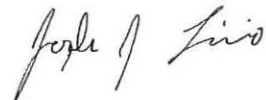


STATE OF ILLINOIS)
) SS
COUNTY OF MCHENRY)

I, Joseph J Tirio, County Clerk within and for said County and State aforesaid, do hereby, certify the attached to be a true and complete copy of the Ordinance O-202312-ZBA-074; 2023-040ta, PED, Text Amendment.

WHEREOF I have hereunto subscribed my hand and affixed the official seal of said County, at my office in Woodstock, Illinois this 19TH day of December 2023.



McHenry County Clerk



#2023-040 ta

ORDINANCE

AMENDING THE TEXT OF THE MCHENRY COUNTY

UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the County of McHenry is authorized to enact a zoning ordinance and to provide for its administration, enforcement and amendment; and

WHEREAS, the County of McHenry has previously adopted the McHenry County Unified Development Ordinance, which is currently in effect, pursuant to the statutory procedures and regulation as set forth in the Counties Zoning Act, 55 ILCS 5/5-12001 et. seq.; and

WHEREAS, the County Board of McHenry County deems it necessary, for the purpose of promoting the health, safety, moral, general welfare and orderly development of McHenry County, to amend Chapters 16.08.020: Definitions, 16.20.100 Temporary Use Permit, 16.32.060 Zoning District Uses, and 16.56.040 Temporary Use Standards of the Unified Development Ordinance; and

WHEREAS, that in order to accomplish said purpose, the Department of Planning and Development has completed a review of the said provisions of the Unified Development Ordinance and has proposed changes to the same; and

WHEREAS, all requirements of the Counties Zoning Act with regard to preparation, presentation and consideration of the proposed amendments to the McHenry County Unified Development Ordinance have been met.

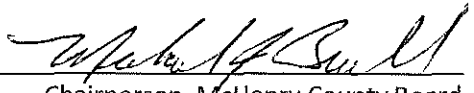
NOW THEREFORE BE IT ORDAINED by this County Board of McHenry County, Illinois, that the Unified Development Ordinance adopted by the McHenry County Board on October 22, 2014, and amended on January 19, 2016, March 17, 2016, March 19, 2018, August 21, 2018, November 19, 2019, January 18, 2022, August 16, 2022, January 17, 2023 and April 18, 2023 is hereby revised in accordance with the attached amendments herewith and made part hereof.

BE IT FURTHER ORDAINED that any text found to be referencing amended sections is to be updated to be consistent with the approved amendments.

BE IT FURTHER ORDAINED that the County Clerk is hereby authorized to insert these amendments of the Unified Development Ordinance into the McHenry County Code of Ordinances and to make any necessary changes to the numbering schema or document formatting necessary to accomplish the same.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

DATED at Woodstock, McHenry County, Illinois on this 19th day of December, 2023 A.D.



Chairperson, McHenry County Board
McHenry County, Illinois

ATTEST:



County Clerk

NUMBER VOTING AYE: 14

NUMBER VOTING NAY: 1

NUMBER ABSTAINING: 2

NUMBER ABSENT: 1

#2023-040 ta EXHIBIT A

16.08.020 DEFINITIONS.

...

TEMPORARY ENTERTAINMENT EVENT. A temporary live entertainment event, such as the performance of live music, revue, or play within an outdoor space or indoor FACILITY not typically used for such events. TEMPORARY ENTERTAINMENT EVENT includes HORSE SHOWS (when not in conjunction with a HORSE STABLE), ANIMAL SHOWS, carnivals/circuses, rodeos, temporary worship services, and others. TEMPORARY ENTERTAINMENT EVENT does not include SPECTATOR SPORT HORSE RACING EVENTS FOR COMMERCIAL PURPOSES.

...

16.20.100 TEMPORARY USE PERMIT.

A. *Purpose.* A temporary use permit authorizes the temporary use of land and structures for certain events and structures that are non-permanent in nature. A temporary use permit authorizes only those temporary uses that occur entirely on a zoning lot. Temporary uses located within the public right-of-way are regulated separately by the roadway jurisdiction.

B. *Initiation.* Applications for temporary use permits may be initiated by the property owner or other person expressly authorized in writing by the property owner.

C. *Authority.* The Zoning Enforcement Officer is responsible for determining compliance with this Ordinance and issuing a temporary use permit.

D. *Procedure.*

1. An application for a temporary use permit shall be filed with the Zoning Enforcement Officer in accordance with the requirements in § 16.16.020 (Application) at least 30 days in advance of the date of the event. The Zoning Enforcement Officer may allow application closer than 30 days in advance of the date of the event. An increased permit application fee may be assessed for permit applications submitted closer than 30 days in advance of the date of the event.

2. The Zoning Enforcement Officer may grant temporary use permits for those temporary uses listed in § 16.56.040 (Temporary Use Standards) when it is determined that the proposed temporary use complies with all requirements of this Ordinance and the standards of subsection E. below (Standards). Unless otherwise permitted by this Ordinance, every temporary use or structure shall comply with the bulk requirements applicable in the district in which it is located.

3. Every temporary use shall comply with this Ordinance and all local regulations. The Zoning Enforcement Officer or County Board may impose other conditions as part of the temporary use permit approval to achieve the purposes of this Ordinance and to protect the public health, safety, and welfare.

4. Multiple event periods require a temporary use permit for each scheduled event period.

5. The temporary use permit is issued for the days of the event. A temporary use permit is not required for the additional days necessary for event set-up or clean-up.

E. *Standards.* Every application for temporary use shall include sufficient documentation to show compliance with the following standards:

1. The temporary use will not cause or threaten to cause an on-site or off-site threat to the public health, safety, and welfare.

2. The temporary use will be operated in accordance with fire department restrictions and conditions.
 3. The additional vehicular traffic reasonably expected to be generated by a temporary use will not have undue detrimental effects on surrounding streets and uses, and does not block handicapped or fire lanes.
 4. The temporary use will not unreasonably reduce the amount of parking spaces available for use in connection with any permanent uses located on the same zoning lot ~~in-question~~.
 5. The temporary use will not conflict with another previously authorized temporary use for the same site zoning lot.
 6. Provisions have been made for waste disposal (solid, animal, and human) and for clearing debris, to be approved by the Department of Health.
 7. Temporary food establishments will be operated in accordance with County ordinances, to be approved by the Department of Health.
 8. A security plan acceptable to the McHenry County Sheriff with security personnel provided by an Illinois-licensed security contractor agency licensed by the State of Illinois Department of Financial and Professional Regulations to provide such security services, or by the Sheriff's Department.
 9. The location of paved or graded ingress and egress for emergency, police, and regulatory traffic, including parking areas and traffic control locations.
 10. General liability insurance in an amount determined by the Zoning Enforcement Officer is required for all temporary use events. ~~If the temporary use permit is for a fireworks display, the~~ McHenry County shall be listed as a named insured. Additionally, dram shop insurance is required for any temporary use event at which liquor is to be sold.
 11. If applicable, the appropriate liquor license, issued pursuant to the McHenry County Liquor Control Ordinance.
 12. All other state and/or federal permits have been issued, as required.
 13. The maximum number of persons to be on-site per day, including staff, participants, and spectators.
 14. All structures used for a temporary use meet the building-code requirements for that occupancy.
 15. The time required for event set-up and tear-down is specified and reasonable, as determined by the Zoning Enforcement Officer.
 16. All temporary use events with an anticipated attendance of greater than ~~2,500~~ 500 at any given time shall have an Incident Action Plan approved by the McHenry County Emergency Management Agency. The Incident Action Plan shall include law enforcement, fire, public health, and public works/transportation roles and responsibilities during the operational periods of the event. The McHenry County Emergency Management Agency will coordinate development of the Incident Action Plan with the applicant and appropriate agencies.
- F. *Violations*. Noncompliance with this section or violation of any terms of a temporary use permit may result in the reduction of the number of temporary use permits for which a property is eligible in a calendar year, or in a prohibition on additional temporary use permits being granted for that property for a period of one (1) year from the date of the noncompliance or violation.

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16.32.060 ZONING DISTRICT USES.

Table 16.32-1: Zoning District Uses lists permitted, conditional, and temporary uses for the zoning districts of this Ordinance.

- A. A "P" indicates that a use is permitted within that district.

B. A “C” indicates that a use is a conditional use in that district and must obtain a conditional use permit approval.

C. A “T” indicates that a use is a temporary use in that district and must obtain a temporary use permit approval.

D. No letter, or the absence of the use from the table, indicates that use is not permitted within that district.

E. Certain uses are defined to be inclusive of many uses in order to eliminate an overly detailed lists of uses. When a use meets a specific definition, it is regulated as such and it shall not be regulated as a generic use. A use that is not specifically listed in a zoning district, does not fall within a use definition, or is interpreted pursuant to § 16.20.070 (Zoning Interpretations) as not part of a use definition, is prohibited.

TABLE 16.32-1: ZONING DISTRICT USES																
Principal Use	A-1	A-2	E-5	E-3	E-2	E-1	R-1	R-2	R-3	B-1	B-2	B-3	O	I-1	I-2	Use Standards
Temporary Entertainment Event	T	I								T	T	T	T	T	I	16.56.040D.

...

16.56.040 TEMPORARY USE STANDARDS.

A temporary use permit (see § 16.20.100, Temporary Use Permit) is required for temporary uses. Such permits are issued in accordance with the procedures established in § 16.20.100D. and the standards established in § 16.20.100E. The Zoning Enforcement Officer may issue a temporary use permit so long as the proposed use complies with the requirements of this section and is permitted in the zoning district. Events sponsored by public agencies do not require a temporary use permit. Private events conducted on public property or in public facilities do not require a temporary use permit provided the event has been approved by the agency that owns the property or facility.

Fairgrounds recognized under the Agricultural Fair Act (30 ILCS 120/) are exempt from obtaining temporary use permits so long as all temporary use permit standards are met. Additionally, said fairgrounds are exempt from limits on the number or duration of temporary use events.

...

D. Temporary Entertainment Events.

1. A management plan is required as part of the temporary use permit application that demonstrates the following:

- a. The on-site presence of a manager during the event.
- b. General layout of performance areas, visitor facilities, such as seating areas and restrooms, and all ingress and egress points to the site.
- c. Provision for recycling and waste removal.
- d. The days and hours of operation, including set-up and take-down times.
- e. A description of crowd control and security measures with security personnel provided by an Illinois-licensed security contractor agency licensed by the State of Illinois Department of Financial and Professional Regulations to provide such security services, or by the [McHenry County](#) Sheriff’s Department.

2. Temporary entertainment events are limited to three (3) events per calendar year, with a minimum of four (4) days between events, and a maximum duration of three (3) days per event, in any district, except for estate and residential zoning districts, ~~which are limited to one (1) event with a maximum duration of one (1) day.~~ on parcels with a minimum lot area of five (5) acres.

3. Any permanent structures utilized during the event must meet all building code requirements for the proposed occupancy.

4. All outdoor sales areas, outdoor seating areas, outdoor activities, outdoor performance, and outdoor event areas, and parking areas must be located a minimum of fifty (50) feet from any lot line.

5. All speakers for public address system and amplified music must be located a minimum of fifty (50) feet from any lot line and directed towards the interior of the property.

6. The following temporary entertainment event activities are prohibited outside the hours specified:

a. Outdoor motor sports: 9:00 a.m. to 10:00 p.m.

b. Outdoor amplified music or speech: Sunday through Thursday, 7:00 a.m. to 9:00 p.m.; Friday and Saturday, 7:00 a.m. to 11:00 p.m.

7. Camping is permitted as a part of a temporary entertainment event subject to the following additional standards:

a. Camping is limited to a total of six (6) days per calendar year.

b. The location and name of each campsite, as well as a vehicular access route to each, must be shown on the site plan. Campsites must be set back at least one hundred (100) feet from lot lines and no closer than three hundred (300) feet to any residence on an adjoining property.

c. No campsite may be located farther than three hundred (300) feet from the nearest toilet facility.

d. If showers are made available to campers, the number of campers allowed under the temporary use permit will be limited by septic system capacity, as determined by the Health Department.

e. Campfire and bonfire locations must be shown on the site plan but will be allowed only if there is no objection by the fire department having jurisdiction.

8. Rodeos are subject to the following additional standard:

a. An Illinois Licensed Doctor of Veterinary Medicine must be present and available to treat animals throughout the duration of the event.

b. Emergency medical services provided or approved by the regulating Fire District shall be on site for the duration of the event.

c. Lighting shall be provided along the ingress and egress aisles including parking areas and traffic control locations. Ambient lighting levels shall be no less than 5 footcandles.