates outdated regulations and procedures and provides a consistent streamlined framework for guiding development in unincorporated McHenry County. The 295-page UDO replaces over 490 pages of current regulations.

What has been the process to create the UDO?

The creation of the UDO began with the selection of a planning consultant in 2010. The consultant oversaw the initial stages of the project. The consultant consolidated the existing ordinances into one document. The consultant gathered public input regarding problems with the existing ordinances by conducting 20 key informant interviews and two public forums with nearly 150 participants. The consultant summarized the stakeholder comments and created a Technical Review Memorandum outlining the strategic direction for the UDO. During the summer and fall of 2011, the consultant reviewed the Technical Review Memorandum with the County Board Planning and Development Committee and the Zoning Board of Appeals.

Based on the direction provided by the Planning and Development Committee and Zoning Board of Appeals, the consultant and staff prepared the first draft UDO. The first draft UDO was delivered to the Planning and Development Committee and Zoning Board of Appeals in the summer of 2012. Over the last one and one-half years, the Planning and Development Committee and Zoning Board of Appeals held over forty meetings to jointly review and revise the draft UDO. These meeting were open to the public and dozens of stakeholder groups and interested persons provided thoughtful comments and suggestions that have been incorporated into the March 17, 2014, Public Hearing Draft UDO.

What doesn't change with the UDO?

The UDO does not amend the McHenry County Zoning map. It does not alter the zoning designation of any parcel of land. Whatever a parcel of land is zoned today; it will have the same zoning after adoption of the UDO.

What changes with the UDO?

The remainder of this report highlights 45 changes in the UDO compared to the County's existing adopted zoning, subdivision, and sign ordinances. As previously indicated, this is not a comprehensive list of all changes. The item headings utilized below are provided for convenience in organizing the information and are not the headings and categories utilized in the ordinance.

Ordinance Enforcement

1. Non-conforming Uses
2. Measuring Minimum Setbacks
3. Effective Yards
4. Conditional Uses Based on Zoning District Use Table
5. Temporary Use Exemptions

Agricultural and Equestrian Uses

6. Agricultural Uses
7. Agriculture-2 (A-2) Zoning District Standards
8. Agritourism
9. Farmstands and Farmers Markets
10. Equestrian Structures and Uses
11. Horse Stables and Horse Arenas
12. Horse Racing
13. Green House/Nursery Businesses

Signs

14. Off-Premise Commercial Advertising
15. Temporary Event/Special Event/ Seasonal Business
16. Digital Sign Message Controls

Other Uses

17. B-2 Liquor Business District Use Table
18. Storage Yards
19. Landscape Businesses
20. Wind Energy Systems
21. Conservation Areas and Parks
22. De-Icing Agent Storage
23. Off-Road Riding - Personal
24. Medical Cannabis Facilities
25. Homeless/Domestic Violence Shelters and Temporary Emergency Shelters
26. Halfway Houses
27. Amateur Radio Facilities

Overlay Zoning Districts

28. Sensitive Aquifer Recharge Area
29. Class III Groundwater Protection
30. Legacy Waterfront Neighborhood

Conservation Design and Watersheds

31. Conservation Design
32. Watershed Plans and Watershed Planning Groups

Design Standards

33. Exterior Lighting
34. Landscaping and Buffer Yards
35. Right-Of-Way Widths
36. Cul-de-sacs and Roadway Interconnections
37. Maximum Impervious Surface Coverage

Procedures and Processes

38. Text Amendment Procedures
39. Zoning Approval Standards
40. Conditional Use Permit Procedures
41. Site Plan Review Process
42. Map Correction Process
43. Zoning Interpretation Process
44. Subdivision Administration Procedures
45. Planned Development Process

Ordinance Enforcement

1. Non-conforming Uses

The UDO contains new provisions that if a property owner can demonstrate that an agricultural, single- or two-family residential or residential accessory use or structure existed prior to March 1, 2005, then that use or structure is considered non-conforming regardless whether it met the standards of the ordinance when the use was started or the structure was constructed. [Section 1.4.C, Page 7; Section 1.4.D, Page 8; Section 20.3.A, Page 289; and Section 20.4.A, Page 291]

This means that property owners will not be required to obtain a zoning map amendment or variance for these uses or structures. The County is making a similar change to our building codes. To satisfy the building codes, the property owner will need to allow an inspection and obtain permits for any required life safety improvements.

This change does not apply to multi-family, business, office, or industrial uses and structures.

2. Measuring Minimum Setbacks

Under the UDO, Minimum Setbacks are measured to the building wall. Roof eaves, chimney, bay windows, and certain other architectural features are allowed to encroach into the minimum setbacks. [Section 15.3, Table 15-1, Page 209]

This is a change from the current zoning ordinance which requires setbacks to be measured to the closest point of the building, which is usually the roof overhang. The current zoning ordinance does not have a provision for encroachments.

3. Effective Yards

The UDO defines the area between a structure and a lot line as the “effective yard.” Where the effective yard is larger than the required minimum setback, certain accessory structures and uses can be placed in the effective yard. [Section 15.1.D, Page 205]

Accessory uses in effective side and rear yards must be meet the 10 foot setback requirement for accessory uses. Accessory uses in the effective street yard shall be located a minimum of two hundred feet from the lot line. [Section 14.5.A, Pages 191-192].

The current zoning ordinance does not allow certain accessory uses in the side or street effective yards. For example, a swimming pool cannot be placed between the side of a house and the side lot line no matter how far the house is located from the side lot line. The UDO would allow a pool to be located on the side of the house as long as it is located at least 10 feet from the side lot line.

4. Conditional Uses Based on Zoning District Use Table

Under the UDO, uses are only allowed in specific zoning districts as listed on the Zoning District Uses Table. If a use is not listed as a permitted or conditional use in a district, it is not allowed in that district. If a use is not listed in the zoning table or if a use is not included within a general use classification, that use is prohibited. [Section 8.6, Page 108]

This is a change from the current zoning ordinance, which allows a use as a conditional use in any zoning districts unless the use is specifically listed as only being allowed as a conditional use in certain zoning districts. It is also a change from the current zoning ordinance which allows any undefined use to be approved as a conditional use in any zoning district.

5. Temporary Use Exemptions

The UDO creates a new exemption that temporary use events sponsored by public agencies do not require a temporary use permit. Private events conducted on public property or in public facilities do not require a temporary use permit provided the event has been approved by the agency that owns the property or facility. [Section 14.4; Page 188]

The UDO retains the exemption from the current zoning ordinance that fairgrounds, recognized under the Agricultural Fair Act (30 ILCS 120) are exempt from any limits on the number or duration of temporary use events. [Section 14.4; Page 188]

Agricultural and Equestrian Uses

6. Agricultural Uses

The UDO contains revised definitions and regulations to accommodate agricultural uses.

The definition of Agriculture is updated to include hydroponics and game breeding and to specify that agriculture includes the wholesale and retail sale of products produced on site, including farmstands, U-pick operations and community supported agriculture. [Section 2.2, Page 14]

The Use Table lists Agriculture as a Permitted use in all zoning districts, subject to the Use Standards in Sec. 14.3.B (p.145). [Section 8.6, Table 8.1, Page 109]

In particular, crop production is allowed in all zoning districts. Except in the Agriculture Zoning Districts, animal husbandry and construction of agriculturally exempt structures on parcels less than 5 acres requires proof of agricultural income. [Section 14.3.B, Page145]

The UDO contains new provisions to accommodate apiaries and chicken coops and chicken runs on properties that do not qualify for other agricultural uses, subject to certain performance standards. [Section 14.5.C&D, Page 193]

7. Agriculture-2 (A-2) Zoning District Standards

The A-2 Zoning District is retained, but the UDO alters the standards for approval of A-2 Zoning District map amendments. [Section 9.2; Page 114]

The UDO only allows A-2 zoning to be approved on A-1 properties that have a lawfully constructed residential dwelling. [Section 9.2.B; Page 114]

This is a change from our current zoning ordinance which also allows property owners to request A-2 zoning to allow new residential development on agricultural land with poor soils (i.e. low LE score) or with other impediments to farming.

8. Agritourism

The UDO contains new definitions and regulations to accommodate agritourism.

Agritourism, Limited

AGRITOURISM, LIMITED. Establishment of activities on an existing agricultural operation for the purpose of attracting the public for the enjoyment, education, or active involvement in the activities of the agricultural operation. LIMITED AGRITOURISM activities may include the following and similar uses as determined by the Zoning Enforcement Officer: ANIMAL SHOWS and petting zoos featuring FARM ANIMALS and other domestic animals, corn mazes, pumpkin patches, picnic areas, hay rides, tractor rides, and AGRITOURISM FOOD CONCESSION STANDS. LIMITED AGRITOURISM uses may be combined with allowed AGRICULTURE uses such as FARMSTANDS, HORSE SHOWS, U-pick operations, and community supported agricultural operations. [Section 2.2, Page 14]

Limited Agritourism is a permitted use in the A-1, A-2, and Business districts, subject to the Use Standards in Sec. 14.3.D (p.146-147). [Section 8.6, Table 8.1, Page 109]

Agritourism, Intensive

AGRITOURISM, INTENSIVE. Establishment of activities on an existing agricultural operation for the purpose of attracting the public for the enjoyment, education, or active involvement in the activities of the agricultural operation. INTENSIVE AGRITOURISM activities may include all of the activities allowed under LIMITED AGRITOURISM. INTENSIVE AGRITOURISM activities may also include the following and similar uses as determined by the Zoning Enforcement Officer: cider mills, haunted houses, apple and pumpkin cannons, live entertainment, RESTAURANTS, amphitheaters, wineries, and AGRITOURISM GIFT SHOPS. INTENSIVE AGRITOURISM uses may be combined with allowed AGRICULTURE uses such as FARMSTANDS, HORSE SHOWS, U-pick operations, and community supported agricultural operations. [Section 2.2, Page 14]

Intensive Agritourism is a conditional use in the A-1, A-2, B-1, and B-2 Zoning Districts and a permitted use in the B-3 Zoning District, subject to the Use Standards in Sec. 14.3.E (p.147). [Section 8.6, Table 8.1, Page 109]

Temporary Agritourism

TEMPORARY AGRITOURISM EVENT. Temporary activities conducted on an existing agricultural operation for the purpose of attracting the public for the enjoyment, education, or active involvement in the activities of the farm or operation. TEMPORARY AGRITOURISM EVENT activities may include all INTENSIVE AGRITOURISM activities. TEMPORARY AGRITOURISM EVENTS may be conducted in combination with LIMITED AGRITOURISM uses and AGRICULTURE uses such as FARMSTANDS, HORSE SHOWS, U-pick operations, and community supported agricultural operations. [Section 2.2, Page 38]

Temporary Agritourism Events are a permitted temporary use in the A-1, A-2, Business, Office, and Industrial Zoning Districts, subject to the Use Standards in Section 14.4.A (p.188-189). [Section 8.6, Table 8.1, Page 109]

> In particular, temporary agritourism events are limited to four (4) events per calendar year, with a minimum of four (4) days between events, and a maximum duration of three (3) days per event. However, Christmas tree farms are permitted a single temporary use permit for a maximum duration of thirty-five (35) days per calendar year. [Section 14.4.A, Page188]

9. Farmstands and Farmers Markets

The UDO creates new definitions and regulations to accommodate farmstands.

FARMSTAND. A structure used for the retail sales of raw fruits and vegetables, and limited nursery and prepared food items, subject to the standards established in Article 14 (Use Standards).

Farmstands are permitted in all zoning districts, subject to the Use Standards in Section 14.3.R (p.165-166). [Section 8.6, Table 8.1, Page 110]

> In particular, farmstands in Residential and Estate Zoning Districts, farmstands shall only sell raw fruits and vegetables grown on the property where the farmstand is located. In all other Zoning Districts, farmstands may sell raw fruits and vegetables without limitation as to the source of the items; nursery stock grown on property owned or operated by the farmstand owner or operator; and prepared foods, including, but not limited to preserves, jams, pies, or other baked goods, prepared primarily using raw materials grown on property owned or operated by the farmstand owner or operator. [Section 14.3.R, Page 165)

The UDO creates new definitions and regulations to accommodate farmers market.

FARMERS MARKET. A common facility or area where two (2) or more farmers gather to sell a variety of raw fruits and vegetables and other farm and food products directly to consumers. [Section 2.2, Page 22]

Farmers Markets are permitted in the Business, Office, and I-1 Zoning Districts. [Section 8.6, Table 8.1, Page 110]

Temporary Farmers Markets are permitted in the A-1, A-2, Business, Office, and I-1 Zoning Districts, subject to the Use Standards in Section 14.4.E (p.190). [Section 8.6, Table 8.1, Page 112]

10. Equestrian Structures and Uses

The UDO provides definitions and regulations to accommodate equestrian structures and uses.

The UDO continues to recognize equestrian uses and structures as an allowed accessory use. [Section 14.5.G, Page 195]

The standards have been modified. In particular the number of acres required to have an unlimited number of horses has been reduced to 5 acres from the current requirement for 10 acres. [Section 14.5.G.4, Page 195]

The description has also been modified to clarify that Equestrian structures may include paddocks, polo fields, cross country courses, and the like. [Section 14.5.G.4, Page 195]

11. Horse Stables and Horse Arenas

The three categories of horse stables included in the current zoning ordinance are reduced to one category in the UDO. Horse arenas are also a defined use.

HORSE STABLES. Facilities for equines, including horse ranches, boarding stables, and riding schools, which may include barns, stables, corrals, HORSE ARENAS, paddocks, polo fields, cross country courses, and the like. [Section 2.2; Page 25]

Horse stables are permitted in the Agriculture, Estate, and Industrial Zoning Districts, subject to the Use Standards in Section 14.3.V. [Section 8.6, Table 8.1, Page 111]

The standards for horse stables have been modified. In particular, the number of acres required to have an unlimited number of horses has been reduced to 5 acres from the current requirement of 10 acres. [Section 14.3.V.2, Page 167]

Allowed uses at stables have also been modified to add therapeutic riding, training, and educational equestrian clinics. [Section 14.3.V.3, Page 167]

HORSE ARENA, INDOOR / OUTDOOR. A facility equipped with a platform, ring, arena, or the like, used for HORSE SHOWS and other equine related activities for pleasure, training, competition, exhibitions, demonstration, sale, or therapeutic riding for the disabled. [Section 2.2; Page 25]

Horse arenas are permitted in the Agriculture, Estate, and Industrial Zoning Districts. [Section 8.6, Table 8.1, Page 111]

12. Horse Racing

The UDO creates new definitions and regulations to accommodate horse racing.

HORSE RACING EVENT. Any type of horse racing, including, but not limited to, flat-track horse racing, harness horse racing and steeplechase racing, consisting of two or more participating horses racing simultaneously, each of which is either mounted by a jockey or harnessed to a sulky, carriage, or similar vehicle. [Section 2.2; Page 25]

HORSE RACING SPECTATOR SPORT EVENT FOR A COMMERCIAL PURPOSE. A HORSE RACING EVENT which is not sanctioned by the Illinois Racing Board and at which the spectators pay an ADMISSION FEE to attend the event, the spectators outnumber the participants, and at which either vending occurs and/or financial profit is derived. [Section 2.2; Page 25]

Horse Racing Spectator Sport Event For A Commercial Purpose is a conditional use in the B-3 and Industrial Zoning Districts. [Section 8.6, Table 8.1, Page 111]

13. Green House/Nursery Businesses

Green House/Nursery Business is a permitted use in the Agricultural and Business Zoning Districts, subject to the Use Standards in Section 14.3.U (p.166) [Section 8.6, Table 8.1, Page 111]

In particular, the Use Standards specify that a greenhouse/nursery business may include the vehicles, equipment, and materials necessary for the delivery and installation of nursery or greenhouse stock on customer properties without requiring a conditional use permit. However a greenhouse/nursery business may not provide other landscape business services unless it obtains a conditional use permit, if required, and meets the use standards for a landscape business.

> This is a change from the current zoning ordinance which requires that a green house/nursery business obtain a Conditional Use Permit in order to engage in the delivery and installation of nursery or greenhouse stock.

Signs

The sign definitions and regulations have been substantially revised. [Section 2.2, Pages 35-36; Article 18, Pages 245-260]

14. Off-Premise Commercial Advertising Signs
[Section 14.3.EE, Pages 171-172]

The UDO creates a new definition and regulations for Off-Premise Commercial Advertising Signs, which are regulated as ground signs under the current sign ordinance.

SIGN, OFF-PREMISE COMMERCIAL ADVERTISING. A sign that advertises or is made available to advertise a business that is not located on the same premise as the sign or that advertises or is made available to advertise a product that is not available for purchase on the premises where the sign is located. [Section 2.2, Page 36]

Off-Premise Commercial Advertising Signs – Digital are a conditional use in the Business, Office, and Industrial Zoning Districts, subject to the Use Standards in Section 14.3.EE (p.171). [Section 8.6, Table 8.1, Page 111]

Off-Premise Commercial Advertising Signs – Non-Digital are a permitted use in the Business, Office, and Industrial Zoning Districts, subject to the Use Standards in Section 14.3.EE. [Section 8.6, Table 8.1, Page 111] unless a Conditional Use Permit is required, as specified below.

> No off-premise commercial advertising sign may be located within one-hundred (100) feet of any residential or estate zoning district or residential structure located in an agricultural zoning district. When an off-premise commercial advertising sign one hundred and fifty (150) square feet or larger in size is located within five hundred (500) feet of a residential or estate zoning district, or within five hundred (500) feet of a residential structure within an agricultural zoning district, a conditional use permit is required. [Section 14.3.EE.1, Page 171]

Compared to the current sign ordinance, the UDO reduces the setback requirement to 10 feet and increases the maximum size to 500 square feet for off-premise commercial advertising signs. [Section 14.3.EE.2-5, Page 171]

15. Temporary Event/Special Event/Seasonal Business Signs

The UDO creates new regulations to accommodate temporary event/special event/seasonal business signs. [Section 18.8.B, Page 251]

On-premise and off-premise temporary signs are permitted to announce and provide directional information for temporary and special events, seasonal businesses, and seasonal products. [Section 18.8.B.1, Page 251]

16. Digital Sign Message Controls

The UDO places additional restrictions on the digital sign message controls for both on-premise signs and off-premise commercial advertising signs. [Section 18.5.C, Pages 247-248 and Section 14.3.EE.9, Page 172]

Other Uses

17. B-2 Liquor Business District Use Table

The B-2 Liquor Business District has been modified to allow all uses currently allowed in the B-1 Neighborhood Business District [Section 11.1.B, Page 121; Section 8.6, Table 8.1, Pages 109-113].

This will allow property owners with B-2 zoning the ability to accommodate neighborhood type businesses without rezoning their property.

The B-2 Zoning District is not eliminated; and bars and liquor stores are not being allowed in the B-1 or B-3 Zoning Districts.

18. Storage Yards

Storage yards are a conditional use in the B-3 and a permitted use in the Industrial Zoning Districts, subject to the Use Standards in Sec. 14.3.PP (p.178). [Section 8.6, Table 8.1, Page 112] Certain businesses can have outdoor storage as an accessory use. [Section 14.5.K.2; Page 199] But outdoor storage is not an allowed principal use except as listed above.

This is a change from the current zoning ordinance which allows commercial equipment and vehicle storage as a conditional use in the A-1 and A-2 Zoning Districts.

19. Landscape Businesses

Landscape businesses are divided into two categories depending on whether or not they have outside storage.

Landscape business with no outside storage is a permitted use in the A-1, Business, and Industrial Zoning Districts. [Section 8.6, Table 8.1, Page 111]

Landscape business with outside storage is a conditional use in the A-1 and Business Zoning Districts and a permitted use in the Industrial Zoning Districts. [Section 8.6, Table 8.1, Page 111]

Both uses are subject to Use Standards. [Section 14.3.Z, Pages 168-169]

This is a change from our current zoning ordinance under which a Conditional Use Permit is required for all landscape business in the Agricultural Zoning Districts even if there is no outdoor storage.

20. Wind Energy Systems

The UDO creates new definitions and regulations to accommodate wind energy systems.

Wind energy systems are defined as micro, mid-size, and large, as well as building mounted. [Section 2.2, Page 41]

Wind energy systems are allowed as permitted (P) or conditional (C) uses as indicated below subject to the Use Standards 14.3.SS (p.182-188). [Section 8.6, Table 8-1, Page 113]

Principle Use	A1	A2	E5	E3	E2	E1	R1	R2	R3	B1	B2	B3	O	I1	I2
Wind Energy System, Large	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Wind Energy System, Micro	P	P	C	C	C	C	C	C	C	C	C	C	C	P	C
Wind Energy System, Mid-Size	P	P	C	C	C	C	C	C	C	C	C	C	C	P	C

Building mounted wind energy systems are permitted as an accessory use, subject to certain Use Standards. [Section 14.5.O, Pages 201-203.]

21. Conservation Areas and Parks

The UDO creates new definitions and regulations to accommodate Conservation Areas and Parks.

CONSERVATION AREA. Open space designated to preserve natural features and protect wildlife and critical environmental features, which may include opportunities for passive recreation and environmental education. A CONSERVATION AREA may include facilities, visitor centers, and campgrounds operated by a public or non-profit agency as ACCESSORY USES. [Section 2.2, Page 19]

Conservation Areas are permitted in all zoning districts. [Section 8.6, Table 8.1, Page 109]

PARK. A non-commercial facility that serves the recreation needs of residents. Parks include, but are not limited to, playgrounds, beaches, day camps, ball fields, football fields,

soccer fields, basketball courts, tennis courts, dog parks, skateboard parks, and park district field houses, which may have indoor recreation facilities. [Section 2.2, Page 30]

Parks are permitted in all zoning districts, except the A-2 Zoning District. [Section 8.6, Table 8.1, Page 111]

22. De-Icing Agent Storage

The UDO contains new regulations governing the storage of pavement de-icing agent (e.g. road salt). [Section 14.5.E, Pages 194-195]

The regulations are intended to protect our ground and surface water from pollution. They are based on recommendations contained in the McHenry County Water Resources Action Plan.

23. Off-Road Riding - Personal

The UDO contains new regulations governing off-road vehicle riding on private property. [Section 14.5.J, Pages 198]

In general, off-road riding is permitted in certain locations between 7:00 am and 7:00 pm Monday through Friday and from 9:00 am to 7:00 pm on Saturday and Sunday. The property size and setback requirements vary depending on the type and size of the engine. [Section 14.5.J, Pages 198]

Commercial off-road riding facilities are regulated as an outdoor amusement facility. [Section 2.2, Page 15]

24. Medical Cannabis Facilities

The UDO creates new definitions and regulations to accommodate medical cannabis cultivation centers and medical cannabis dispensaries. [Section 2.2, Page 28]

Medical Cannabis Cultivation Centers are a permitted use in the Agricultural Districts and a conditional use in the I-2 Zoning Districts. Medical Cannabis Dispensaries are a conditional use in the B-3 Zoning District. [Section 8.6, Table 8.1, Page 111]. Both uses are subject to Use Standards that are based on state statute. [Section 14.3.CC, Page 169-170]

25. Homeless/Domestic Violence Shelters and Temporary Emergency Shelters

The UDO separates the definition of Homeless/Domestic Violence Shelter and Temporary Emergency Shelter. [Section 2.2, Pages 25 & 39]

Homeless/Domestic Violence Shelters are a conditional use in the Agricultural, Estate, and Residential Zoning Districts. [Section 8.6, Table 8-1, Page 111]. Temporary Homeless/Domestic Violence Shelters are an allowed temporary use. [Section 14.4.F, Page 190.]

Temporary Emergency Shelters to house persons displaced by disasters are an allowed accessory use within buildings such as a Place of Worship, Educational Facility, or Government Facility. [Section 2.2, Page 39]

26. Halfway Houses

Halfway Houses are a conditional use in the Agricultural, Estate, and Residential Zoning Districts. [Section 8.6, Table 8-1, Page 110]

This is change from our current zoning ordinance which allows Halfway Houses as a permitted use in the Agricultural, Estate, and Residential Zoning Districts.

27. Amateur Radio Facilities

The UDO establishes new regulations to accommodate Amateur Radio Equipment and Towers as accessory uses. [Section 14.5.B; Page 192-193]

In particular, towers shall not exceed 75-feet in height unless a taller tower is necessary to engage successfully in effective communications. If a taller tower is necessary, the Zoning Enforcement Officer may issue a waiver from the height restriction if no adjacent property owner objects. If an adjacent property owner objects, a variance must be obtained from the Hearing Officer or ZBA. [Section 14.5.B; Page 192-193]

Overlay Zoning Districts

The UDO creates three new overlay zoning districts. [Article 13, Pages 129-137] Two of the districts are intended to protect the county's groundwater resources. The third district is intended to accommodate redevelopment of small lots and parcels in waterfront neighborhoods. The three districts are described below.

28. Sensitive Aquifer Recharge Area (SARA) Overlay District [Section 13.3, Page 129-132]

The intent of the SARA Overlay District is to provide development standards that protect, preserve, and maintain the most sensitive recharge areas within the unincorporated county because groundwater is our sole source of potable water.

The SARA Overlay District implements the Water Resources Action Plan, which was adopted by the County Board on October 18, 2011.

A property owner may submit an onsite assessment to demonstrate that his/her property does not meet the definition of a SARA area. [Section 13.3.C, Page 129]

Properties within the SARA area are subject to additional restrictions for the following uses: radioactive waste sites; municipal solid waste landfills; special or hazardous waste landfills; clean construction and demolition debris facilities; permanent asphalt/concrete batch plants; salvage yards; Class V underground injection wells; and manufacturing and warehouse facilities that store hazardous substances. [Section 13.3.D, Page 131-132]

Within the SARA area, the maximum impervious surface coverage is limited to the lesser of the maximum impervious surface area allowed in the zoning district or fifty percent (50%). [Section 13.3.E.2, Page 132]

29. Class III Special Resource Groundwater Protection Areas (Class III) Overlay District [Section 13.4, Pages 132-134]

The Illinois Pollution Control Board designates Class III Special Resources Groundwater Protection Areas to protect groundwater that is demonstrably unique, is vital for a particularly sensitive ecological system, or contributes to a dedicated Illinois Nature Preserve. The Class III Special Resources Groundwater Protection Areas Overlay District is intended to provide development standards that protect these water resources from the potential negative impacts of development.

Properties within the Class III Overlay District are subject to additional restrictions on the following uses: radioactive waste sites; municipal solid waste landfills; special or hazardous waste landfills; clean construction and demolition debris facilities; permanent asphalt/concrete batch plants; salvage yards; Class V underground injection wells; and manufacturing and warehouse facilities that store hazardous substances. [Section 13.4.D, Page 133-134]

Within the Class III Overlay District, the maximum impervious surface coverage is limited to the lesser of the maximum impervious surface area allowed in the zoning district or fifty percent (50%) [Section 13.4.E.3, Page 134].

30. Legacy Waterfront Neighborhood (LWN) Overlay District [Section 13.5, Pages 134-137]

The intent of the Legacy Waterfront Neighborhood (LWN) Overlay District is to accommodate redevelopment of structures on parcels of less than one-half (½) acre that are the result of historical patterns of waterfront-oriented development initially designed to accommodate seasonal vacation housing prior to the adoption of County zoning and subdivision regulations.

Vacant lots and parcels within the LWN Overlay District do not qualify for reduced standards (Section 13.5.G, Page 136].

Property owners with legally constructed residences have the choice of following the zoning district bulk requirements or the special reduced bulk regulations (i.e. building coverage, impervious surface area, and setbacks) provided in Table 13-1. [Section 13.5.H, Page 136]

Conservation Design and Watersheds

31. Conservation Design [Section 19.9, Page 272-287]

The Conservation Design Addendum, which was adopted as an amendment to the Subdivision Ordinance in 2009, is retained in the UDO with a few modifications.

The conservation design triggers were modified to include Sensitive Aquifer Recharge (SARA) Areas and Green infrastructure Areas as cumulative triggers. [Section 19.3, Page 264]

The allowed density in conservation design subdivisions is 75% of the density permitted by the underlying zoning district. [Section 19.9.C.2, Page 276]

This is a reduction from the current Conservation Design Ordinance which allows a density of 90% of the density permitted by the underlying zoning district, after one-half of the land in regulatory wetland is subtracted.

The required minimum open space for the Residential Zoning Districts is 50%. [Section 19.9.C.2, Table 19-2, Page 276)

This is an increase from the current requirement of 40% open space.

The UDO does not provide any option for density bonuses.

This is a change from the current ordinance, which provides density bonuses of up to 20% for developments that provide a superior layout and public benefits.

32. Watershed Plans and Watershed Planning Groups

The UDO provides new mechanisms to ensure that watershed plans and planning groups are considered during land use decisions.

Watershed and Watershed Plan are defined terms. [Section 2.2, Page 40]

The purpose of the UDO includes the following statement: To implement the policies of watershed plans that have been accepted or adopted by the County Board. [Section 1.2.K, Page 6] A similar statement is included in the purpose of the Planned Development process. [Section 7.1.H, Page 95]

Watershed groups with plans that have been accepted or adopted by the County Board have been added to the list of agencies to receive notice of Zoning Map Amendment, Conditional Use Permit, Variations, and Appeals. [Section 4.3.E.1.g, Page 50] They will also be notified at each stage of the subdivision process, including plats of vacation. [Section 6.4.A.2.l, Page 75; Section 6.4.B.4.l, Page 76; Section 6.4.C.5.l, Page 78; Section 6.4.D.3.l, Page 80]

Design Standards

33. Exterior lighting

The UDO establishes exterior lighting standards. The new regulations prohibit light trespass and glare, require that all new exterior lighting be shielded, and establish maximum lighting intensity. [Section 15.2, Pages 207-208]

The County previously regulated lighting only in conservation design subdivisions.

34. Landscaping and Buffer Yards

The UDO establishes new landscaping requirements; including requirements for landscaping parking lot perimeters and interiors. [Sections 17.6 & 17.7, Pages 239-241]

The UDO also establishes a new requirement to provide a buffer yard between different land uses or zoning districts. The buffer yard is a minimum of 5-feet wide and must be planted with specified numbers and types of trees and shrubs. [Sections 17.8, Pages 241-242]

The buffer yard replaces the requirement for transition yards in the current zoning ordinance. The transition yard requirement is much larger but did not require any landscape plantings.

35. Right-Of-Way Widths

The UDO requires a Right-of-Way (ROW) width for residential streets of 60 feet for closed drainage and 66 feet for open drainage roadways and a pavement width of 22 feet. The UDO requires a ROW width for collector streets of 100 to 160 feet and a pavement width of 34 feet. [Section 19.5.D.6; Page 267]

The ROW and pavement width requirements were established in conjunction with the Township Highway Commissioners.

The current subdivision ordinance requires a ROW width of 60 feet and a pavement with of 31 feet for residential streets and a pavement with of 37 feet for major residential streets and business and industrial streets. The conservation design ordinance requires a pavement width of 20 feet for residential streets and a pavement width of 24 feet for major residential streets and business and industrial streets.

36. Cul-de-sacs and Roadway Interconnections

The UDO prohibits cul-de-sacs in new subdivisions, unless they meet the following requirements: it is determined necessary by, and approval is received in writing from, the applicable township highway commissioner; it avoids impacts to sensitive environmental resources as identified in the site inventory; and it avoids street designs that allow cut through traffic between arterial streets. [Section 19.5.B.2; page 265]

The UDO requires that access to adjacent properties be provided, except when: written approval is received from the applicable township highway commissioner that such interconnection is not required; it avoids impacts to sensitive environmental resources as identified in the site inventory; and it avoids street designs that allow cut through traffic between arterial streets. [Section 19.5.B.3; page 265]

The current subdivision ordinance discourages cul-de-sacs without providing any specific standards. It also requires connections to adjacent properties, when appropriate, without providing any specific standards.

37. Maximum Impervious Surface Coverage

The UDO establishes maximum impervious surface coverage for all zoning districts except the Agriculture Zoning Districts.

The maximum impervious surface area in the Estate and Residential Districts is 50%, except for the R-3 District, which is 60% [Section 10.3; Table 10-1; Page 119]

The maximum impervious surface area in the Commercial Zoning Districts is 65%. [Section 11.3; Table 11-1; Page 122]

The maximum impervious surface area in the Office Zoning District is 65%. [Section 12.3; Table 12-1; Page 126]

The maximum impervious surface area in the Industrial Zoning Districts is 70%. [Section 12.3; Table 12-1; Page 126]

The maximum impervious surface area in the Sensitive Aquifer Recharge Area (SARA) Overlay District, regardless of the zoning, is 50%. [Section 13.3.E.2; Page 132]

The maximum impervious surface area in the Class III Special Resource Groundwater Protection Areas Overlay District, regardless of the zoning, is 50%. [Section 13.4.E.3; Page 134]

Procedures and Processes

38. Text amendment Procedures

Text amendments require only a published notice. [Section 4.3.A, Table 4-1, Page 48]

The current zoning ordinance requires that notice is mailed to adjoining property owners and public agencies.

Any property owner may apply for a text amendment. [Section 5.1.B, Page 54]

This is not allowed under the current zoning ordinance.

39. Zoning Approval Standards

The zoning approval standards have been changed to require a balancing of factors, consistent with Illinois case law. [Section 5.1.E, Page 56]

The current zoning ordinance requires a finding that each and every standard has been met.

40. Conditional Use Permit Procedures

No Presumption of Approval [Section 5.4.F, Page 64]

The UDO contains a new provision specifying that the inclusion of a use as a conditional use in a zoning district does not constitute a presumption that such a conditional use will be approved. Each conditional use is evaluated on an individual basis in relationship to all applicable standards.

Conditional Use Permit (CUP) Expiration/Terminations [Section 5.4.H, Page 64-65]

A CUP is valid for 10 years, unless otherwise limited or permitted as part of the County Board approval. This has been the long standing practice, but it is not specified in the current zoning ordinance.

A CUP expires if any structure required for the use has not received a building permit within two years or if the use, which does not require any new buildings or building modifications, is not initiated within 1 year.

A CUP expires if the use is discontinued for more than one year, except when the use is disrupted due to the growing season or a natural disaster.

Revocation of Conditional Use Permits [Section 5.4.I, Page 65]

The County Board may initiate a public hearing by the ZBA to consider revoking a CUP for violating the terms of this ordinance or the terms of the CUP.

41. Site Plan Review Process

Site plan review is a new required process under the UDO. It is conducted by the Staff Plat Review Committee. [Section 5.5, Page 66-69]

Site plan review and approval is required for the following types of projects: all new construction other than single-family and two-family dwellings, residential accessory structures, and agricultural exempt construction; conditional uses and planned developments; those uses identified in Article 14 (Use Standards) as requiring site plan review prior to approval. [Section 5.5.B; Page 66]

Site plan review is also required for uses located in or partially in the SARA or Class III groundwater recharge areas. [Section 13.4.C.3&4, Pages 131-133]

42. Map Correction Process

The UDO includes a simple administrative process for property owners to request that drafting or other scrivener's errors on the zoning map be corrected. [Section 5.6, Page 69]

Under the current ordinance, such corrections would need to go through the public hearing process.

43. Zoning Interpretation Process

The UDO includes a new process for a property owner or the County Board to request a formal interpretation of the zoning ordinance. [Section 5.7, Page 69-70)

This is required because the zoning regulations cannot possibly anticipate every possible scenario. There will be situations where the Zoning Enforcement Officer will need to issue an interpretation of how the ordinance is to be applied.

While the current zoning ordinance does not have a formal zoning interpretation process, it does allow decisions of the Zoning Enforcement Officer to be appealed to the Zoning Board of Appeals. This procedure is maintained in the UDO.

44. Subdivision Administration and Procedures

The list of members of the Staff Plat Review Committee has been updated to reflect current County job responsibilities and titles.

The voting members of the Staff Plat Review Committee are defined as: Director of the Department of Planning and Development; Zoning Enforcement Officer; Director of the Division of Transportation/County Engineer; Director of Environmental Health; Water Resource Manager/Chief Stormwater Engineer; and the Building Enforcement Officer. [Section 3.4.B, Page 44]

For subdivision applications, additional non-voting ex-officio members of the Staff Plat Review Committee include: applicable township highway commissioner(s), applicable fire chief(s), applicable school superintendent(s), and representative(s) of the nearest municipality within a one and one-half (1½) miles of subject property. [Section 3.4.E, Page 44]

Subdivision approval is still a three step process. The Sketch Plan Review has been renamed the Pre-Application Review and the Tentative Plat has been renamed Preliminary Plat.

The UDO contains a new provision allowing property owners to request an exemption from the subdivision standards from the Staff Plat Review Committee and County Board Planning and Development Committee. [Section 6.5; page 82-83]

The UDO clarifies that subdivisions must meet the subdivision standards and also the requirements of the Stomrwater Management Ordinance, Public Health Ordinance Article X, and Access Control and Right-of-Way Management Ordinance [Section 6.6; Pages 83-91].

45. Planned Development Process [Article 7; Page 95]

The UDO eliminates the Planned Development Estate; Planned Development Residential; and Commercial, Office, Research, Light Industrial (CORI) districts.

> The PD-R and CORI districts have never been granted to any parcel. The few properties zoned PD-E will retain this designation (again, the UDO does not alter the zoning designation of any parcel of land). But new properties will not be zoned PD-E.

The Planned Development Districts are replaced with a procedure that allows a property owner to apply for a planned development as a Conditional Use within the Residential, Estate, Business, Office, Or Industrial Zoning Districts. [Section 7.4; page 96]

Planned development is not allowed in the Agricultural Zoning Districts.

Property owners with existing planned developments can follow the conditional use procedures to amend their development. [Section 7.3; page 96]