

Chapter 1

GENERAL PROVISIONS

- 1.1 Title**
- 1.2 Authority**
- 1.3 Applicability and Jurisdiction**
- 1.4 Minimum Requirements**
- 1.5 Purpose and Intent**
- 1.6 Commentary and Illustrations**
- 1.7 Reserved**
- 1.8 Conflicting Provisions**
- 1.9 Consistency with Comprehensive Plan**
- 1.10 Uses and Structures Subject to Regulation**
- 1.11 Transitional Provisions**
- 1.12 Severability**
- 1.13 Effective Date**
- 1.14 Supporting Documents**

1.1 Title

This Ordinance shall be known and cited as “The City of Woodstock Unified Development Ordinance, 2010 Edition” and hereinafter referred to as “the Ordinance”. (Ordinance Number 09-O-64, adopted October 20, 2009).

1.2 Authority

This Ordinance is adopted pursuant to the authority set forth in the Illinois Compiled Statutes, Illinois State Plat Act, and other State and federal statutes as applicable and as amended.

1.3 Applicability and Jurisdiction

This Ordinance shall apply to all public and private lands and uses thereon within the incorporated area of the City of Woodstock, hereinafter referred to as “the City”. Provisions contained herein and pertaining to the subdividing and platting of land shall be applicable to the unincorporated area of McHenry County located within one and one-half miles of the corporate limits of the City except as provided by law. Boundary agreements between the City and other municipalities take precedence in establishing subdivision and platting jurisdiction for unincorporated areas. Detailed information about general procedures and applications, including methods of appeal and violations, permitted uses, the division of land, special use criteria, conservation design standards, violations, and nonconforming uses, are set forth herein. The Official Zoning Map of the City and all notations and references and other information shown on said map are hereby incorporated into and made a part of this Ordinance.

1.4 Minimum Requirements

The standards of this Ordinance are minimum requirements. The issuance of any permit or certificate, or the granting of any approval in accordance with the standards and requirements of

this Ordinance, shall not relieve the recipient of such permit, certificate, or approval from the having to comply with all other applicable requirements of any state or federal agency.

1.5 Purpose and Intent

This Ordinance is intended to allow the City to respond uniformly and consistently to development proposals and to promote the health, safety, and general welfare of its residents, while providing uniformity, certainty, and predictability for those subject to this Ordinance. The elements that comprise this Ordinance are interrelated and should not be taken in isolation, but should be taken within the context and intent of the entire Ordinance. The purposes of this Ordinance are described in greater detail as follows:

- A. It is the general purpose of this Ordinance to improve the public health, safety, and welfare of the citizens of the City of Woodstock and to plan for its future development.
- B. The zoning regulations set forth in this Ordinance and the power to engage in zoning are exercised in order to:
 - 1. implement the recommendations set forth in the City's comprehensive planning documents;
 - 2. reduce or prevent congestion on public streets;
 - 3. provide for adequate light, air, convenience of access, health and safety;
 - 4. reduce or prevent the overcrowding of land and undue concentrations of population;
 - 5. facilitate the creation of a convenient, attractive and harmonious community;
 - 6. facilitate the provision of adequate public services, including water, sanitary sewer, storm water management, and park facilities;
 - 7. preserve the value of buildings;
 - 8. protect against the encroachment upon or destruction of historic areas and resources;
 - 9. protect and enhance high-quality natural and environmental resources;
 - 10. support efforts to protect area groundwater resources, including groundwater quality, quantity, and supply;
 - 11. provide for variations or exceptions to the general regulations of the zoning provisions of this Ordinance in unusual situations or when strict adherence to these regulations would result in substantial injustice or hardship; and
 - 12. provide procedures for the implementation and enforcement of the City's zoning regulations.
- C. The subdivision and platting regulations set forth in this Ordinance and the power to approve subdivisions and plats is exercised in order to:
 - 1. implement the recommendations set forth in the City's comprehensive planning documents;
 - 2. provide for the orderly division of land and its development;
 - 3. provide for the distribution of population and traffic in a way that will avoid undue congestion and overcrowding;
 - 4. provide standards and specifications pertaining to plat details and content;
 - 5. provide for proper drainage, storm water management, and flood control;
 - 6. provide standards and specifications regarding the construction and installation of public utilities and improvements;

7. support standards and design features which will protect and enhance groundwater resources, including groundwater quality, quantity; and supply.
8. provide for the coordination and connection of streets;
9. provide for the dedication, use and acceptance of public right-of-way within a subdivision, intended to be used for streets, curbs, gutters, sidewalks, trails, drainage, the public sanitary sewerage system, the public water system, or other improvements intended for public use and maintained by the City or other public agency;
10. provide for the dedication of easements for private utilities;
11. provide for the dedication of land for public schools, parks, and similar public facilities, or alternatively, for the provision of funds to be used to acquire land for such purposes and construct such facilities;
12. provide for the installation of required survey monuments;
13. provide for variations, waivers, or exceptions to the general regulations of the subdivision provisions of this Ordinance in cases of unusual situations or conditions, when strict adherence to these regulations will result in substantial injustice or hardship, or when such variations, waivers, or exceptions will result in a better development; and
14. provide procedures for the implementation and enforcement of the City's subdividing and platting regulations.

1.6 Commentary and Illustrations

When a provision of this Ordinance requires additional explanation in the form of text or graphic renderings to clarify its intent, a "Commentary" or "Illustration" may be included. Such "Commentary" or "Illustration" has no regulatory effect and is intended solely as a guide for administrative officials and the public to use in understanding and interpreting this Ordinance. "Commentary" and "Illustrations" found in this Ordinance are for illustrative purposes and the text of the Ordinance shall control unless otherwise provided for.

1.7 Word Usage

1.8 Conflicting Provisions.

- A. If the provisions of this Ordinance are inconsistent with one another or those of the state or federal government or the City, the more restrictive provisions shall control.
- B. No text amendment, zoning variance or condition of approval placed on a special use permit or other form of development approval under this Ordinance shall have the effect of nullifying, abrogating, or diminishing the provisions of any other City ordinance, except as provided for herein.
- C. This Ordinance is not intended to abrogate, annul, or otherwise interfere with any private agreement, easement, covenant, contract, restriction, or other private legal relationship. The City is responsible for enforcing this Ordinance, but is not obligated to enforce private agreements, easements, covenants, contracts, or restrictions except those specifically required for the administration and enforcement of this Ordinance.

1.9 Consistency with Comprehensive Plan

This Ordinance is intended to support and implement the City of Woodstock’s planning goals, objectives, and policies, as set forth in the City’s comprehensive planning documents, including those listed in Section 1.14 of this Chapter. Any amendments to, or actions pursuant to the Ordinance, shall be consistent with applicable planning documents and policies adopted by the City. While the City Council reaffirms its commitment that this Ordinance and any amendment to it should be in conformity with adopted planning policies, the City Council hereby expresses its intent that neither this Ordinance nor any amendments to it may be challenged solely on the basis of any alleged non-conformity with any planning document.

When an application for planned unit development, subdivision, or special use permit approval is requested for land or any portion of land depicted as or abutting “resource conservation” or “resource conservation corridor” in the City’s comprehensive planning documents, or for land that is characterized by sensitive natural resources, compliance with the conservation design standards set forth in Chapter 8B of this Ordinance is required unless waived by the Plan Commission.

Commentary:

“Conservation design” is a design system that takes into account the natural landscape and ecology of a development site and facilitates development while maintaining the most valuable natural features and functions of the site. Conservation design includes a collection of site design principles and practices that can be combined to create environmentally sound development. The main principles for conservation design are:

- 1. flexibility in site design and lot size,*
- 2. thoughtful protection and management of natural resources,*
- 3. reduction of impervious surface areas, and*
- 4. sustainable stormwater management.*

... Conservation design is density neutral, meaning that designers plan development such that there is no overall loss of buildable units despite the conservation goals achieved on the site.

From: Conservation Design Resource Manual, March 2003, Northeastern Illinois Planning Commission and Chicago Wilderness

1.10 Uses and Structures Subject to Regulation.

- A. Uses and Structures Affected. Except as provided herein, no structure shall be erected or reconstructed, nor shall its exterior be significantly altered, nor shall any structure or land be used, nor shall any site preparations or land disturbing activities commence in pursuit of the development or change of use of a property, except in compliance with the regulations set forth in this Ordinance.
- B. Structures Exempted. Notwithstanding the preceding language, the following structures when located in a public right-of-way or on private property within an easement for public use and/or access, or when previously approved by the City, are exempt from the jurisdiction and provisions of this Ordinance: sidewalks; roads; water system improvements, sanitary sewer system improvements, and storm sewer lines; public and private utility lines; street furniture; and ponds, detention, retention, and storm water management facilities.

- C. Uses Exempted. Notwithstanding the aforesaid language or the uses set forth in this Ordinance as “permitted uses,” any use exempted from local land use control by state or federal law is exempt from applicable regulations under this Ordinance. Any decision regarding exemption under this Section shall be made on a case by case basis by the Community Development Director. Any person asserting or requesting an exemption shall provide written documentation of their position.

1.11 Transitional Provisions.

- A. Any violation of the previous zoning regulations, subdivision and platting regulations, sign regulations, or other regulations of the City will continue to be a violation and will be subject to the penalties and enforcement procedures of the City, unless such activity complies with the provisions of this Ordinance.
- B. Any legal nonconformity under the City’s previous Zoning Ordinance will continue to be a legal nonconformity under this Ordinance, as long as the condition which resulted in the nonconforming status under the previous Ordinance or under this Ordinance continues to exist. If a legal nonconformity under the previous Ordinance becomes conforming due to the adoption of this Ordinance, then said nonconformity shall no longer exist.
- C. The adoption of this Ordinance, a change in the zoning classification of a parcel, or an amendment to the text of this Ordinance shall not constitute an amendment or variation of any conditions established pursuant to issuance of a special use permit by the City prior to the effective date of this Ordinance. Such prior development approval shall remain subject to all such conditions previously required by the City, unless amended pursuant to applicable provisions set forth herein.
- D. Any building, development, or sign for which a permit was lawfully issued before the effective date of this Ordinance may be completed in conformance with the issued permit. If a building, development, or sign permitted by the City is not completed within the time frame allowed under the original permit and a new permit is necessary, then the building, development, or sign shall be constructed, completed or occupied only in compliance with this Ordinance.
- E. Any subdivision or development for which a preliminary plat or plan was approved prior to the effective date of this Ordinance may be granted final plat approval in accordance with the design set forth in the approved preliminary plat or plan. If a final plat is not approved within the time requirements established by the City, the City Council may grant one or more extensions of time provided that the time of all extensions, in cumulative total, does not exceed two (2) years. If a final plat is not completed within the time frame required under the original approval or any time extension, then such subdivision or development shall be completed only in compliance with the requirements of this Ordinance.
- F. Any use legally established before the effective date of this Ordinance without a special use permit and which as of the effective date of this Ordinance is located in a zoning district that requires a special use permit for the subject use, shall be granted special use status without following the procedures of Section 4.4. The expansion of such a use shall occur only in strict compliance with the requirements of this Ordinance.

- G. Any use legally established prior to the effective date of this Ordinance with a special use permit and which as of the effective date of this Ordinance is located in a zoning district that requires a special use permit for the subject use, may continue to operate under the terms of the original special use permit. The use shall be subject to all applicable standards of this Ordinance.
- H. Any use legally established prior to the effective date of this Ordinance with a special use permit and which as of the effective date of this Ordinance is located in a zoning district that does not require a special use permit for the subject use, shall continue to be subject to all applicable standards of this Ordinance.

1.12 Severability

It is hereby declared by the City Council that the provisions of this Ordinance shall be severable. If any provision is declared invalid by a court of competent jurisdiction, the effect of such decision is limited to that provision which is expressly stated to be invalid. Such decision shall not affect, impair or nullify this Ordinance as a whole or any part thereof, and the rest of the Ordinance shall continue in full force and effect.

1.13 Effective Date

This Ordinance shall become effective January 1, 2007. The prior City of Woodstock Zoning Ordinance, City of Woodstock Sign Control Ordinance, and City of Woodstock Subdivision Ordinance are hereby repealed except to the extent whereby continuing activities or violations regulated by said previous ordinances are being administered.

1.14 Supporting Documents

In addition to the requirements of this Ordinance, the most recent edition or version of the supporting documents listed below may be applicable or relevant to land use and development activity proposed for the City of Woodstock.

Commentary:

The following materials complement the regulations contained in this Ordinance and are recommended reading for those considering the development of specific land parcels within and around the City.

- A. *Boone Creek Watershed Protection & Strategy, Executive Summary (Boone Creek Watershed Alliance)*
- B. *City of Woodstock Comprehensive Plan (City of Woodstock)*
- C. *City of Woodstock Public Improvement Technical Manual (City of Woodstock)*
- D. *City of Woodstock Transportation Plan (City of Woodstock)*
- E. *Design Review Guidelines for Properties in the City of Woodstock Downtown Business Historic Preservation District (City of Woodstock)*
- F. *Downtown Woodstock Sub-Area Plan (City of Woodstock)*
- G. *Geologic Aspects of Groundwater Protection Needs Assessment for Woodstock, Illinois: A Case Study (Illinois State Geological Survey)*
- H. *Geologic Mapping for Environmental Planning, McHenry County, Illinois (Department of Natural resources, Illinois State Geological Survey)*
- I. *Groundwater Studies for Environmental Planning, McHenry County, Illinois (McHenry County Board of Health and Illinois Department of Natural Resources)*
- J. *Intergovernmental Agreements with Village of Bull Valley, City of Crystal Lake, and Village of*

Lakewood

- K. IL Route 47 – Kishwaukee River Corridor Natural Features Final Report, Volumes 1 and 2 (Conservation Design Forum, IDNR, Conservation Research Institute)*
- L. IL Route 47 Strategic Regional Arterial Plan/Report (IDOT)*
- M. IL Route 120 Strategic Regional Arterial Plan/Report (IDOT)*
- N. McHenry County Stormwater Management Ordinance, as amended/adopted by the City (McHenry Country and City of Woodstock)*
- O. Nippersink Creek Watershed Plan (Nippersink Creek Watershed Planning Committee)*
- P. Nippersink Creek Watershed, Recommended Standards for Development (Nippersink Creek Watershed Planning Committee)*
- Q. Project Review Regulations and Standards (City of Woodstock)*
- R. Sanitary Sewer Master Plan (City of Woodstock)*
- S. Stormwater Master Plan (City of Woodstock)*
- T. Sustainable Development Guide for Kishwaukee Watershed Municipalities (The Friends of the Kishwaukee River c/o McHenry County Defenders)*
- U. US Route 14 Strategic Regional Arterial Plan/Report (IDOT)*
- V. Water System Master Plan (City of Woodstock)*