

PART 4 | REVIEW AND APPROVAL PROCEDURES

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Article 40 OVERVIEW OF SUBDIVISION APPROVAL PROCESS

40-01 EXEMPT LAND DIVISIONS

Land divisions that are exempt from subdivision plat approval requirements are specified in the Plat Act and in the definition of the term “subdivision” in Article 60.

Commentary: Land divisions that are exempt from subdivision plat approval requirements must still be recorded.

40-02 MINOR SUBDIVISIONS

40-02-A. APPLICABILITY

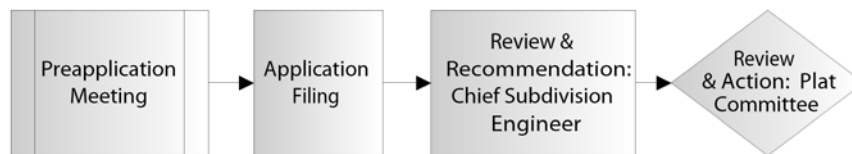
All of the following may be reviewed and approved as minor subdivisions:

1. Subdivisions that involve the creation of five (5) or fewer lots provided that:
 - (a) They do not involve the creation of any new streets;
 - (b) They do not require the extension of municipal facilities;
 - (c) They do not adversely affect development of the remainder of the parcel or abutting property;
 - (d) They do not conflict with the *Will County Land Resource Management Plan* or any of its functional elements; and
 - (e) They do not conflict with the *Will County Zoning Ordinance*, subdivision ordinance, or official map.
2. The consolidation of lots or parcels into a fewer number of lots or parcels.

Commentary: Land divisions that are eligible for processing as minor subdivisions must still comply with all subdivision ordinance standards and requirements.

40-02-B. PROCEDURAL OVERVIEW

Minor subdivision applications require a pre-application meeting in accordance with Article 42 and review and approval in accordance with the final plat procedures of Article 45.



40-03 MAJOR SUBDIVISIONS

40-03-A. APPLICABILITY

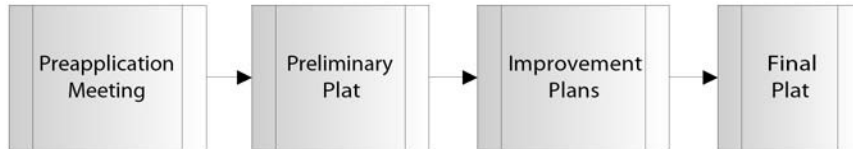
Any subdivision that does not meet the criteria for processing as a minor subdivision (See Sec. 40-02-A) is a major subdivision and must be processed in accordance with the major subdivision procedures of this subdivision ordinance.

40-03-B. PROCEDURAL OVERVIEW

A major subdivision is reviewed and approved as follows:

1. First, a pre-application meeting must be held in accordance with Article 42.

2. Next, a preliminary plat must be reviewed and approved in accordance with Article 43.
3. Next, if the preliminary plat is approved, improvement plans must be reviewed and approved in accordance with Article 44.
4. If the preliminary plat is approved, the applicant may then apply for approval of a final plat (consisting of engineering improvement plans, subdivision financial guarantees and a plat of subdivision) in accordance with Article 45.



Article 41 COMMON PROVISIONS

41-01 FORM OF APPLICATION

- 41-01-A. Applications required under this subdivision ordinance must be submitted in a form and in such numbers as required by the official responsible for accepting the application.
- 41-01-B. Officials responsible for accepting applications must develop checklists of application submittal requirements and make those checklists available to the public.

Commentary: Application forms and checklists of preliminary plat, improvement plan, and final plat submittal requirements are included in the Will County Developers' Handbook. The County will endeavor to provide a written determination within twenty-one (21) days.

41-02 APPLICATION FILING FEES

Applications must be accompanied by the fee amount that has been established by the County Board. Application fees are nonrefundable.

41-03 APPLICATION COMPLETENESS, ACCURACY, AND SUFFICIENCY

- 41-03-A. An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and is accompanied by the required filing fee.
- 41-03-B. The official responsible for accepting the application will make a determination of application completeness within fourteen (14) working days of application filing.
- 41-03-C. If an application is determined to be incomplete, the official responsible for accepting the application shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of the application will occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within sixty (60) days, the application will be considered withdrawn.
- 41-03-D. No further processing of incomplete applications will occur and incomplete applications will be pulled from the processing cycle. When the deficiencies are corrected, the application will be placed in the next processing cycle.
- 41-03-E. Applications deemed complete will be considered to be in the processing cycle and will be reviewed by staff and other review and decision-making bodies in accordance with applicable review and approval procedures of this subdivision ordinance.
- 41-03-F. The Chief Subdivision Engineer may require that applications or plans be revised before being placed on an agenda if the Chief Subdivision Engineer determines that:
 - 1. The application or plan contains one (1) or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with subdivision ordinance standards;
 - 2. The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with subdivision ordinance standards; or
 - 3. The decision-making body does not have legal authority to approve the application or plan.

41-04 APPLICATION PROCESSING CYCLES

Officials responsible for accepting applications may, after consulting with review and decision-making bodies, promulgate processing cycles for applications. Processing cycles may establish:

- 41-04-A. Deadlines for receipt of complete applications;
- 41-04-B. Dates of regular meetings;
- 41-04-C. The scheduling of staff reviews and staff reports on complete applications; and
- 41-04-D. Time-frames for review and decision-making.

41-05 BURDEN OF PROOF OR PERSUASION

In all cases, the burden is on the applicant to show that an application complies with applicable review or approval criteria.

41-06 CONDITIONS OF APPROVAL

When review bodies recommend or decision-making bodies approve applications with conditions or modifications, the conditions or modifications must relate to a situation created or aggravated by the proposed use or development. When conditions are imposed, an application will not be deemed finally approved until the applicant has complied with all of the conditions.

Article 42 PRE-APPLICATION MEETINGS

42-01 INTENT

Pre-application meetings are required for all minor subdivisions and major subdivisions. A pre-application meeting is intended to familiarize the applicant with applicable procedures, submittal requirements, development standards, and other pertinent matters before finalizing the development proposal or otherwise spending large sums of money in laying out the proposed subdivision.

42-02 APPLICATION FILING

Pre-application meeting applications must be submitted to the Chief Subdivision Engineer on forms available from the Will County Land Use Department.

42-03 APPLICATION REQUIREMENTS

The following information and documentation shall be required for the pre-application meeting: a complete application; a plat of survey or tax map; and a sketch plan.

42-03-A. APPLICATION

The developer must complete a pre-application meeting application form, which may be obtained in the Will County Land Use Department office.

42-03-B. PLAT OF SURVEY

The developer must provide a plat of survey of the subject property, if available, or a tax map identifying the subject property.

42-03-C. SKETCH PLAN

The developer must provide a sketch plan that includes the following information:

1. The proposed means of access;
2. Surrounding land uses;
3. All adjacent streets;
4. A preliminary map and analysis of natural resources present on the subject property and contiguous resource area on adjacent property, including hydric soils (information may be obtained from the Will County Land Use Department);
5. A conceptual layout of the proposed subdivision overlaid on the preliminary natural resources map. The layout must show streets, lots, parks, and other facilities located to protect natural resources; and the overall stormwater management concept for the project.

42-04 DISTRIBUTION OF APPLICATION; SCHEDULING OF MEETING

Upon receipt of a complete pre-application meeting application, the Chief Subdivision Engineer must distribute copies of the application to appropriate reviewers (e.g., Road District Commissioner, utility providers, municipalities within 1.5 miles of the proposed subdivision, County staff and other affected entities). The Chief Subdivision Engineer must notify all reviewers and the applicant of the date, time, and place of the scheduled pre-application meeting.

42-05 PRE-APPLICATION MEETING

Reviewer comments on the pre-application meeting application will be presented to the applicant at the scheduled pre-application meeting. Each reviewer will be given an opportunity to present their findings and recommendations on the proposed development concept. Following the meeting, the Chief

Subdivision Engineer must provide a written report to the applicant containing the written comments of reviewers along with instructions for proceeding with the subdivision process.

Article 43 PRELIMINARY PLATS



43-01 INTENT

The preliminary plat approval procedure is intended to ensure that a major subdivision is designed and laid out in accordance with all applicable provisions of this subdivision ordinance.

43-02 APPLICABILITY

Preliminary plat applications are required for all major subdivisions.

43-03 PRE-APPLICATION MEETINGS

Pre-application meetings must be held before the filing of a preliminary plat application.

43-04 APPLICATION FILING

Complete preliminary plat applications must be submitted to Chief Subdivision Engineer within one (1) year of the pre-application meeting. The application will be considered official when the Chief Subdivision Engineer deems the application complete in accordance with Sec. 41-03.

43-05 RESPONSIBILITY FOR PREPARATION

Preliminary plats must be prepared by an Illinois registered professional engineer.

43-06 REVIEW AND REPORT—CHIEF SUBDIVISION ENGINEER

Within 90 days of receipt of an official preliminary plat application, the Chief Subdivision Engineer and staff must complete their review and prepare a report and recommendation for the Planning and Zoning Commission and the Plat Committee. The Chief Subdivision Engineer must recommend that the preliminary plat be approved, approved with conditions or disapproved, based on the approval criteria of Sec. 43-09.

Commentary: County staff will review the preliminary plat and present the applicant with a written report of needed changes. The applicant is responsible for making the required changes and submitting a revised preliminary plat. The process of staff review followed by applicant changes may occur multiple times.

43-07 REVIEW AND RECOMMENDATION—PLANNING AND ZONING COMMISSION

- 43-07-A. After receiving the recommendation of the Chief Subdivision Engineer, the Planning and Zoning Commission must review and consider the preliminary plat. A preliminary plat may not be forwarded to the Planning and Zoning Commission until the Chief Subdivision Engineer has determined that the preliminary plat complies with all County regulations. If, because of noncompliance or the applicant's inaction, a preliminary plat cannot be forwarded to the Planning and Zoning Commission within six (6) months of the date that a complete application is filed, the application will be considered withdrawn. The Chief Subdivision Engineer is authorized to grant a one-time extension of the 6-month timeframe based on a determination that the applicant is diligently pursuing preliminary plat approval.

Commentary: Applicants may appeal the Chief Subdivision Engineer's determination that a plat does not comply with County regulations in accordance with the appeal procedure of Article 48.

- 43-07-B. As soon as possible after a preliminary plat is forwarded to the Planning and Zoning Commission, the Planning and Zoning Commission must act by simple majority vote to recommend that the preliminary plat be approved, approved with conditions or disapproved, based on the approval criteria of Sec. 43-09.

43-08 FINAL ACTION—PLAT COMMITTEE

- 43-08-A. As soon as possible after receiving the recommendation of the Planning and Zoning Commission, the Plat Committee must act by simple majority vote to approve the preliminary plat, approve the preliminary plat with conditions or disapprove the preliminary plat, based on the approval criteria of Sec. 43-09.
- 43-08-B. Any waivers or modifications from subdivision ordinance standards or the *Water Resource Ordinances for Unincorporated Will County* must be forwarded to the full County Board for a final decision, in which case the Plat Committee's approval of a preliminary plat is conditional on the County Board's approval of the associated requests.

43-09 APPROVAL CRITERIA

No preliminary plat may be approved unless the Plat Committee finds that the proposed plat conforms to all adopted plans and policies of the County and complies with all applicable standards of this subdivision ordinance, except as expressly approved as a waiver or modification pursuant to Article 47.

43-10 EFFECT OF APPROVAL

- 43-10-A. Approval of a preliminary plat constitutes acceptance of the overall general planning concepts for the subdivision and is a prerequisite for the filing of a subdivision improvement plan or final plat.
- 43-10-B. Upon approval of the preliminary plat, the developer may proceed to the final plat stage with the subdivision design and layout shown on the preliminary plat if the final plat:
1. Conforms substantially to the preliminary plat;
 2. Meets all conditions of preliminary plat approval by the County;
 3. Complies with all applicable County ordinances; and
 4. Meets all conditions of approval by the Illinois Department of Natural Resources (IDNR), U.S. Army Corps of Engineers, and Federal Emergency Management Agency (FEMA), and any other entity with jurisdiction over the proposed subdivision.
- 43-10-C. After approval of the preliminary plat, the applicant may proceed to the subdivision improvement plan stage of the major subdivision approval process.

43-11 PHASING

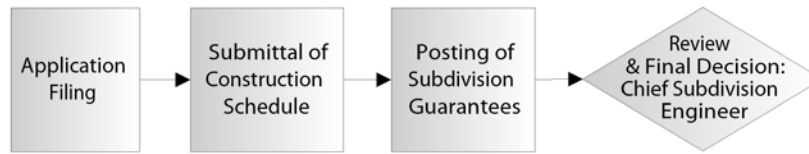
For subdivisions to be developed in phases, phase limits must be shown on the preliminary plat. The Plat Committee may impose conditions upon the phasing plan for the subdivision it deems necessary to ensure the orderly development of the subdivision.

43-12 LAPSE OF APPROVAL

Once a preliminary plat is approved, applicants have one (1) year from the date of approval to submit an improvement plan and final subdivision plat for the subdivision or for an approved phase of the subdivision. If an improvement plan and final plat is not submitted within the required one (1) year period, the preliminary plat approval will lapse and be of no further effect. The Plat Committee is authorized to grant a one-time extension of the one (1) year period, for not to exceed one (1) year. This

extension may be granted only if the applicant submits a written request for the extension before the approval lapses.

Article 44 IMPROVEMENT PLANS



44-01 INTENT

The improvement plan stage of the major subdivision approval process is for the purpose of accurately showing how subdivision improvements (streets and drainage facilities, for example) will be constructed in order to conform to the layout and design objectives of the preliminary plat and the standards of this subdivision ordinance.

44-02 TIMING

- 44-02-A. Improvement plans may be submitted with the preliminary plat or the developer may choose to obtain preliminary plat approval before submitting detailed improvement construction plans, in which case improvement plans may be submitted before or concurrently with submittal of the final plat.
- 44-02-B. When conditions warrant, the Chief Subdivision Engineer may require that preliminary engineering or improvement plans be submitted during the preliminary plat review process in order to determine the land's suitability for the preliminary plat design. Any required off-site improvements and engineering studies must be provided upon request of the Chief Subdivision Engineer.
- 44-02-C. If only a single portion or phase of the subdivision will be submitted for final plat approval and such phasing plan has been approved at the time of preliminary plat approval, improvement plans need be prepared for only that phase. However, the entire area of the proposed subdivision, as well as any additional area necessary to properly design facilities, must be the basis for design and must be so indicated.

44-03 RESPONSIBILITY FOR PREPARATION

Improvement plans for streets, utilities, and other public improvements required within the proposed subdivision must be prepared by an Illinois registered professional engineer.

44-04 APPLICATION FILING

A site development permit application and improvement plans must be submitted to the Chief Subdivision Engineer.

44-05 REVIEW AND FINAL DECISION—CHIEF SUBDIVISION ENGINEER

- 44-05-A. The Chief Subdivision Engineer must review improvement plans to determine if the plans comply with all applicable regulations of this subdivision ordinance and County standards and specifications.
- 44-05-B. If the Chief Subdivision Engineer determines that the improvement plans do not comply with applicable regulations and standards, the Chief Subdivision Engineer is authorized to require that modifications be made to bring the improvement plans into compliance with such regulations and standards.
- 44-05-C. After conducting a complete review of the improvement plans, the Chief Subdivision Engineer must approve or deny the application for improvement plan approval.

44-06 CONSTRUCTION SCHEDULE

Before approval of the improvement plans, the applicant must submit to the Chief Subdivision Engineer and to all approving agencies and to public utility companies that will service the subdivision a general schedule of the timing and sequence for construction of all required improvements.

44-07 TIMING OF IMPROVEMENTS

Except upon the written approval of the Chief Subdivision Engineer, no grading, removal of trees or other vegetation, land filling, construction of improvements, or other material change, except for the purpose of aiding in preparation of final engineering drawings or plans, may begin on the subject property until the applicant has:

- 44-07-A. Received a site development permit from the Chief Subdivision Engineer; and
- 44-07-B. Obtained necessary approvals and permits from other affected municipal, County, state or federal agencies.

44-08 SUBDIVISION GUARANTEES

Before the issuance of a site development permit, the developer must post a subdivision guarantee in a form established by the County.

44-09 DEVELOPMENT IN PHASES

When a subdivision is to be developed in one or more phases, developers must install public improvements or post financial guarantees for each phase. The County may require public improvements to be installed or financial guarantees to be posted for areas beyond an individual phase if the County determines that such improvements or guarantees are necessary to ensure the relative self-sufficiency of the development phase, pending completion of the entire subdivision.

44-10 DIGITAL FILES

Upon approval of improvement plans, the developer must submit a digital copy of the subdivision improvement plans in a form approved by the Chief Subdivision Engineer.

Article 45 FINAL PLATS



45-01 INTENT

A final plat is a record of the subdivision, as surveyed in the field. It shows property lines and other dimensions important to the developer in selling lots and to the public in maintaining accurate records of street lines, easements, utility locations, and other property information.

45-02 PREREQUISITES TO FINAL PLAT APPROVAL

Before approval of a final plat, the developer must post a subdivision guarantee in a form established by the County.

45-03 APPLICATION FILING

Complete applications for final plat approval must be filed with Chief Subdivision Engineer before the preliminary plat approval expires (see Sec. 43-12).

45-04 REVIEW AND RECOMMENDATION—CHIEF SUBDIVISION ENGINEER

The Chief Subdivision Engineer must review the final plat and, based on the plat's compliance with the final plat approval criteria of Sec. 45-06, recommend that the final plat be approved, approved with conditions or disapproved.

45-05 REVIEW AND ACTION— PLAT COMMITTEE

- 45-05-A. Following the Chief Subdivision Engineer's review of the final plat, required improvement plans, the engineer's estimate of probable improvement costs, required financial guarantees and construction schedule, the Chief Subdivision Engineer must place the final plat on the agenda of the Plat Committee for review.
- 45-05-B. The Plat Committee must review the final plat and, based on the plat's compliance with the final plat approval criteria of Sec. 45-06, act by simple majority vote to approve or disapprove the final plat.

45-06 APPROVAL CRITERIA

- 45-06-A. The Chief Subdivision Engineer must review the final plat to determine if:
 1. It is in substantial conformance with the approved preliminary plat;
 2. It complies with all County-imposed conditions of approval;
 3. It complies with all applicable County ordinances;
 4. It complies with all conditions of approval imposed by the Illinois Department of Natural Resources, U.S. Army Corps of Engineers, and Federal Emergency Management Agency, and any other applicable agency;
 5. It contains all required signatures and none of the signatures are more than 90 days old;
 6. Water and sewer improvements have been approved by appropriate municipal, state, or special district offices, if applicable;

7. An address map for the subdivision has been approved by the Will County Land Use Department in accordance with the *Street Numbering and Street Sign Ordinance*;
 8. The design engineer has identified the location of floodplains, wetlands, and other sensitive areas as identified by the Federal Emergency Management Agency, U.S. Army Corps of Engineers, Illinois Department of Natural Resources, the Illinois Environmental Protection Agency, and the Will County Land Use Department and Will County Highway Department and has secured the necessary permits and/or map revisions and has met the requirements of any other federal, state, or local agency;
 9. All stormwater management facilities, including stormwater detention basins, storm sewers, and floodplains are located in proper drainage easements;
 10. All open space and environmentally sensitive areas to be set aside and preserved as common areas are properly deed restricted or placed in a conservation easement; and
 11. Proof of responsibility for maintenance of all community improvements has been submitted and approved by the County.
- 45-06-B. A final plat may not be approved if it does not comply with the criteria of Sec. 45-06-A or if:
1. There are more than minor deviations from the approved preliminary plat;
 2. The preliminary plat approval has lapsed in accordance with Sec. 43-12; or
 3. A new highway, pipeline, or other major feature has directly affected the site.

45-07 NOTICE OF DISAPPROVAL

When a final plat cannot be approved because it does not comply with the final plat approval criteria of Sec. 45-06, written notice of the reasons for disapproval must be provided to the applicant.

45-08 EFFECT OF APPROVAL

- 45-08-A. Approval of a final plat confers upon the developer the right to record the approved plat with the Will County Recorder of Deeds.
- 45-08-B. No lot within the subdivision may be sold until the final plat has been approved by the Plat Committee and the plat has been officially recorded.

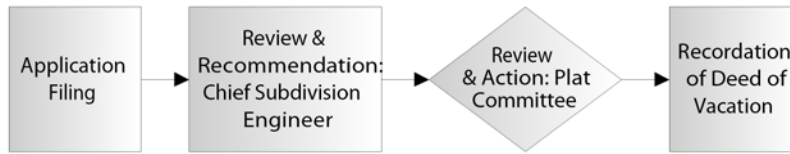
45-09 LAPSE OF APPROVAL

- 45-09-A. The applicant must file the final plat with the Will County Recorder of Deeds within thirty (30) days of approval of the final plat by the Plat Committee.
- 45-09-B. If the applicant fails to record the final plat within the required timeframe, the Plat Committee's final plat approval will lapse and be of no further effect, in which case the final plat approval process must be repeated before recording the plat.

45-10 DIGITAL FILES

Upon final plat approval by the Plat Committee, the developer must submit a digital copy of the subdivision plat in a form approved by the Chief Subdivision Engineer.

Article 46 VACATIONS



46-01 INTENT

This article sets forth the required review and approval procedures for vacating subdivision plats and rights-of-way.

46-02 AUTHORITY TO FILE VACATION APPLICATION

The following groups and individuals shall have standing to file a vacation application.

- 46-02-A. The owner of the property that is the subject of a vacation request may file a vacation application.
- 46-02-B. Property owners adjoining unimproved public street rights-of-way within their subdivision may file for vacation of the right-of-way. For rights-of-way internal to a subdivision, the adjoining property owners on both sides of the right-of-way to be vacated are required to jointly file for the right-of-way vacation. For rights-of-way that form the edge of a subdivision, the adjoining property owners within the subdivision may file for the right-of-way vacation.
- 46-02-C. A property owners association may file to vacate any unimproved street right-of-way within their subdivision.

46-03 REVIEW AND APPROVAL PROCESS

Except as otherwise expressly stated in this article, applications to vacate a subdivision plat or public right-of-way must be processed in the same manner as final plats.

46-04 REVIEW AND APPROVAL CRITERIA

Vacation requests must comply with the following review and approval criteria, as applicable:

- 46-04-A. The vacation is generally consistent with the *Will County Land Resource Management Plan*;
- 46-04-B. The right-of-way is not expected to be used in the future or the County receives conveyance or dedication of substituted easements or rights-of-way appropriate to satisfy the continuing need;
- 46-04-C. The vacation does not create an irregular right-of-way configuration that could create difficulty in the provision of services or installation of public improvements;
- 46-04-D. The vacation serves the best interests of the County by removing maintenance or liability risks;
- 46-04-E. The public benefits of the vacation request outweigh any adverse impacts of the vacation; and
- 46-04-F. The applicant will relocate, if necessary, any public facilities or utilities located within the right-of-way or easement, and grant and/or obtain an easement for relocation of public facilities or utilities.

46-05 LIABILITY

As part of a vacation application, the applicant must indemnify and hold Will County harmless for damages resulting to any person as a result of the vacation.

46-06 RECORDATION

If the County Board approves of a vacation, the Chief Subdivision Engineer must sign the deed of vacation (quit claim deed). The applicant must present the Plat Committee's approval of the vacation and the deed of vacation for recording with the Will County Recorder of Deeds.

46-07 EFFECT OF VACATION

The vacation of any subdivision plat or right-of-way does not constitute a vacation of the rights of any other individual or agency in, or related to, the subdivision plat or right-of-way. The approval of a vacation does not, for example, vacate the rights of a public utility with facilities in the subject right-of-way.

Article 47 WAIVERS AND MODIFICATIONS

47-01 APPLICABILITY

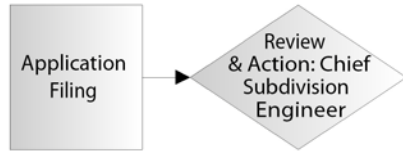
47-01-A. MINOR WAIVER OR MODIFICATION

A request to deviate from any of the subdivision application submittal requirements may be classified and processed as a minor waiver or modification. The Chief Subdivision Engineer is authorized to review and approve minor waivers or modifications.

47-01-B. MAJOR WAIVER OR MODIFICATION

1. A request to deviate from any of the subdivision design and improvement standards of this subdivision ordinance or from any requirement that does not qualify for processing as a minor waiver or modification (See Sec. 47-01-A, above) is classified as a major waiver or modification. Only the County Board is authorized to review and approve major waivers or modifications.
2. The requirements of the Will County Stormwater Management Ordinance may be varied only in accordance with the procedures specified in the Stormwater Management Ordinance.

47-02 MINOR WAIVERS OR MODIFICATIONS



47-02-A. APPLICATION FILING

Complete applications for minor waivers or modifications must be submitted to the Chief Subdivision Engineer. At a minimum, the application must include:

1. A description of the specific requirement or standard to be waived or modified; and
2. All reasons and justifications for the requested waiver or modification.

47-02-B. REVIEW AND ACTION

1. Upon receipt of a complete application of a minor waiver or modification, the Chief Subdivision Engineer may distribute copies to other officials and agencies for review and comment.
2. The Chief Subdivision Engineer may approve the minor waiver or modification only if the Chief Subdivision Engineer determines that the requested minor waiver or modification will in no way compromise the intent of this subdivision ordinance.
3. Reasonable conditions may be imposed to ensure that the minor waiver or modification will not compromise the intent of this subdivision ordinance.

47-03 MAJOR WAIVERS OR MODIFICATIONS

47-03-A. APPLICATION FILING

Complete applications for major waivers or modifications must be submitted to the Chief Subdivision Engineer. At a minimum, the application must include: (1) a description of

specific requirement or standard to be waived or modified and (2) the reasons and justifications for the request.

47-03-B. REVIEW AND ACTION

Requests for major waivers or modifications must be processed concurrently with applications for plat approval. The process is the same as required for major subdivision approval except that final authority to approve or deny the requested major waiver or modification rests with the full County Board.

47-03-C. APPROVAL CRITERIA

Major waivers or modifications may be approved or recommended for approval only if review and decision-making bodies find that:

1. Because of the particular physical surroundings, shape, topography, or other specific conditions of the subject property, strict compliance with this subdivision ordinance would cause a particular hardship upon the property owner, as opposed to a mere inconvenience;
2. The conditions upon which the waiver or modification request are based are unique to the subject property and not applicable, generally, to other property;
3. The hardship has not been self-created;
4. The requested waiver or modification will not be detrimental to the public safety, health or welfare, or injurious to other property or improvements in the area in which the subject property is located;
5. The requested waiver or modification does not conflict with the Will County Stormwater Management Ordinance; and

Commentary: Requests for waivers of modifications to the Will County Stormwater Management Ordinance may be processed only in accordance with the requirements of the Stormwater Management Ordinance.

6. The waiver or modification is the least deviation from this subdivision ordinance that will mitigate the hardship found to exist on the subject property.

Article 48 APPEALS OF ADMINISTRATIVE DECISIONS



48-01 APPLICABILITY; AUTHORIZED APPEALS

The full County Board is authorized to hear and decide appeals where it is alleged there has been an error in any order, requirement, decision, or determination made by an administrative official of the County in the administration, interpretation, or enforcement of this subdivision ordinance.

48-02 RIGHT TO APPEAL

Appeals of administrative decisions may be filed by the applicant or any other aggrieved party. The County Board is authorized to determine whether the person appealing the decision is an “aggrieved party.”

48-03 APPLICATION FILING

- 48-03-A. Complete applications for appeals of administrative decisions must be filed with the Chief Subdivision Engineer.
- 48-03-B. Appeals of administrative decisions must be filed within fifteen (15) days of the date of the decision being appealed.

48-04 PLAT COMMITTEE REVIEW

The Plat Committee must review the appeal and recommend that the Chief Subdivision Engineer’s decision be upheld or overturned, based on whether the decision is supported by the facts in evidence and the provisions of this subdivision ordinance.

48-05 COUNTY BOARD ACTION

- 48-05-A. After the Plat Committee has considered the matter and made a recommendation, the Chief Subdivision Engineer must place the matter on the agenda of the next regularly scheduled County Board meeting.
- 48-05-B. The Chief Subdivision Engineer must notify the applicant and the appellant of the date, time and place of the County Board meeting.
- 48-05-C. The County Board must review the appeal and the recommendation of the Plat Committee and act to uphold or overturn the action or decision of the administrative official by simple majority vote, based on whether the decision is supported by the facts in evidence and the provisions of this subdivision ordinance.
- 48-05-D. The action of the County Board is final and binding on all parties.

