

## ARTICLE 4

### SUBDIVISION REVIEW PROCEDURE

#### 401 General Review Procedure

The following procedure applies to a Subdivision Plat review in the Village. All Plats shall be subject to a three-step review procedure by the Staff and Plan Commission as established by this Ordinance, except Plats of Vacation which will require a one-step review (Section 406). The Plan Commission shall normally meet as needed to consider sketches, plats, drawings and reports. The Clerk shall be responsible for coordinating the process and arranging meeting dates and times.

#### 402 Sketch Plan

**402.1 Submittal.** Prior to submitting a Tentative Plat for approval, the developer shall submit to the Village eighteen (18) copies of a Sketch Plan that meet the requirements of Appendix A of this Ordinance and post a retained personnel fee of \$2,000, or such other amount as determined by the Village Clerk, to cover the costs of reviewing the Sketch Plan. The Village Clerk shall not accept a Sketch Plan for review unless the property is appropriately zoned for the intended use and density, or unless a petition to amend the Zoning Ordinance or map has been filed which, if adopted, would have the same effect. In addition, the developer shall submit a completed application which shall disclose, among other things, the ownership of the subject property and whether such property is under contract to a prospective buyer.

**402.2 Calendaring.** The Village Clerk shall calendar a meeting of the Staff Review Committee at a time at least 17 days from the date of filing and notify the members. The Staff Review Committee shall consist of such members as set out in Article 3 of this Ordinance.

**402.3 Villages Engineer's Report.** At least five days prior to the meeting date, the Village Engineer shall file a preliminary report with the Village Clerk who shall distribute copies to the other members of the Committee.

**402.4 Meeting.** The developer shall meet with the Staff Review Committee and participate in evaluating the proposed Sketch Plan and alternatives to it. Among other things, the Sketch Plan shall consider the future development potential of the surrounding area, especially the extension of roads, and how this proposal should relate to it.

**402.5 Action.** The Staff Review Committee's actions shall be informal in nature. The Committee members may discuss potential problems with the development, apparent violations of existing ordinances, and suggest changes to the Plan, including the desire for alternative designs. The Committee shall not take action other than to determine that the review is complete or that additional information or alternative sketches are needed for its review. Review of the Sketch Plan does not relieve the developer from compliance with any changes in the Village

Ordinances or regulations made after review of the Sketch Plan and prior to approval of a Tentative Plat by the Board of Trustees.

**402.6 Development and Governmental Affairs Committee Review.** In addition to a review of the sketch plan by the Staff Review Committee, the sketch plan shall be reviewed by the Village's Development and Governmental Affairs Committee. The committee's review shall follow the same procedures found in Sections 402.2 through 402.5 herein.

**402.7 Endangered and Threatened Plant and Animal Species.** In compliance with 520 ILCS 10/1 et seq., a reply from the submittal of an Endangered Species Consultation Agency Action Report to the Illinois Department of Conservation (IDOC) is required. An example of the report can be found in Appendix I.

- A. In the event a Detailed Action Report is received from the IDOC, a copy of that report shall be submitted with the Sketch Plan.
- B. In the event the IDOC biological opinion concludes there will be an adverse impact, the petitioner shall attempt to avoid, minimize or compensate for the impacts pursuant to the IDOC outlining what alternatives in the IDOC Detailed Action recommendations. The required written report to IDOC Report will be adopted shall also be submitted to the Village.

**402.8 Minutes.** In the event that the Staff Review Committee and/or Development and Governmental Affairs Committee file a report, the Village Clerk will distribute the same to the Village Board and Plan Commission and Architectural Review Board.

### **403 Tentative Plat**

**403.1 Submittal.** The developer shall submit 22 copies of a Tentative Plat, prepared in accordance with the requirements of Appendix B, to the Village within one year of completion of review of the Sketch Plan by the Staff Review Committee, and post the required retained personnel fee. If septic systems are to be used in the proposed subdivision, the Tentative Plat must also meet the requirements of Appendix H with each copy of the Tentative Plat. Tentative Plats must be received at least 17 days prior to the Plan Commission meeting at which they are to be heard.

**403.2 Calendaring and Notice.** The Village Clerk shall calendar a meeting of the Plan Commission and notify the members. The Village Clerk shall distribute a copy of the Tentative Plat to the President of the Village Board of Trustees, each member of the Plan Commission, the Village Engineer and the Village Attorney. The Clerk shall distribute six of the remaining copies to the Village Board of Trustees upon the matter being submitted to it for review. The developer shall notify the individuals and organizations, set out in Subsection 403.2 of this Ordinance, not less than 15 days prior to the proposed meeting of the date and time of the meeting. The developer shall provide the Village Clerk and Village Attorney with an affidavit stating that he notified each of the above by U. S. Mail and stating the address to which the notice was sent.

**403.3 Village Engineer's Report.** The Village Engineer shall file a staff report with the Village Clerk at least five days prior to the Plan Commission meeting. The Clerk will distribute copies to the other members of the Commission, the developer, the Village Attorney and President of the Village Board of Trustees.

**403.4 Owner's Presence.** The owner or his designated representative is required to be present when the Plan Commission reviews the Tentative Plat.

**403.5 Meeting Minutes Distribution.** After the Tentative Plat has been evaluated at a scheduled Plan Commission meeting, minutes from that meeting shall be prepared by the Plan Commission Secretary. A copy of the minutes shall be sent to the owner or his technical representative, Village Engineer, Village Attorney, Plan Commission members, President and Board of Trustees, Village Clerk and other parties requesting copies of the minutes.

**403.6 Approval or Disapproval of Tentative Plat by Plan Commission**

- A. The Plan Commission shall approve or disapprove the application for the Tentative Plat approval within 90 days from the date of the application or the filing by the applicant of the last item of supporting data, whichever date is later, unless such time is extended by mutual consent. If the Tentative Plat is disapproved, then within said 90 days, the Plan Commission shall furnish to the developer in writing a statement setting forth the reason for the disapproval and specifying with particularity the aspects in which the proposed Plat fails to conform to the ordinances and the official map.
- B. In the event that the Plan Commission approves the Tentative Plat, the developer may request that the Plat be submitted to the Village Board of Trustees for its acceptance or rejection of the Plan Commission's decision. The Village Clerk shall process the request as complete upon the submission by the developer of (1) 15 copies of a revised Plat addressing conditions placed on approval by the Plan Commission, if appropriate, (2) a letter from each affected school district indicating whether they request the dedication of a school site, or a cash donation in lieu of land, and (3) payment of the subdivision review fee. The Village Clerk shall calendar the meeting to review the Plat at a time at least seven days from the date of submission of a completed application and request. Where the Plat has been substantially revised, the Village Clerk shall increase the above time to 14 days. In the event of a substantial revision, the Village Engineer shall submit his report within five days of the meeting. The Village Board shall accept or reject the Tentative Plat within 30 days after its next regular stated meeting.
- C. In the event that the Plan Commission denies the Tentative Plat, the developer may appeal the decision to the Village Board of Trustees. Where the developer fails to accept the conditions of approval of the Plan Commission, the review by the Village Board of Trustees shall be in the nature of an appeal. The notice of appeal shall be effective upon (1) submittal of a letter from each

affected school district indicating whether they request the dedication of a school site, or a cash donation in lieu of the land, and (2) payment of the subdivision review fee. In the event that the developer rejects any of the conditions of approval set out by the Plan Commission, he may elect to revise the submitted drawings to adopt those conditions which are not being appealed. The Village Board shall approve or disapprove the Tentative Plat within 30 days after its next regularly scheduled meeting. In the event of a conditional approval, the Board should require the developer to resubmit the Plat showing the changes required.

- D. Approval of the Tentative Plat shall expire one year from the date of acceptance or approval by the Village Board of Trustees. Where approval has expired, the entire process must begin anew.

#### **404 Final Plat**

**404.1 Submittal.** The Final Plat shall be submitted to the Village Clerk within one year after action by the Village Board of Trustees in affirming the decision of the Plan Commission or approving the Tentative Plat. Where the Tentative Plat shows the development to be phased or built in units, then the Final Plat for each phase shall be submitted within one year of approval of the Final Plat for the previous phase. The developer shall submit to the Village Clerk 19 copies of the Final Plat, prepared in accordance with the requirements of Appendix C, and 19 copies of the engineering drawings and reports prepared in accordance with Appendix D and post the required retained personnel fee. In addition, the developer shall submit documentation indicating the owner of record for the real property encompassed by the Final Plat.

**404.2 Calendaring and Notice.** The Village Clerk shall identify the regular meeting of the Village Board of Trustees at which the matter can be reviewed, and confer with the Chairman of the Plan Commission to identify when the Plan Commission can review the matter. The meetings should be arranged so as to allow a reasonable time for the developer to make changes to the drawings and for their distribution following resubmission. The Clerk shall distribute copies of the above to the members of the Village Board of Trustees, the members of the Plan Commission, the Village Attorney and the Village Engineer. Final Plats and required engineering drawings and reports must be received at least 21 days prior to the Plan Commission meeting at which they are to be considered.

In the event that the developer should elect to modify his Plat or drawings following the Plan Commission review, the developer shall notify the Village Clerk in writing of his intent and resubmit any new or revised drawings and reports within 14 days of said notice. The Village Clerk shall establish a new date for the review by the Village Board and notify the developer. Final plats and required engineering drawings must be received at least 17 days prior to the Village Board of Trustees meeting at which they are to be considered. In the event the developer elects to modify his drawings, the developer shall submit to the Village Clerk 12 copies of the modified Final Plat, prepared in accordance with the requirements of Appendix C, and 12 copies of the engineering drawings and reports prepared in accordance with Appendix D.

The developer will notify the following individuals and organizations of the date, time and place of the meeting when the Final Plat will be considered. He shall furthermore provide the Village Clerk and Village Attorney with an affidavit stating that each of the following individuals and organizations was notified by U.S. Mail and indicating the address to which each notice was sent:

- A. Village Attorney;
- B. Village Engineer;
- C. Fire Protection District;
- D. Homeowners association (any which have indicated an interest in the review of the Subdivision);
- E. Plan Commission Members;
- F. School District(s);
- G. Township Road Commissioner (if annexation is being considered);
- H. Township Supervisor (if annexation is being considered);
- I. Utility Company Representatives;
  - 1. Cable Television,
  - 2. Electric,
  - 3. Gas,
  - 4. Telephone,
  - 5. Sewer and Water Utility(s);
- J. U.S. Postmaster for the City of McHenry (Johnsburg);
- K. Illinois Department of Conservation, Endangered Species Notification;
- L. Illinois Department of Transportation (if a driveway and/or access permit is needed to enter any State road); and
- M. McHenry County Highway Department (if a driveway and/or access permit is needed to enter any County road).

**404.3 Review of Final Plat.** The owner or his designated representative is required to be present when the Plan Commission reviews the Final Plat.

**404.4 Meeting Minutes Distribution.** After the Final Plat has been evaluated at a scheduled Plan Commission meeting, minutes from that meeting shall be prepared by the Plan Commission Secretary. A copy of the minutes shall be sent to the owner or his technical representative, Village Engineer, Village Attorney, Plan Commission members, President and Board of Trustees, Clerk and other parties requesting copies of the minutes.

**404.5 Approval or Disapproval of the Final Plat.**

- A. The Final Plat shall be consistent with the Tentative Plat and meet all applicable Village requirements, specifically those requirements set out in Appendix E, Section E-2 of this Ordinance.
- B. The Plan Commission shall recommend to the Village Board of Trustees that the Final Plat be approved or disapproved. Such a recommendation shall be made within a time period that will allow the Village Board of Trustees to

hear the application at a regular meeting occurring within 60 days from the date of the completed application. The parties may extend the period of review by mutual consent.

- C. The Village Board of Trustees shall hear the application for Final Plat approval within 60 days from the date of the filing of a completed application, unless such time is extended by mutual consent, and approve or disapprove the same. If the proposed Plat is approved, the Village Clerk shall attach a certified copy of the order or resolution of approval to a copy of the Plat. If the proposed Plat is disapproved, the order or resolution shall state the reasons for the disapproval.

In the event that the developer should elect to make a substantial change to a Tentative or Final Plat while these Plats are under review of the Plan Commission or the Village Board, the modification shall be filed at least ten days prior to the meeting. If such time does not exist, the developer shall request that the meeting be continued or rescheduled.

#### **405 Review by Board of Trustees and Recording**

**405.1 Signature on Final Plat.** After a Final Plat has been approved by the Board of Trustees, it shall be in the custody of the Clerk, who shall obtain the signature of the President and attest to that signature on the Plat.

**405.2 Recording of Final Plat.** When all signatures required on the Plat have been obtained, the Land Surveyor shall obtain the Final Plat from the Clerk and present it to the Recorder for recording.

**405.3 Distribution of Copies of the Recorded Final Plat.** After the developer has recorded the Final Plat, he shall distribute one copy of the same to the Building Inspector and the Village Engineer. The Building Inspector may refuse to issue a building permit for any lot in a subdivision until he has received a copy of said Plat.

**405.4 Identification of Flood Hazard Area.** A Final Plat may not be presented for recording without indication whether any part is located within a flood hazard area as identified by the Federal Emergency Management Agency (see Certificate, Section 903.5)

**405.5 Identification of Flood Hazard Area.** A Final Plat which has not been recorded within six months after its approval by the Board of Trustees shall have no validity and shall not thereafter be recorded.

#### **406 Plats of Vacation**

##### **406.1 Submission of Plats of Vacation.**

- A. A developer wishing to vacate all or part of an existing Plat shall submit 10 copies of the Plat, prepared in accordance with the requirements of Appendix

F, to the Clerk, and one copy directly to the Village Attorney and the Village Engineer, and post the required retained personnel fee.

- B. A Plat must be received at least 15 calendar days prior to the Plan Commission meeting at which it is to be considered.

**406.2 Plat of Vacation Distribution.** The Clerk shall distribute a copy of the Plat of Vacation and meeting agenda to each member of the Plan Commission. The following individuals and organizations shall also be notified by the developer of the meeting date and time at which the Plat of Vacation will be considered. The developer shall provide the Clerk and the Village Attorney with an affidavit stating that each of the following individuals has been notified by U.S. Mail and indicating the address to which each notice was sent.

- A. Village Attorney;
- B. Village Engineer;
- C. Fire Protection District;
- D. Homeowners associations (any which have indicated an interest in the review of the Vacation);
- E. School District(s);
- F. Township Road Commissioner (if annexation is being considered);
- G. Township Supervisor (if annexation is being considered); and
- H. Utility company representatives
  - 1. Cable television;
  - 2. Electric;
  - 3. Gas;
  - 4. Telephone and
  - 5. Sewer and water utility (s).

**406.3 Owner's Presence.** The owner or his designated representative is required to be present when the Plan Commission meeting, minutes from that meeting shall be prepared by the Plan Commission Secretary. A copy of the minutes shall be sent to the owner or his technical representative, Village Engineer, Village Attorney, Plan Commission members, President and Board of Trustees, Village Clerk and other parties requesting copies of the minutes.

**406.4 Meeting Minutes Distribution.** After the Plat of Vacation has been evaluated at a scheduled Plan Commission meeting, minutes from that meeting shall be prepared by the Plan Commission Secretary. A copy of the minutes shall be sent to the owner or his technical representative, Village Engineer, Village Attorney, Plan Commission members, President and Board of Trustees, Village Clerk and other parties requesting copies of the minutes.

**406.5 Approval of the Plat of Vacation by Plan Commission.** Approval of the Plat of Vacation by the Plan Commission is required prior to submission of the Plat to the Board of Trustees.

**406.6 Approval of Plat of Vacation Expiration.** Approval of a Plat of Vacation by the Plan Commission shall expire one year from the date of approval. When such approval has expired,

the Plan Commission must again review and approve the Plat of Vacation before submission of the Plat to the Board of Trustees.

**406.7 Written Approval of Easements.** It shall be the developer's responsibility to contact the utility companies and the CATV company to obtain their written approval of any vacation of utility easements.

**406.8 Approval of Plat of Vacation by Plan Commission.**

- A. Approval of the Plat of Vacation by the Plan Commission and completion of all requirements of Appendix F, Section F-2, is required prior to submission of the Plat to the Board of Trustees.
- B. It shall be the developer's responsibility to request the Clerk to submit the Plat, as approved by the Plan Commission, to the Board of Trustees. However, if a Plat has been conditionally approved by the Plan Commission, all conditions of approval must be met before the Plat of Vacation may be submitted to the Board of Trustees.
- C. The Owner or his designated representative is required to be present when the Plan Commission, reviews the Plat of Vacation.
- D. The Plat of Vacation must be approved by the Plan Commission before it can be submitted to the Board of Trustees for consideration.

**406.9 Review by the Board of Trustees and Recording.**

- A. Approval of the Plat of Vacation by the Plan Commission is required prior to consideration of the Plat by the Board of Trustees.
- B. Following its approval by the Plan Commission, a Plat of Vacation may be scheduled for approval by the Board of Trustees in accordance with its adopted agenda procedures.
- C. After a Plat of Vacation has been approved by the Board of Trustees, it shall be in the custody of the Clerk, who shall obtain the signature of the Village President and attest to that signature on the Plat.
- D. When all signatures required on the Plat have been obtained, the Land Surveyor shall obtain the Plat of Vacation from the Clerk and present it to the Recorder for recording.
- E. After a Plat of Vacation has been recorded and photographed, the developer shall obtain the number of copies specified by the Building Inspector, and deliver them to him.



F. A Plat of Vacation which has not been recorded within six months after its approval by the Board of Trustees shall have no validity, and shall not thereafter be recorded.