

**SECTION 1  
GENERAL PROVISIONS**

1-1 INTENT, PURPOSE AND SCOPE.

1-1-1 AUTHORITY.

This Subdivision Control Ordinance regulating the subdivision of land is hereby made a part of and intends to carry out the intent of the Official Comprehensive Plan of the Village. It is intended to provide for the harmonious development of the Village and its environs; for the location and width of proposed streets within new subdivisions with other existing or planned streets; for the dedication and acceptance of land for public use; for the installation and construction of utilities, roadways and other improvements essential to service the subdivided lands; for the dedication and acceptance of land acquired for schools, parks, playgrounds and other public uses; for the preparation of subdivision plans and the procedure for the submittal, approval and recording of subdivision plats in and about the Village, and in accordance with the authority vested in the municipality under the provisions of State Statutes.

1-1-2 JURISDICTION.

This Ordinance shall apply to any subdivision or dividing of any parcel of land made within the borders of the Village as well as to any subdivision or dividing of any parcel of land within one and one-half miles of the corporate limits of the Village to the extent permitted by law. If the unincorporated territory is within 1 ½ miles of the Village and one or more other municipalities have adopted official plans, and the Village and such other municipalities have agreed upon a boundary agreement, a line which shall mark the boundaries of the jurisdiction of each of the municipalities who have adopted such a boundary agreement, the jurisdiction of the Village shall extend to such line.

1-1-3 REPEAL OF EXISTING REGULATIONS.

The existing subdivision regulations of the Village are hereby repealed. The adoption of this Ordinance shall not affect or prevent any pending or future prosecution of, or action to abate, any existing violation of the Rules and Procedures Covering Plat and Dedication in the Village, if the violation is also a violation of this Ordinance.

1-1-4 INTERPRETATION AND SEPARABILITY.

When interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements throughout the Village. Where this Ordinance imposes greater restrictions or requirements than are imposed or required by other provisions of the law or rules, regulations, covenants or other agreements, the provisions of this Ordinance shall control. However, nothing herein shall interfere with or be construed to abrogate or annul any easements, covenants, deed

restrictions or agreements between parties which impose restrictions greater than those imposed by this Ordinance.

#### 1-1-5 ENFORCEMENT.

If any section, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

- A. The Village of Lake in the Hills grants the Village Engineer, Village Attorney, Director of Community Development and Planning and Zoning Commission the power and authority to review and recommend approval or disapproval of plats for the subdivision of land within the Village.
- B. All laws of the State of Illinois are made a part hereof, the same as if fully set forth herein, and all officers and employees of the Village are directed to compel compliance with such laws of the State of Illinois.
- C. No plat of subdivision shall be approved which does not comply with all of the provisions of this Ordinance, unless modified by written agreement.
- D. The Recorder shall not record any subdivision plat unless it has been approved by the Board of Trustees.
- E. Whenever it shall come to the knowledge of the Recorder that any provisions of the state law governing plats have been violated, it shall be the Recorder's duty to notify the Village Administrator, who shall take appropriate action.
- F. It shall be the duty of the Village Engineer, Village Attorney, Director of Community Development and the Village Administrator to enforce this Ordinance; to bring to the attention of the Board of Trustees any violations or lack of compliance with this Ordinance; and to take appropriate action in the case of violations.

#### 1-1-6 VIOLATIONS AND PENALTIES.

No owner or agent of the owner of any land located in a proposed subdivision shall transfer, sell, lease or offer for sale or lease any such land before a Tentative or Final Plat of such subdivision has been approved in accordance with the provisions of this Ordinance and recorded. Whoever shall sell or lease, or offer for sale or lease, any lot or block in any subdivision before complying with all of the requirements of these regulations, shall be subject to a fine of up to \$500.00 for each lot so disposed of or offered. Each day that sales or leasing, or offers to sell or lease, continue in violation of these regulations shall constitute a separate offense, subject to the penalty of this subsection. The subdivision of any lot or any parcel of land by the use of metes and bounds descriptions for the purpose of sale, transfer or lease, with the intent of evading these regulations, shall not be permitted,

unless allowed under the provisions of the Illinois Plat Act. All such described subdivisions shall be subject to all of the requirements in this Ordinance.

## 1-2 DEFINITIONS

### Introduction:

For the purposes of uniform interpretation of this Ordinance, certain terms and phrases shall be deemed to have the meaning ascribed to them in this section.

The words "shall" and "must" indicate mandatory items, while the word "may" indicates optional items.

**ARTERIAL ROADWAY** An arterial roadway is a street with a high degree of continuity and is designed to carry a large volume of high speed traffic. Such streets are not intended to provide access to abutting property, and intersections with side streets shall be very limited.

**BACK-TO-BACK** The dimension of pavement from back of curb to back of other curb.

**BASE FLOOD** The flood having a one percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100 year frequency flood event. Application of the base flood elevation at any location is defined in Chapter 49, Comprehensive Stormwater Management Ordinance, of the Lake in the Hills Municipal Code.

**BITUMINOUS CONCRETE** A mixture of bituminous material and aggregate for paving, commonly known as blacktop or asphalt.

**BLOCK** A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad right-of-way, bulkhead lines, or shore lines of waterways or boundary lines of the Village and/or surrounding municipality.

**BOARD OF TRUSTEES** The Village Board of the Village of Lake in the Hills.

**BUILDING** As defined in the Lake in the Hills Zoning Ordinance.

**BUILDING SETBACK LINE** A line parallel to the front, sides or rear lines of a zoning lot at a distance from such front, side or rear lines equal to the required yard or setbacks established in the Zoning Code which no building, structure or accessory structure can be placed unless otherwise allowed by the Code.

**CABLE** A person, firm or corporation who has obtained a franchise from the

TELEVISION (CATV) COMPANY	appropriate unit of local government to provide television signals for public use via permanently installed cable.
CLERK	The duly elected Clerk of the Village of Lake in the Hills.
COLLECTOR STREET	A collector street is a street that has wider right-of-way and roadway widths than a minor street with its primary function to distribute and collect traffic to and from minor streets. Said streets are either prime entrances or circulating streets which connect arterial roadways and minor streets with other arterial roadways and minor streets.
COMMERCIAL/ INDUSTRIAL STREET	A commercial/industrial street is a street designed to accommodate heavy vehicles and truck traffic and to provide access to abutting commercial/industrial properties.
COMMITTEE OF THE WHOLE MEETING	Meeting of the President and Board of Trustees to conduct general discussion on items, issues and proposals pertinent to the operation of the village government.
COMMUNITY DEVELOPMENT DEPARTMENT	The Village of Lake in the Hills Community Development Department.
COMPRE- HENSIVE PLAN	"Comprehensive Plan" refers to the composite of the functional and geographic elements of the official Comprehensive Plan of the Village and environs or any segment thereof, in the form of plans, maps, charts, text of reports, implementing ordinances, and the Official Map.
COUNTY	McHenry County, Illinois.
COUNTY CLERK	The elected or appointed County Clerk of McHenry County, Illinois.
CUL-DE-SAC	A street having one open end and being permanently terminated by a vehicle turnaround.
COUNTY ENGINEER	The appointed head of the McHenry County Division of Transportation.
DATUM USGS SEA LEVEL DATUM 1929 ADJUSTED	A reference point from which elevations are measured.

DIVISION OF TRANSPORTATION	The McHenry County Division of Transportation
DEDICATION	The conveyance of a property by its owner to another party.
DETENTION FACILITY	As defined in Chapter 49 “Comprehensive Stormwater Management” of the Village of Lake in the Hills Municipal Code.
DEVELOPMENT	As defined in Chapter 49 “Comprehensive Stormwater Management” of the Village of Lake in the Hills Municipal Code.
DIRECTOR OF COMMUNITY DEVELOPMENT	The Village of Lake in the Hills Director of Community Development or designee.
EASEMENT	An authorization or grant by a property owner for the use of a strip or parcel of land by a governmental entity, general public, or any person or entity for a specific purpose or purposes.
EDGE-TO-EDGE	The dimension of pavement from edge of paved surface to other edge of paved surface.
FINAL PLAT	An official map or plan of a subdivision and any accompanying material ultimately filed for record at the Recorder's Office.
FLOOD	As defined in Chapter 49 “Comprehensive Stormwater Management” of the Village of Lake in the Hills Municipal Code.
FLOOD FRINGE	As defined in Chapter 49 “Comprehensive Stormwater Management” of the Village of Lake in the Hills Municipal Code.
FLOODPLAIN (Regulatory)	As defined in Chapter 49 “Comprehensive Stormwater Management” of the Village of Lake in the Hills Municipal Code.
FLOOD PROTECTION ELEVATION OR FPE	As defined in Chapter 49 “Comprehensive Stormwater Management” of the Village of Lake in the Hills Municipal Code.
FLOODWAY	As defined in Chapter 49 “Comprehensive Stormwater Management” of the Village of Lake in the Hills Municipal Code.
FRONTAGE ROAD	A minor street which is parallel with and either adjacent to or with the right-of-way of a thoroughfare.

HEALTH DEPARTMENT	The McHenry County Department of Health.
IBR	The Illinois Bearing Ratio (IBR), a measure of the support provided by the roadbed soils or by unbound granular materials. The IBR test procedure is a modification of the CBR (California Bearing Ratio) procedure.
IDOT	The Illinois Department of Transportation.
IDNR	The Illinois Department of Natural Resources.
LAND IMPROVEMENTS	Any sanitary sewer, storm sewer, water systems, including all appurtenances there to, retention and detention basins, grading and surface drainage ways and facilities, curbs, paving streets, street lights, sidewalks, street signs, seeding and tree planting.
LICENSED PROFESSIONAL ENGINEER	(Registered Professional Engineer). An engineer who is licensed to practice Professional Engineering by the State of Illinois, or who is allowed to practice by the State of Illinois under a reciprocity agreement with another state (see 225 ILCS 655/1).
LIVE STORAGE	Volume available in a detention basin for holding storm water.
LOT	A portion of a subdivision or other parcel of land intended for transfer of ownership or for building development.
MINOR STREET	A minor street is a street of limited continuity with its primary purpose being to serve abutting properties.
OFFICIAL PLAN	A map of the Village and its jurisdictional limits which is part of the Comprehensive Plan.
OWNER	The owner of a piece of property (or the beneficiary if title is held in a trust) and his/her designated representatives such as developers, engineers, surveyors and other agents.
PLANNING AND ZONING COMMISSION	The Planning and Zoning Commission of the Village of Lake in the Hills.
PLAT ACT	An act to revise the law in relation to plats, approved March 21, 1874, as amended (765 ILCS 205/0.01 et seq.).

POLICE DEPARTMENT	The Village of Lake in the Hills Police Department.
PORTLAND CEMENT CONCRETE (PCC)	A mixture of lime, sand, aggregate, water and possibly admixtures used for pavement, curb and gutter, sidewalks and other structures.
PRESIDENT	The duly elected or appointed President of the Village of Lake in the Hills.
PROFESSIONAL LAND SURVEYOR	(Licensed Professional Land Surveyor). A surveyor who is licensed to practice professional surveying by the State of Illinois (see 225 ILCS 330/4[g]).
RECORD DRAWINGS	Design drawings checked in the field and which are revised to show as-constructed location, elevation, grading and specification of material for improvements and utilities.
RECORDER	The elected or appointed Recorder of Deeds in McHenry County, Illinois.
REGIONAL SUPERINTENDENT OF SCHOOLS	The elected head of the McHenry County Educational Services Region.
RELEASE RATE	The controlled rate at which storm water is released from a detention basin.
RESUBDIVISION	The further division of lots or the relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law.
ROOT ZONE	The drip line of a tree, or 15 feet from the base of the tree, whichever is greater.
SKETCH PLAN	A graphic exhibit which shows basic resource features, proposed lot divisions, roadway layout and general drainage features of a proposed subdivision. The purpose of the Sketch Plan is to explore alternative subdivision arrangements prior to investing time and money on detailed drawings of an arrangement which may not be acceptable.
SPECIAL FLOOD HAZARD AREA (SFHA)	As defined in Chapter 49 “Comprehensive Stormwater Management” of the Village of Lake in the Hills Municipal Code.

STAFF	The Village Administrator or Village employee designated by the Village Administrator.
STREET	A street is a public way other than an alley. Streets may be classified as minor streets, collector streets, arterial roadways or commercial/industrial streets as defined herein.
STRUCTURAL NUMBER (Dt)	An index number derived from an analysis of traffic and roadbed soil conditions which may be converted to a flexible pavement thickness through the use of suitable factors related to the types and strengths of material being used in the pavement structure.
SUBDIVISION	<p>A described tract of land which is divided into two or more lots or parcels for the purpose, whether immediate or future, of transfer of ownership or building development. The term subdivision includes resubdivision and relates to the process of subdividing or to the land subdivided, provided however, that the following shall not be considered a subdivision and shall be exempt from the requirements of this ordinance:</p> <ol style="list-style-type: none"> <li>1. The sale or exchange of parcels of land between owners of adjoining and contiguous land;</li> <li>2. The conveyance of parcels of land or interest therein for use as right-of-way for railroads or other public utility facilities which does not involve any new streets or easements of access.</li> </ol>
SUPERINTENDENT OF SCHOOLS	The current Superintendent of Schools for the applicable school district.
TENTATIVE PLAT	A preliminary plat of a proposed subdivision including the graphic depiction of the proposed lot lines, streets and other engineering improvements superimposed on a map of the existing topography. Where septic systems are to be used for subsurface waste disposal, a Tentative Plat will also indicate soil classifications and wetness categories used to determine the suitability of various areas for the individual sewage disposal systems.
UTILITY COMPANY	A person, firm or corporation who owns, controls, operates or manages any equipment, plant or property furnishing telephone, CATV, electric, light, heat, power, water, sewerage, gas (by pipeline) or similar service for public use.
VILLAGE	Village of Lake in the Hills, McHenry County, Illinois.
VILLAGE	The Chief Administrative Officer of the Village of Lake in the Hills, or his/her



ADMINISTRATOR designee.

WATERSHED As defined in Chapter 49 “Comprehensive Stormwater Management” of the Village of Lake in the Hills Municipal Code.

WETLANDS As defined in Chapter 49 “Comprehensive Stormwater Management” of the Village of Lake in the Hills Municipal Code.

ZONING CODE/  
ORDINANCE The Lake in the Hills Zoning Ordinance, as amended from time to time.

### 1-3 PROCEDURE.

The record owner of the subject property, or a lessee, agent, or contract purchaser with specific written authorization from the record owner, may file an application for review or approval of a sketch plan, tentative plat, final plat or minor subdivision.

The following procedure applies to subdivision plat review in the Village. All Plats shall be subject to a three-step review procedure by the Staff, Planning and Zoning Commission, and Board of Trustees as established by this Ordinance. The Planning and Zoning Commission shall meet monthly or as needed to consider sketches, plats, drawings and reports. The Planning and Zoning Commission members typically receive their packets four (4) days prior to their meeting so all application requirements must be submitted well in advance of a meeting to allow for staff review and revisions. The Director of Community Development or designee shall be responsible for coordinating the process, distributing documents and information, and arranging meeting dates and times. The Planning and Zoning Commission reserves the right to table an item if all submittal requirements were not received or they believe more time is needed to review the plans. The Planning and Zoning Commission and Board of Trustees must review and approve/deny plans in accordance with Illinois Municipal Code requirements.

Staff and the Planning and Zoning Commission may review and recommend to the Board of Trustees annexations and concepts to be contained in annexation agreements related to development and/or subdivision.

The owner or his/her designated representative is required to be present at all meetings before the Planning and Zoning Commission, Committee of the Whole and Board of Trustees.

#### 1-3-1 STEP ONE – PRE-APPLICATION MEETING. (Optional – only for subdivisions with over 5 lots)

- A. The pre-application meeting provides an opportunity for Subdividers to informally discuss the concept of the proposed development, and to receive preliminary nonbinding feedback regarding proposed zoning, possible variations/variances from zoning and subdivision requirements, utilities and

drainage, traffic and parking, building and fire prevention code requirements, building aesthetics, landscaping, review procedures, and the information and studies that will be needed to evaluate the project. The pre-application meeting does not require a formal application or filing fee. A pre-application meeting is optional but encouraged for all applications.

- B. The purpose of the pre-application meeting is to help Subdividers to determine:
  - 1. Whether the proposed development generally appears to be in compliance with the provisions of this Title and other applicable ordinances.
  - 2. Whether any zoning amendment, variation, special use or other application may be required in connection with the proposed development.
  - 3. Whether the proposed development will be in conformity with the Comprehensive Plan and other adopted goals and policies of the City for development.

1-3-2 STEP TWO - SKETCH PLAN REVIEW. (Optional - only for subdivisions with over 5 lots)

- A. An applicant wishing to subdivide land that results in over 5 lots shall submit the established number of copies of a Sketch Plan prepared in accordance with the requirements as stated herein to the Community Development Department and establish an escrow account for the payment of staff and consulting fees in accordance with Chapter 44 of the Lake in the Hills Municipal Code. The plan shall be submitted on forms provided by the Village and pay fees in accordance with Section 1-4-1.
- B. The Director of Community Development or designee shall forward the documents to appropriate members of the Technical Review Committee which generally consists of:

Director of Community Development  
Village Administrator  
Fire District  
Police Chief  
Village Engineer  
Director of Public Works  
Director of Parks and Recreation  
Planning Consultant  
Sanitary District  
Assistant Village Administrator  
Economic Development Coordinator (Commercial only)  
School District (Residential only)

The applicant is responsible for submitting the necessary plans/documents to other governing agencies such as the applicable division of transportation and utility companies. The applicant is also responsible for submitting the initial contact letter and response from these agencies to the Community Development Department. Once an application is deemed complete, the application shall be reviewed and scheduled for consideration by the appropriate staff and review bodies.

- C. The Planning and Zoning Commission shall meet and review the Sketch Plan documents and provide the developer feedback regarding the development proposal.
- D. The Committee of the Whole shall meet to review the feedback provided by the Planning and Zoning Commission and provide the developer with any additional feedback regarding the development proposal.

The Sketch Plan shall consider the Village's Comprehensive Plan, Zoning Ordinance, Subdivision Control Ordinance and other planning documents in the preparation of the plan.

Several Sketch Plans may have to be evaluated before a subdivision design is developed which conforms to the Village ordinances and Comprehensive Plan.

Review of a Sketch Plan does not relieve a developer from compliance with any changes in the Village ordinances or regulations made after review of a Sketch Plan and prior to approval of a Tentative Plat or Final Plat by the Board of Trustees.

The fact that the Planning and Zoning Commission and Committee of the Whole review the Sketch Plan is no guarantee that the Board of Trustees will approve a subsequent Tentative or Final Plat.

Should a time period of more than one year elapse after the review of the Sketch Plan by the Committee of the Whole, the developer must resubmit a Sketch Plan for review before proceeding to the Tentative Plat stage.

### 1-3-3 STEP THREE - TENTATIVE PLAT.

- A. The applicant shall prepare Tentative Plats, plans, reports and specifications in accordance with the requirements as stated herein.
- B. Initially, the developer shall submit the established number of these documents to the Community Development Department and establish an escrow account for the payment of staff and consulting fees in accordance with Chapter 44 of the Lake in the Hills Municipal Code. The Plat shall be submitted on the forms provided by the

Village and pay fees in accordance with Section 1-4-1 of this code.

- C. The Director of Community Development or designee shall forward the documents to appropriate members of the Technical Review Committee which generally consists of:

Director of Community Development  
Village Administrator  
Fire District  
Police Chief  
Village Engineer  
Director of Public Works  
Director of Parks and Recreation  
Planning Consultant  
Sanitary District  
Assistant Village Administrator  
Economic Development Coordinator (Commercial only)  
School District (Residential only)

The developer is responsible for submitting the necessary plans/documents to other governing agencies such as the applicable division of transportation and utility companies. The developer is also responsible for submitting the initial contact letter and response from these agencies to the Community Development Department.

- D. The Technical Review Committee shall submit comments to the Community Development Director or designee who shall forward to the developer in a combined letter. The developer shall amend the plans accordingly and shall submit the necessary number of plans along with a response letter to the Community Development Department.
- E. Once the Tentative Plat is adequately revised the Director of Community Development or designee shall schedule the item on the next available Planning and Zoning Commission meeting in order to review the Tentative Plat documents and form a recommendation. If the Planning and Zoning Commission recommends approval of the Tentative Plat, the recommendation is forwarded to the Committee of the Whole. If the recommendation of the Planning and Zoning Commission is a denial, the developer may either:
1. Make appropriate revisions to the Tentative Plat documents and resubmit them to the Planning and Zoning Commission; or
  2. Appeal the recommendation for denial by the Planning and Zoning Commission to the Committee of the Whole.

- F. If the Committee of the Whole recommendations are sufficiently negative, the developer may, within sixty (60) days:
1. Make appropriate revisions to the Tentative Plat documents and resubmit them to the Committee of the Whole or the Planning and Zoning Commission, as per the directions or instructions of the Committee of the Whole; or
  2. Abandon the project.

In the event the developer fails to make the appropriate revisions or abandons the project, the negative recommendation of the Committee of the Whole shall be forwarded to the Board of Trustees for action.

- G. If the Committee of the Whole recommends approval, that recommendation shall be forwarded to the Board of Trustees.
- H. Approval of the Tentative Plat by the Board of Trustees is required prior to the submission of a Final Plat for consideration by the Planning and Zoning Commission.
- I. The review and approval or disapproval of the Tentative Plat shall be in compliance with Section 11-12-8 of the Illinois Municipal Code (65 ILCS 5/11-12-8).

#### 1-3-4 STEP FOUR - FINAL PLAT.

- A. The Final Plat shall be submitted to the Community Development Department within one year after approval of the Tentative Plat by the Board of Trustees. If the subdivision is to be divided into units, the Final Plat for each unit shall be submitted within three years.
- B. The developer shall submit the established number of Final Plats, prepared in accordance with the requirements as stated herein, and the necessary number of Final Engineering drawings and reports prepared in accordance with the requirements as stated herein along with an escrow account for the payment of staff and consulting fees in accordance with in Chapter 44 of the Lake in the Hills Municipal Code. The Staff shall review these documents and require revisions so they are in conformance with the ordinances and regulations of the Village.
- C. Once the Final Plat is adequately revised, the Director of Community Development or designee shall schedule the item on the next available Planning and Zoning Commission meeting in order to review the Final Plat documents and form a recommendation.
- D. The Planning and Zoning Commission shall review the Final Plat with respect to its

compliance with the Tentative Plat and any amendments or special conditions approved by the Board of Trustees.

- E. Review and recommendation of the Final Plat by the Planning and Zoning Commission is required prior to consideration of the Final Plat by the Board of Trustees.
- F. Following its approval by the Planning and Zoning Commission, a Final Plat may be scheduled for review by the Committee of the Whole in accordance with its adopted agenda procedures. The Final Plat shall not be approved by the Board of Trustees until the Final Engineering Plan is approved by staff.
- G. After a Final Plat has been approved by the Board of Trustees, the developer shall obtain all of the signatures required on the plat with the exception of the Village President, Village Engineer, Village Clerk, Village Treasurer, Chairman of the Planning and Zoning Commission, County Clerk and County Recorder. The developer shall also provide from the Land Surveyor who prepared the plat an original letter designating and authorizing the Director of Community Development or his/her designee to record the plat.
- H. The Bond or Letter of Credit must be in place and on file with the Village prior to the Village Engineer or Village Treasurer signing the Final Plat.
- I. When all signatures required on the plat have been obtained, the Deputy Village Clerk or his/her designee shall have custody of the plat, obtain the remaining signatures and present it to the County Recorder for recording.
- J. A Final Plat which has not been recorded within six (6) months after its approval by the Board of Trustees shall have no validity, and shall not thereafter be recorded.
- K. The review and approval or disapproval of the Final Plat shall be in compliance with Section 11-12-8 of the Illinois Municipal Code (65 ILCS 5/11-12-8).
- L. Nothing in this Section shall prohibit the submittal of a combined Tentative/Final Plat.

#### 1-3-5 MINOR SUBDIVISION

A Minor Subdivision shall not require the submittal of a Tentative Plat application prior to submittal of a Final Plat application, nor shall it require the submittal of Preliminary or Final Engineering Plans.

A subdivision meeting all of the following criteria shall be considered a Minor Subdivision:

1. The subdivision fully conforms to the requirements of Section 4 "Required

Improvements and Design Standards” of this ordinance.

2. The subdivision will create no more than five (5) lots.
3. No extension/creation of public improvements is required to serve the subdivision, including streets/rights-of-way or utilities.
4. All lots in the subdivision have frontage on a public street or an public access easement and can be readily serviced by existing public utilities located in and adjacent to the right-of-way, or at another location on each lot.
5. All lots meet the minimum size and dimension requirements of the applicable zoning district contained in the Lake in the Hills Zoning Ordinance.

#### 1-3-6 PLATS OF VACATION.

The procedure for vacation of plats or sections of plats shall be the procedure required by the Illinois Compiled Statutes (765 ILCS 205/6 et seq. and 65 ILCS 5/11-91-1 et seq.) and the Recorder of Deeds. All plats of vacation shall be reviewed and approved by Staff and the Planning and Zoning Commission prior to being approved by the Board of Trustees.

#### 1-3-7 RESUBDIVISION.

The procedure for resubdivision of land in the Village shall be the same as for initial subdivision platting beginning at the Tentative Plat stage. The Technical Review Committee shall determine what documents and reports are required to be submitted during this procedure.

#### 1-3-8 VARIANCES

The Planning and Zoning Commission may recommend and the Village Board may approve variances from the provisions of this ordinance when the Planning and Zoning Commission finds that there is compliance with the following standards.

- A. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to the property.
- B. The conditions upon which the variance request is based are unique to the proposed subdivision and are not generally applicable to other property.
- C. The variance granted is the minimum adjustment necessary for the reasonable use of the land.
- D. The Village Engineer has determined the proposed variance follows sound engineer practices.

1-4 FEES.

The following fees and charges shall prevail for the various facets of development of a land tract within the Village and the jurisdictional limits of its planning area. The Village reserves the right to add or change fees at any time as it deems in the best interest of the Village. Fees may also be subject to increase due to changes in the Consumer Price Index (CPI).

- Filing/Application Fee: The sum of \$500.00 plus \$10.00 per acre for each application for Tentative Plat, Final Plat, Development Plan Review, Plat of Vacation and Resubdivision Plat. There shall be no fee for a Sketch Plan review.
  
- Annexation Fee: The filing fees for a petition to annex a property to the Village of Lake in the Hills shall be \$1,000.00 per acre or fraction thereof payable upon annexation of the property.
  
- Professional Services and Staff Review: Per Chapter 44 of the Village of Lake in the Hills Municipal Code.
  
- Park Donation: Specific requirements are set forth in Section 6 of this Ordinance. Applicable only to residential developments.
  
- School Donation: Specific requirements are set forth in Section 6 of this Ordinance. Applicable only to residential developments.
  
- Fire District Donation Fee: The donation fee for all residential developments shall be \$600.00 per unit which shall be due and payable prior to issuance of a building permit. The donation fee for commercial development (other than residential developments) shall be \$0.10 per square foot which shall be due and payable prior to issuance of a building permit. In addition to the above fee, a \$100.00 plan review fee for each residential unit shall be due and payable prior to issuance of a building permit for the relevant unit.
  
- Platting Fee: At the time of the approval and before the recording and filing of the approved Final Plat of Subdivision, a platting fee of \$1,000.00 per acre or portion thereof plus \$100.00 per dwelling unit shall be made by the subdivider to the Village. The President and Board of Trustees may determine the method of payment and grant an extension on the time of payment at their discretion.
  
- Lakes/Streams \$0.04 per square foot for residential developments.



Maintenance Fee:	\$0.05 per square foot for other than residential developments. Due prior to Final Plat approval. Calculation is based upon a net square footage defined as the total site area minus any areas designated as open space, detention areas, flood plains, and wetlands.
Letter of Credit:	An approved letter of credit from a financial institution satisfactory to the Village Attorney shall be furnished in the amount of 125 percent of the estimated cost of improvements of the public streets, potable water system, storm drainage, erosion and sediment control and other applicable public improvements. The developer may request a reduction of the original letter of credit when more than 50 percent of the value of the public improvements are satisfactorily completed. The Village Engineer will review the completed work for compliance with Village standards and will request that the Village Board consider reducing the amount of the letter of credit by 50 percent of its original value. The letter of credit will not be reduced below 50 percent before acceptance onto the two-year maintenance period.
Maintenance Letter of Credit:	Upon completion of the required improvements and acceptance by the Board of Trustees, the owner shall provide a letter of credit to run for the length of a guarantee period of two years (from the date of acceptance by the Village) in the amount of 10 percent of the original letter of credit and/or performance bond (Appendix E).
Water Connection Fee:	Per Chapter 45 of the Village of Lake in the Hills Municipal Code.
Public Building Fee:	For subdivisions or developments that have 50 or more lots or dwelling units, a Public Building Fee of \$750.00 per dwelling unit shall be paid to the Village at the time a building permit is issued. These monies shall be designated for capital expenditures in the Public Works Department due to the impact of the subdivision or development. Applicable only to residential developments.
Road Maintenance Fee:	For subdivisions or developments that have 50 or more lots or dwelling units and include publically dedicated streets, a Road Maintenance Fee of \$750.00 per dwelling unit shall be paid to the Village at the time a building permit is issued. These monies shall be designated for maintenance and

improvements of the existing Village street network due to the impact of the subdivision or development on the street network. Applicable only to residential developments.

Cul-de-sac/Eyebrow Fee: As a condition of approval of a Final Plat of subdivision, the subdivider shall be required to pay to the Village the sum of \$6,000.00 for each cul-de-sac or "eyebrow" in said subdivision. Said contribution shall be used by the Village for the maintenance of these non-through streets throughout the Village.

#### 1-4-1 OBJECTIONS TO FEES

Any and all objections relating to the application and/or calculation of the fees described in Section 1-4 or any other application of this ordinance to a particular subdivision or development, shall be made in writing, prior to the approval of the Final Plat of subdivision or development by the Village. A failure to object by such time shall constitute a waiver of the right to object to the provisions of this Ordinance. The subdivider or developer shall submit documentation (e.g. acreage and population requirements, land studies, statistics, etc.) evidencing the objection to the fee. Final determination of the objection to fees shall be made by the Village Board in its sole discretion based on such information submitted by the subdivider or developer and from other sources as needed.

#### 1-5 LAND DEVELOPMENT CONSIDERATIONS.

The following is a list of items to be considered in development:

COMPREHENSIVE PLAN/OFFICIAL PLAN  
MUNICIPAL CODE  
ZONING ORDINANCE  
AMERICANS WITH DISABILITIES ACT (ADA)  
SANITARY SEWAGE DISPOSAL  
POTABLE WATER SUPPLY  
ON-SITE, OFF-SITE FACILITIES  
TRAFFIC SYSTEM  
BICYCLE PATHS  
SOIL AND WATER CONSERVATION DISTRICT  
SOIL EROSION AND SEDIMENT CONTROL  
CONSERVATION/PRESERVATION  
OPEN SPACE/PARKS  
STORMWATER MANAGEMENT  
DRAINAGEWAYS  
FLOODPLAINS  
WETLANDS

AQUIFER RECHARGE AREAS  
WILDLIFE MANAGEMENT  
WOODLANDS AND NATURAL AREAS  
LAKES AND PONDS

## LAND DEVELOPMENT CONSIDERATIONS

### Comprehensive Plan/Official Plan

The Village of Lake in the Hills Comprehensive Plan and the Official Plan are the primary reference documents for subdivisions and other developments planned within the Village and its jurisdictional limits.

### Municipal Code

The Village of Lake in the Hills Municipal Code describes the rules and regulations for the Village.

### Zoning Ordinance

The Village of Lake in the Hills Zoning Ordinance and map delineates the existing zoning and zoning requirements of the Village.

### Americans with Disabilities Act (ADA)

Compliance with the Americans with Disabilities Act is mandatory for all development within the Village and its jurisdictional limits.

### Sanitary Sewage Disposal

All public sanitary sewerage facilities in the Village are owned and operated by the Lake in the Hills Sanitary District. The facilities consist of a treatment plant, lift stations, forcemains, gravity sewer mains and manholes.

### Potable Water Supply

The Village owns and operates a potable water system. The facilities consist of wells, treatment, storage, pumps, watermains, valves, fire hydrants and meters.

### On-Site, Off-Site Facilities

On-site and off-site facilities may need to be provided or oversized by the developer to service other properties. Conversely, facilities may have been provided or

oversized to service the developer's property. Payments may be due for previously installed services or recapture may become due to the developer. These facilities may be in the form of watermains, wells, water storage, water treatment, street pavement and related appurtenances.

The Lake in the Hills Sanitary District may also require facilities, on and/or off-site that will service other properties, and/or require payments for downstream or contiguous improvements installed or to be installed in the future.

### Traffic System

Roadways within the Village consist of State Routes IL 31 and 47, and County Roads Randall, Algonquin, Pyott, Lakewood, Rakow, Ackman and Virginia Roads. Miller Road from Randall Road to Frank Road is under the City of Crystal Lake jurisdiction as is Swanson Road. All other public roadways are under the jurisdiction of the Village of Lake in the Hills.

Frontage roads are encouraged and may be required.

### Bicycle Paths

The Village has a continually developing bicycle route plan. The basic route is from the north-south Prairie Trail east of Pyott Road to IL 47.

Intra-subdivision designated bicycle paths/routes afford connections to the basic east/west route and provide access to various parks, open space and other Village amenities. Developers are required to build or extend that portion of the path that crosses, or is adjacent to properties planned for future residential or non-residential growth.

### Soil and Water Conservation District

All land tracts to be annexed and/or developed within the Village and its jurisdictional limits shall have a Natural Resources Inventory furnished by the McHenry County Soil and Water Conservation District. The report shall be an integral part of the planning process and the petitioner shall, at his/her expense, order and furnish the required information to the District and obtain a report to be placed upon the public record. An adverse report shall be followed by a response to the Village by the petitioner.

### Soil Erosion and Sediment Control

Soil erosion and sediment control is a primary concern of the Village. Please refer to Chapter 49 of the Lake in the Hills Municipal Code.

## Conservation/Preservation

The Illinois Department of Natural Resources (IDNR) and the Illinois Historic Preservation Agency (IHPA) shall be consulted prior to Final Plat approval.

## Open Space/Parks

Open space in the form of drainage ways, wetlands and woodlands are to be encouraged. They do not constitute credit toward parks. Surface water detention may be accommodated.

Parks are to be suitable for active sports and passive areas and shall consist of suitable soil to support such activities and shall not be subject to inundation. The Village's Parks Master Plan shall be consulted for land acquisition and donation policies and recommendations.

## Stormwater Management

Stormwater management consists of compliance with all federal, state and local statutes and regulations, Best Management Practices (BMP) and conservation.

Included are drainage ways such as rivers, creeks, tributaries, floodways, floodplains, lakes, ponds, wetlands and surface water detention.

## Drainage Ways

1. Drainage ways shall be considered as all natural or manmade lakes, rivers, channels, streams, ditches, swales and the like which carry a flow of water continually or intermittently.
2. Drainage ways and the area on either side of the centerline of said drainage way shall be preserved within the limits of the floodway and 100 year flood as determined by appropriate data of record.
3. Drainage ways are to remain in their natural state, or may be altered or relocated upon a showing of necessity if they comply with the requirements of the Village, Illinois Department of Natural Resources Office of Water Resources, U.S. Army Corps of Engineers, FEMA and all other applicable Federal, State or local permits or ordinances. All the Municipal permits are conditioned upon the receipt of other jurisdictional permits.

## Floodplains

1. The Village will utilize its floodplain regulations, the FEMA flood insurance requirements, the U.S. Army Corps of Engineers and the Illinois Department of Natural Resources Office of Water Resources permit procedures or any other Federal, State, County or regional material, to adequately regulate the areas in the floodway, floodplain or flood hazard zones.
2. Compliance with Chapter 49, Comprehensive Stormwater Management Ordinance, of the Lake in the Hills Municipal Code, is required.

#### Wetlands

1. Any contemplated improvement or alteration or secondary use of wetland shall comply with the U.S. Army Corps of Engineers by permit or sign-off.
2. The Village will support the preservation of any wetland that has significant flora, fauna or flood mitigating characteristics or has the potential to be improved to such uses.
3. Wetlands that are of a backwater or intermittent category, or an isolated or segmented portion of a larger area, may be considered as a category other than in above.
4. If the significance of the wetland is not mutually agreed upon by the Village and other parties, the Village may use its resources to determine the significance of the wetland at the expense of those who are requesting the alteration of the wetlands.
5. Any action by the Village does not abrogate the requirement for complying with all Federal, State and County regulations or permits where applicable.
6. Compliance with Chapter 49, Comprehensive Stormwater Management Ordinance, of the Lake in the Hills Municipal Code, is required.

#### Aquifer Recharge Areas

1. Acceptable methods or sources of aquifer recharge would be by means of pits, wells, irrigation, increasing the wetted area, overland flooding and contouring.
2. At the present time within the corporate limits and jurisdictional limits of the Village there are sufficient major rivers, streams, lakes and ponds, marshes and drainage systems such that there will be no requirement for developers to provide recharge areas. However, should a property have a significant unusual feature that lends itself to a classic application of a recharge method,

the Village will show interest in the utilization of the feature for a recharge facility.

#### Wildlife Management

The Village of Lake in the Hills encourages the conversion of land to a practical, manageable protection and unencroachable wildlife habitat, as determined by the Illinois Department of Natural Resources.

#### Woodlands and Natural Areas

A dense aggregate of trees, shrubs, brush and vegetation shall be classified as a woodland and all reasonable attempts shall be made to preserve these areas in their natural state. All landscaping and tree preservation measures shall conform with Chapter 6 of the Municipal Code and the Village's Zoning Ordinance.

#### Lakes and Ponds

1. Natural lakes and ponds will remain with their existing configuration unless data is provided showing any proposed alterations of shoreline, area or depth enhances the lake or pond. Any proposed alterations must be able to secure and comply with all applicable Federal, State, County and Village permits and regulations.
2. The Village reserves the option to secure, with adequate compensation, any lake or pond for use and benefit of the residents of Lake in the Hills notwithstanding subparagraph above.