

## **TITLE XV: LAND USAGE**

Chapter

**150. SUBDIVISION CONTROL**

**151. FLOODPLAIN REGULATIONS**

**152. MOBILE HOME PARKS**

***Editor's Note:***

*Please refer to Title XVII: Village Regulations for local material on similar topics, including zoning.*

## CHAPTER 150: SUBDIVISION CONTROL

### Section

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## **GENERAL PROVISIONS**

### **§ 150.01 TITLE AND PURPOSE.**

(A) This chapter shall be known and cited as the "Subdivision Control Regulations of the Village."

(B) The purpose of this chapter is to establish the requirements and standards regulating the subdivision and platting of land within the corporate limits and plat approval jurisdiction of the village, and for the promotion of the public health, safety, comfort, morals, and welfare of the community.

(C) The intent of these regulations is to provide for the orderly and harmonious development of the village and surrounding areas within the village's planning jurisdiction.

### **§ 150.02 JURISDICTION.**

These subdivision control regulations shall be applicable to all lands within the corporate limits of the village at any given time as well as the unincorporated area within 1-1/2 miles of the corporate limits at any given time.

### **§ 150.03 APPLICABILITY AND COMPLIANCE.**

(A) Whenever the owner of land subdivides or plats any land within the jurisdiction of this chapter, said land shall be surveyed and a plat made thereof by a registered land surveyor containing information required hereinafter. All such plats shall then be submitted to the village pursuant to the provisions of this chapter.

(B) No lot or tract of land shall be divided or redivided or in any manner utilized for the purpose of erecting more than one principal building or unit on such lot or tract of land without subdividing or resubdividing as set forth in this chapter.

(C) No plat of any subdivision of more than one lot and no dedication, vacation, annexation, or plat of survey under the Condominium Act, ILCS Ch. 765, Act 605, § 1 et seq., shall be valid nor entitled to record unless and until the same has been approved by the Board of Trustees in accordance with procedures and standards hereinafter provided, and no such plat, within the unincorporated area within 1-1/2 miles of the corporate limits at any given time, shall be approved without compliance with the procedures and standards required as hereinafter set forth.

### **§ 150.04 IMPROVEMENTS.**

(A) Before approval of any final plat, the subdivider shall agree in a written Statement of Intent and Agreement, or S.I.A., to be submitted to and approved by the Board of Trustees, to install and construct right-of-way, utility, and other public improvements, to pay all required

fees, and to make all required donations in accordance with the requirements of the ordinances of the village. The S. I. j shall state the approximate date when installation of public improvements will commence and reasonable date for completion of said public improvements. If the S.I.A. does not otherwise provide a completion date, the improvements shall be completed within three years of the date of final plat approval and recording. An S.I.A. may be amended to extend the time for commencing and completing public improvements. An S.I.A. shall be binding upon the successors, heirs, and assigns of the subdivider or developer.

(B) Before approval of any final plat or S.I.A. in such platted subdivision, the subdivider shall guarantee the completion of the public improvements to be installed or constructed in accordance with the S.I.A. and the ordinances of the village, together with all other commitments by the subdivider by submitting a corporate surety bond or other financing surety, in a form to be approved by the Village Attorney. For the purposes of this chapter, ***OTHER FINANCING SURETY*** shall be defined as letters of credit, impound letters or similar devices made by a sound and reputable financing institution whereby a sum of money is set aside and restricted as payment for the performance (specific obligations by the subdivider and which are irrevocable except by prior notice to the village).

(C) A subdivider may freely assign, transfer, or convey property within a platted subdivision but such assignment, transfer, or conveyance shall not affect the principal obligation of the subdivider to perform its obligations under this chapter or an executed S.I.A. without a written amendment S.I.A. The conveyance of property within a platted subdivision to grantees of such a subdivider shall render such grantees responsible only for performance of a pro-rata share of such obligations in the event of default by the subdivider and the surety.

#### **§ 150.05 BOND OR OTHER SURETY.**

(A) A corporate surety bond or other financing surety submitted in accordance with § 150.04 to guarantee the completion of public improvements shall be in an amount equal to 110% of the estimated cost of installing and constructing said public improvements and shall provide as follows:

(1) An expiration date not less than one year from the date of issuance, or an express provision that such surety or bond will not expire prior to completion, and acceptance by the Board of Trustees of said public improvements;

(2) That written notice shall be given by certified or registered mail to the Village Clerk as to the expiration date, if any, of the surety bond not less than 60 days before said expiration, and that the surety or bond shall not expire absent such notice;

(3) That failure of the subdivider to complete the public improvements secured by such surety or bond prior to the scheduled completion date shall be considered a default by the subdivider and the issuing institution;

(4) That failure of the subdivider to submit a new surety or bond in accordance with this section upon expiration of such surety or bond shall be considered a default by the subdivider and the issuing institution;

(5) That the surety or bond shall be irrevocable and shall be clearly marked "irrevocable";

(6) That the surety or bond will not be discharged or reduced by the issuing institution except upon written certificate of the Village Clerk that said surety or bond may be discharged or reduced in accordance with this section and the amount of such discharge or reduction;

(7) That the issuing institution will pay all attorney's fees and other costs reasonably incurred in enforcing collection of such financing surety in the event that the issuer wrongfully fails to honor the village's demand for payment under the terms of such surety or bond.

(B) The requirements of division (A) may be modified or waived upon motion, resolution, or ordinance of the Village Board if the Board first determines that the requirements of division (A) would impose an unreasonable hardship upon the subdivider and that the absence of a surety or bond submitted in accordance with said division (A) will not materially affect the guarantee that the requirements of this chapter will be met.

(C) A subdivider may, at its option, submit separate sureties or bonds for each public improvement to be accepted.

(D) A surety or bond submitted in accordance with this section to guarantee the completion of public improvements may be reduced or partially discharged prior to completion and acceptance of such public improvements by the Village Board upon the following showing by the subdivider and the certificate of the Village Engineer:

(1) A sworn statement by the subdivider's engineer of the cost of work performed and labor and materials provided toward the completion of such improvement, an estimation of the amount and cost of work, labor, and material remaining to be performed or provided in order to complete such improvement.

(2) Written waivers of lien for all labor or material provided for such public improvement where public funds are involved.

(E) Any partial reduction or discharge of a surety or bond submitted in accordance with this section to guarantee completion of public improvements shall be subject to the following restrictions:

(1) No partial reduction or discharge approved on account of work performed and labor and materials provided shall exceed the cost of such work, labor, or materials;

(2) No partial reduction or discharge shall be approved to the extent that it would cause the balance of funds remaining to be less than 110% of the estimated cost of work, labor, and material remaining to be performed or provided in order, to complete such improvements;

(3) A partial reduction or discharge of such financing surety may be approved upon certificate of the Village Engineer; however, such certificate shall not be construed as partial complete acceptance of the improvement for which said work was performed or labor and material provided.

(F) When the subdivider has supplied all of the documents or materials required by this chapter to be submitted in support of its request for discharge of a surety or bond or acceptance of the pub] improvement as completed, the Village Board shall approve or disapprove such request within 30 days of the subdivider's application. If the subdivider's application is disapproved, a written statement I the reasons for such disapproval shall be given the subdivider. The subdivider and the Village Board may mutually agree to extend the 30-day period. In addition, the 30 day period shall be extended: necessary in the event that weather prevents the village from verifying the facts contained in the subdivider's application.

(G) A surety or bond submitted in accordance with this section shall be discharged upon acceptance by the Village Board of all improvements for which said surety or bond was submitted and submission of a maintenance bond guaranteeing said improvement against defects in materials or workmanship in the amount of 10% of the estimated cost of said improvement to be effective for period of one year from the date of acceptance.

(H) This section shall be binding upon and applicable to all subdividers, developers, and successors in title of property which is subdivided or platted in accordance with this chapter.

#### **§ 150.06 VARIANCES.**

Where the subdivider or developer can show that a provision or provisions of the standards or improvements required by this chapter would cause unnecessary hardship if strictly adhered to, where because of the small size of the tract of land or topographical or other conditions peculiar to the site or surrounding conditions a departure may be made without destroying the intent and purpose the provisions of this chapter, the Village Board, after consideration thereof and recommendation thereon by the Plan Commission, may waive or modify any requirements of this chapter to the extent the Board deems just and proper.

#### **§ 150.07 CHANGES AND AMENDMENTS OF REGULATIONS.**

(A) The provisions and regulations for subdivision control herein contained in this chapter may be amended from time to time by the Village Board through the enactment of an amending ordinance which shall become effective as of the date of its passage unless otherwise provided by the Board.

(B) The Plan Commission may, but is not required, from time to time to prepare at recommend in writing any proposed change or addition to these provisions and regulations; however, no public hearing before the Plan Commission or any commission or board shall be required prior to the passage of any such amendatory ordinance.

**§ 150.08 BUILDING AND OCCUPANCY PERMITS; ISSUANCE.**

(A) No building permit or occupancy permit shall be issued for any building, structure, or improvement within a subdivision approved in accordance with this chapter unless a valid and enforceable corporate surety bond or other financing surety in accordance with § 150.05 is on file with the village to guarantee completion of improvements in such subdivision which the subdivider is required to install but which are not yet complete and/or accepted.

(B) Notwithstanding the provisions of division (A) above, building and occupancy permits shall be issued to individual lot owners (other than the defaulting subdivider or developer of the subdivision), even though a valid and enforceable corporate surety bond or other financing surety is not on file with the village, if the lot owner deposits cash or a separate corporate surety bond or other financing surety with the village in the amount of 125 % of that lot's pro-rata share of the estimated cost of all improvements remaining to be completed as required by this chapter or an applicable S.I.A., said estimated cost to be determined by the Village Engineer. Such funds shall be held for use by the village for the completion of such remaining improvements. Upon completion of all such improvements by the village, a pro-rata share of any remaining funds deposited under this division or surety proceeds shall be refunded to such lot owner. In the event that all such improvements are completed by the subdivider or developer as required by this chapter or an applicable S.I.A., all such funds shall be refunded to such lot owner.

(C) No building permit shall be issued for the construction of any building, structure, or improvement unless the owner of the land upon which said building, structure, or improvement is to be constructed has complied with the requirements of this chapter as applied to such property.

**§ 150.09 COSTS FOR PLAT REVIEW AND SUBDIVISION INSPECTION.**

In consideration of the expenses incurred by the village, both in professional and consulting fees, and in time expended by village employees reviewing and inspecting subdivision improvements, the developer or subdivider shall pay to the village 1.5 % of the estimated cost, as approved by the Village Engineer, of construction of the public improvements in the proposed subdivision. Such payment shall be due prior to the recording of the final plat by the village.

***PLAT PROCEDURES***

**§ 150.20 PREAPPLICATION CONFERENCE.**

(A) Prior to the filing of an application for the approval of a preliminary plat, the subdivider may consult with the Plan Commission in order to gain its advice. In so doing both

the subdivider and the Plan Commission can reach mutual conclusions regarding the general concept and objectives of the proposed development and possible effects on the neighborhood and the community.

(B) A preapplication conference with the village staff may be conducted at the discretion of the Plan Commission or upon the request of the developer. Any meeting of the Plan Commission shall be a part of a regularly scheduled meeting, be open to the public, and be on the agenda in advance of said meeting. Recommendations during preapplication meetings or concept reviews are advisory only for mutual benefit, do not require formal application or fee and do not bind the village to approve any or all of the preliminary plat.

### **§ 150.21 PRELIMINARY PLAT.**

(A) When any owner of land lying within the corporate limits of the village or within the are of platting jurisdiction of the village desires to subdivide such lands, the owner shall submit to the Village Clerk, along with an application for development approval and the application fee as set forth in Title XVII of this Code of Ordinances, a preliminary plat on tracing cloth, mylar, or equivalent material with 15 prints or copies thereof, folded to approximately nine inch by 12 inch size, at a scale of 100 feet to the inch and shall show on its face the following information:

- (1) Name under which the proposed subdivision is to be recorded;
- (2) Legal description of property platted and total acreage included;
- (3) Date, scale, and north point;
- (4) Names and addresses of the owner, subdivider, engineer, and land surveyor preparing the plat;
- (5) The location, widths, and other dimensions of proposed streets, alleys, easement parks, playgrounds, and other open spaces proposed to be dedicated for public use;
- (6) The blocks and lots into which the project is proposed to be subdivided in sufficient detail to determine the character of the development; and
- (7) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for multi-family housing, shopping centers, church sites, or other nonpublic uses not requiring individual lots, including dimensions and acreage.

(B) The following information shall also be provided as part of the preliminary plat submittal:



(1) The character of the immediately contiguous lands to the proposed subdivision to minimum distance of 200 showing the subdivision thereof, if subdivided, and the location and dimension of public streets, alleys, public utility easements, street pavements, sanitary sewer main stormwater mains, retention and detention areas, water supply mains, and electrical distribution systems, if any, adjoining the proposed subdivision.

(2) A large scale information map showing the location of the preliminary plat area.

(3) The zoning classification under the village or county zoning ordinance, and the zoning of all surrounding land indicating the applicable zoning authority (whether village or county).

(4) The location within the proposed subdivision of any existing public streets, alleys, public utility easements, street pavements, sanitary sewer mains, storm sewer mains, water supply mains, watercourses, bridges, culverts, electrical distribution system, and similar facilities; and the location of existing buildings, if any.

(5) Complete sidewalk plan or pedestrian access and circulation plan.

(6) Location of existing corporate boundary lines at or near the proposed subdivision.

(7) Ground elevations on the tract. For land that slopes less than .5%, show one foot contours; show spot elevations at all breaks in grades, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions. For land that slopes more than .5%, show two foot contours. Refer to USGS datum in compiling data.

(8) Floodplain lines are to be delineated according to the applicable USGS Flood Quadrangle or other documents adopted by the village as part of Floodplain Regulations (Chapter 151).

(9) Preliminary engineering. Sufficient detail will be required to convey the general basis of design for the sewer, water, electric distribution, stormwater runoff control, and flood control facilities.

(10) Traffic and other impact studies, if any.

(11) Such other information or data that the subdivider feels the Plan Commission may require for the full and complete consideration of the proposed plat of subdivision.

(12) A summary of all restrictions, if any, intended to be imposed by the final plat or by deeds of conveyance including the location, use, height, and bulk of buildings and any applicable land use, design limitations, or planning schedules which the developer or subdivider represents to the Plan Commission or Board of Trustees as restrictions upon the developer's intended design, development, and use of the subject property.

(13) Geological and soil analysis examining the adequacy of the site for the development environment.

(C) All documents, plats, supporting data, and the like and revisions thereof shall be dated and properly titled and the date utilized when referencing said provisions.

#### **§ 150.22 PRELIMINARY PLAT PROCEDURES.**

(A) *Developer action.* The preliminary plat shall be prepared in accordance with this chapter and the subdivider shall file 15 copies along with application for development approval to the Village Clerk at least one week in advance of the meeting at which the Plan Commission shall review t preliminary plat.

(B) *Plan Commission action on preliminary plat.* The Clerk shall refer the application to the Plan Commission, which shall, after receiving the preliminary plat, hold such deliberations and request additional information as it deems necessary to show compliance with the ordinances of the village. All required material must be received at least one week prior to the Plan Commission session at which it is to be considered. If the proposed plat of subdivision is not satisfactory as presented, the Plan Commission shall permit the subdivider to make changes and additions required by the Plan Commission to meet the requirements of this chapter before submission of its recommendation to the Board of Trustees.

(C) *Plan Commission recommendation.* The Plan Commission shall make a recommendation of approval or disapproval of the plat. The Plan Commission will forward the recommendation writing to the Village Board including any conditions of approval or the reasons for disapproval and the roll call vote. A recommendation of the Plan Commission to disapprove a preliminary plat shall not prohibit the subdivider from seeking Board approval of the proposed plat.

(D) *Village Board approval of preliminary plat.* After a recommendation on the preliminary plat by the Plan Commission, it shall be returned to the Village Board for their action. After the Board has satisfied themselves that the preliminary plat is in accordance with the requirements set for in this chapter, and that the Plan Commission has inspected all phases of the improvements and mal its recommendation, the Board may accept, modify, or reject the recommendation of the Plan Commission in its action upon the plat. The Board may require such special conditions in the approval of the preliminary plat as it may deem necessary to insure conformity with the requirements of the village ordinances. Upon rejection of a preliminary plat, the plat shall be returned to the subdivider by the Village Board with a written statement setting forth reasons for said disapproval. An approved preliminary plat shall remain on file with the Village Clerk.

(E) *Review duration.* The Plan Commission shall make its recommendation on the proposed preliminary plat within 30 days of referral to the Plan Commission or the filing by the applicant of the last item of supporting data, whichever date is later, unless such time is extended

by mutual consent The Village Board shall accept or reject said plat within 30 days after its next regular stated meeting following the action of the Plan Commission.

**§ 150.23 FINAL PLAT.**

A final plat shall be prepared on permanent material, tracing cloth, mylar, or equivalent so as to be suitable for recording with the County Recorder of Deeds at a scale of one inch equals 100 feet. All revision dates shall be shown as well as the following:

(A) Contents.

(1) The name and signature of the owner of record of the property;

(2) The name, signature and seal of the registered land surveyor who prepared the plat, and the date thereof;

(3) The legal description of the property subdivided;

(4) All measurements, dimensions, data, monuments, angular and linear dimensions, and certificates shall be in accordance with § 150.24 of this chapter, the Plat Act as set forth in ILCS Ch. 765, Act 205, § 0.01 et seq., and any other statutes or county requirements pertaining to recording.

(5) All easements required for installation of utilities (electric, water, wastewater, gas, telephone and the like) along with a statement that dedicates easements as approved by the village.

(6) All scenic, access, drainage, and other easements along with a statement that dedicates the easement as approved by the village.

(7) Topographical and profile studies required by § 2 of the Plat Act, if not previously supplied with the preliminary plat.

(B) Supporting documents with final plat. The following supporting documents and data shall be submitted with said final plat:

(1) A statement of intent and agreement by the subdivider, setting forth the nature, kind, character, and the extent of all the improvements that will be constructed in the subdivision, together with complete plans, detailed final engineering, profiles, and specifications clearly describing the same, with agreement to construct the same in accordance therewith, at his own expense, within the time limit fixed by the Board of Trustees.

(2) Any special studies or additional items required by the village.

(3) Cost estimates and construction plans of all public improvements and financing surety as required hereinafter.

(4) A description and justification for any variation from the preliminary plat and a description of any external factors which have changed since the preliminary plat affecting the layout of the final plat.

(5) Certificates and additional items required by § 150.24.

#### **§ 150.24 CERTIFICATES ATTACHED TO OR SUBMITTED WITH PLAT.**

Subject to any amendments to the Plat Act or county requirements in addition to this section, the certificates to be attached to or provided with the plat and duly executed by the proper officers and persons before the plat is approved by the Village Board and recorded, shall include the following:

(A) A letter from the Village Engineer approving the construction plans. This letter shall not be recorded but shall be retained by the Village Clerk.

(B) Proof of acquisition of an access permit from either the state or the relevant local highway authority as set forth in § 2 of the Plat Act.

(C) Approval of the local health authority with respect to sewage disposal systems if required by § 2 of the Plat Act.

(D) The certificate of a registered state land surveyor attesting to the accuracy of the survey and the location of all monuments shown, as required by § 2 of the Plat Act.

(E) Notarized acknowledgements of the plat by the owner or a duly authorized attorney, as required by § 2 of the Plat Act.

(F) Certification of the owner as to what provisions have been made for perpetual maintenance of drainage areas and common areas. This certificate shall not be recorded but shall be retained t the Village Clerk.

(G) All covenants or restrictions including homeowner association covenants relating to the property.

(H) A signed statement of a registered professional engineer and the owner of the land or h duly authorized attorney respecting drainage, as required by § 2 of the Plat Act.

(I) A certificate in substantially the following form:

The final plat of this subdivision is recommended to the Village Board for  
[ ] approval by the Village of \_\_\_\_\_ Plan Commission subject to the  
certifications set forth in Section 150.24 of the Village Code of  
Ordinances; [ ] approval subject to the following conditions: [insert  
conditions]; [ ] disapproval for the following reasons: [insert reasons].

BY: \_\_\_\_\_

Chairman, Village of \_\_\_ Plan Commission

Dated: \_\_\_\_\_

(J) A certificate in substantially the following form:

Approved by the Board of Trustees of the Village of \_\_\_\_\_ the \_\_\_\_ day of  
\_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Village Clerk

## **§ 150.25 FINAL PLAT PROCEDURES.**

(A) (1) Application for final approval of a plat shall be made to the Village Clerk, along with the application fee and any impact fee set forth in Title XVII, not later than one year after preliminary approval has been granted for all parts of the area preliminarily platted. If after one year from the preliminary plat, no submission of a final plat in conformance with the procedures contained herein has occurred, the preliminary plat may be declared void by the Board of Trustees and returned to the subdivider with an explanation of the action.

(2) The preliminary and final plat may be filed and approved simultaneously if all requirements hereof are met. However, if desired by the subdivider, the final plat may constitute only that portion of the approved preliminary plat which he proposes to record and develop at that time; further, if the development is staged, all staged final plats shall conform substantially to the preliminary plat as approved. Approval for the final plat may be submitted in stages with each stage reflecting a portion of the approved preliminary plat which is proposed to be recorded and developed; however, such portion shall conform to all requirements of these regulations. The final plat shall be essentially in accord with the preliminary plat.

(B) Plan Commission action. The Clerk shall refer the final plat to the Plan Commission. After review of the final plat the Plan Commission shall recommend approval or disapproval and the reasons therefore, to the Board of Trustees. The Chairman of the Plan Commission, after formal approval of the Board of Trustees, shall suitably endorse the plat in the name of the Plan Commission.

(C) Statement of intent and agreement. The Village Attorney and Engineer will review and recommend all supporting documents, including engineering and financial surety documentation. A statement of intent and agreement (S.I.A.) shall be completed by the subdivider which summarizes and includes all agreements between the subdivider and the village.

(D) Approval of final plat. When and if the Board of Trustees is satisfied with the final plat and S.I.A. along with all improvements, conditions, documents, and financial surety hereinafter noted, pertaining to said subdivision, the Board shall by motion or resolution approve the plat and S.I.A. and authorize and direct the President and the Clerk to sign the plat for, and in the name of, the village, and the Clerk shall attach hereto the Corporate Seal.

(E) Recording of final plat. The Village Clerk shall have the final plat and S.I.A. recorded in the office of the County Recorder. Said final plat after recording shall be returned to the office of the Clerk and a copy thereof shall be maintained on file. The original of the final plat shall be returned to the subdivider.

(F) Review duration. When the developer has supplied all drawings, maps, and other documents required by the village ordinances to be furnished in support thereof, and if all such material meets village requirements, the Village Board shall approve the proposed plat within 30

days from the date of filing application for approval of the final plat or within 30 days from the date of filing the last required document, whichever is later. The applicant and the Village Board may mutually agree to extend the 30-day period.

#### **§ 150.26 ADD-ON CONDOMINIUM PLATS.**

(A) Whenever additional property is being added to an add-on condominium in accordance with the provisions of ILCS Ch. 765, Act 605, § 5, as now or hereafter amended, the developer or authorized officer of the condominium shall prepare a condominium plat on permanent material, tracing cloth, mylar, or equivalent so as to be suitable for recording with the County Recorder Deeds at a scale of one inch equals 50 feet. All revision dates shall be shown as well as the following:

(1) Legal description of the property subject to the add-on condominium;

(2) The name, signature, and seal of the registered land surveyor who prepared the plat and the date thereof;

(3) All measurements, details and other matters as are required by the Illinois Revised Statutes to be shown on an add-on condominium plat.

(B) *Developer action.* Application for add-on condominium plat approval shall be submitted to the Clerk, together with 15 copies of such plat and the application fee and any impact fees as set forth in Title XVII of this Code of Ordinances.

(C) *Plan Commission action.* The Clerk shall refer the application to the Plan Commission which shall review the application and plat and render a report to the Board of Trustees. The Plan Commission is authorized to recommend approval of an add-on condominium plat to the Board if it determines that the add-on condominium plat is in substantial conformance to the terms and conditions of the final subdivision or planned unit development plat approved for such property. If the Plan Commission determines that such add-on condominium plat is not in substantial conformance to the terms and conditions of the previously approved final subdivision plat, the Plan Commission shall recommend disapproval of such plat, and the reasons therefore, to the Board.

(D) *Village Board approval.* After a recommendation on the add-on condominium plat by the Plan Commission and after the Board has satisfied itself that the proposed add-on condominium plat is in accordance with the requirements of this chapter and in substantial conformance with the terms and conditions of the previously approved final plat for such property, the Board shall, by motion or resolution, approve such plat and authorize and direct the President and Village Clerk to sign and attest such plat for, and in the name of the village, and the Clerk shall attach the Corporate Seal thereto. If the Board determines that such add-on condominium plat is not in accordance with the requirements of this chapter or is not in conformance with the terms and conditions of the previously approved final plat for such property, the Board may reject such plat or require such special conditions to approval of the plat as may be necessary to ensure conformity with the requirements of this chapter and/or the terms and conditions of the previously approved final plat for such property. Upon disapproval,

written statement setting forth the reasons for such disapproval shall be given the developer.

(E) *Recording of plat.* The Village Clerk shall cause the add-on condominium plat to be recorded in the office of the County Recorder of Deeds. Said add-on condominium plat, after recording, shall be returned to the office of the Village Clerk and a copy thereof shall be maintained on file. The original of the add-on condominium plat shall be returned to the developer.

(F) *Review duration.* When the developer has supplied all of the drawings and documents required by the village ordinances to be furnished in support thereof, and if all such material meets village requirements, the Village Board of Trustees shall approve the proposed add-on condominium plat within 30 days from receipt of the report of the Plan Commission. The Plan Commission shall render its report within 30 days of the filing of the application for approval of the add-on condominium plat or within 30 days from the date of filing the last required document, whichever is later. The applicant and the Board may mutually agree to extend the 30-day period.

## ***REQUIRED IMPROVEMENTS***

### **§ 150.40 STORMWATER RUNOFF CONTROL.**

An adequate system of stormwater runoff control drainage shall be constructed and installed in accordance with sound engineering practices as determined by the Village Engineer. Compliance must be maintained with the floodplain, zoning, and all other ordinances of the village and with the Plat Act (ILCS Ch. 765, Act 205, § 0.01 et seq.). All natural water drainage ways shall be preserved at their natural gradient unless otherwise determined by the Village Engineer. Drainage channels, slopes, and swales will be established on the lots by the developer for the convenience of moving surface water to the street or public storm sewer and are to be maintained continuously by the lot owner. No material shall be moved from or placed on any lot which obstructs, retards or changes the direction of water flow through these channels or swales. Penalty, see § 10.99

### **§ 150.41 PUBLIC UTILITIES.**

(A) *Sanitary sewer.* Sanitary sewer mains shall be constructed to village standards and procedures throughout the entire subdivision in such manner as to serve adequately all lots and tracts with connection to a public sanitary sewage system. Private septic systems are allowed if public sewer service is not readily available and all the requirements of the County Health Officer and the Illinois Environmental Protection Agency or other appropriate governmental agencies are met. All areas within the village limits or areas upon annexation shall be required to connect onto a public system when it becomes readily available unless within a zoning district specifically allowing private septic systems.



(B) *Water supply.* Water mains shall be constructed to village standards and procedures throughout the entire subdivision in such manner as to serve adequately all lots and tracts with connection to such public system, together with shut-off valves and fire hydrants. Private well systems are allowed if public water service cannot be made available and all applicable local, county, and state codes are met. All areas within the corporate limits and all areas upon annexation shall be required to connect onto a public system when available unless within a zoning district specifically allowing private wells.

(C) *Electric and gas service.* Electric and gas service will be provided for all areas within the village.

(D) *Drainage easements.* Designated drainage shall be placed in drainage easements. A minimum five-foot easement will be provided for any drainage facility which collects or channelizes individual lot drainage. A minimum ten-foot easement will be provided for any drainage facility which collects or transports stormwater drainage from over two individual lots. A drainage easement shall be granted for all areas designated as retention or detention in the drainage plans of the subdivision. An easement of a minimum of five feet by five feet offset from any drainage facility and outside a easement required for drainage shall be provided for electrical transformers and telephone junction centers. All required easements shall be shown on the engineering plans required by this chapter. Easements required by this division may also be used for the installation of utility facilities which do not interfere with the use of easements for drainage purposes.

(E) *Telephone boxes and electrical transformers.* Electrical transformers and telephone junction boxes shall not be placed in any portion of a designated drainage or stormwater control facility.

(F) *Storm drainage systems.* An adequate storm drainage system shall be designed accordance with the storm drainage regulations of the village.

(1) There shall be submitted for approval by the Village Engineer, at the time of final plat approval, a lot grading and foundation elevation plan. It shall show at each lot corner the proposed USGS elevation for that point. Arrows drawn along all lot lines shall show the direction of drainage flow. The top of the foundation shall be shown by a USGS elevation. That elevation shall be noted inside the symbol for the structure location on the lot. Where there is more than one foundation level for the structure, the elevation for the lowest foundation level shall be shown.

(2) The foundation elevation shall be such that the lot drainage be designed to run away from the top of the foundation. In the event that conditions dictate that some parts of the lot be high than the structure foundation, the grading plan will show specific drainage configurations for the I specifying that all drainage is directed away from the foundation.

(G) *Engineering and inspection.* Improvements for sanitary sewer, water main, storm sewer road, concrete curb and gutter, electric street lighting lines, electrical distribution system, drainage and appurtenances thereto, shall be submitted to the Village Engineer for approval

before final disposition has been made of the subdivision plat. Any reports required by the applicable soil and water conservation service shall also be submitted.

(H) The village standards and practices referred to in divisions (A) through (G) above shall be established by ordinance and included in Title XVII of this Code. Penalty, see § 10.99

#### **§ 150.42 RIGHT-OF-WAY IMPROVEMENTS.**

(A) *Streets.* Public streets shall be provided to afford convenient access to all property within the subdivision. Private streets are permitted only if they are required by the design or ownership of the subdivision and can be demonstrated to be to the long term benefit of the community. Private streets are permitted only if covenants or agreements acceptable to the village are provided which guarantee maintenance of such streets in perpetuity at no cost to the village. Private streets will not be allowed if a public street is feasible.

(1) The proposed street system shall extend existing adjoining streets. If the extension is not practical, the Plan Commission may recommend otherwise.

(2) Where, in the opinion of the Plan Commission, it is desirable to provide for street access to adjoining property, the Plan Commission may recommend that proposed streets be extended by dedication to the boundary of the property being platted.

(3) The street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as rivers and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivision shall be designed to provide each lot with satisfactory access to a public street.

(B) *Half streets.* In the event any proposed street right-of-way is at the edge of a subdivision and only half the proposed right-of-way falls within the subdivision, the road will be built to allow two moving lanes of traffic (24 feet of pavement) as a minimum. If the road benefits primarily the subdivider, the Plan Commission may recommend full improvement of the road.

(C) *Access streets.* Where deemed necessary, the Plan Commission may recommend access streets be required to service areas fronting on major thoroughfares.

(D) *Alleys.* The Plan Commission may recommend alleys or private service roads be provided at the rear of all lots or tracts intended for business, commercial, industrial, and multi-family residential building uses.

(E) *Curbs and gutters.* Suitable curbs and gutters shall be constructed on both sides of all streets in accordance with standards established by ordinance.

(F) *Sidewalks*. Suitable sidewalks shall be constructed on both sides of all streets in accordance with standards established by ordinance.

(G) *Street lighting*. Street lighting, including underground service cable, shall be provided by the subdivider throughout a subdivision, using material, equipment, and methods approved by the applicable electric utility supplying service to the area.

(H) *Street signs*. Street signs, as required by village ordinances, shall be provided at all street intersections.

(I) *Trees*. If any trees or plants are proposed to be planted on any part of the subdivision devoted to public use, the species of trees and location thereof shall be subject to the approval and direction of the Village Engineer.

(J) *Off-street parking*. All off-street parking requirements shall be in accordance with the provisions of the Village Zoning Ordinance and other provisions of the Village Code.

(K) *Bench marks*. Bench marks certified and approved by the Village Engineer are required prior to the issuance of a building permit in proximity to the site for which said permit is required. Temporary bench marks are allowed until such time as permanent bench marks are installed. Permanent bench marks shall be established as directed by the Village Engineer.

(L) The village standards and practices referred to in divisions (A) through (K) above shall be established by ordinance and included in Title XVII of this Code.

Penalty, see § 10.99

### **§ 150.43 ACCEPTANCE OF STREETS AND IMPROVEMENTS.**

(A) All improvement plans shall be submitted by the Plan Commission to the Village Engineer and the Utility Superintendent for approval before final plat approval. Fees for the review and inspection of any improvement are included in the subdivision review fee provided in § 150.09.

(B) Upon completion of the construction in place of all service connections with utility mail and electrical distribution systems, three copies of an accurate map or maps showing the exact location of all mains and the electrical distribution systems, together with manholes, shutoff valves, and other similar facilities being a part thereof, by distances in feet from street lines, and the side lot lines, approved by the Village Engineer shall be filed with the Village Clerk, who shall retain one copy in the permanent records of the village and give the other copies to appropriate village employees for their official files.

(C) Improvements shall be acceptable by the Board of Trustees after completion of certification by the Village Engineer that all construction is in accordance with previously approved plans and specifications. No permanent connections shall be made to sanitary sewer or water facilities or electrical distribution systems by the subdivider, his agents and employees,

until after the certification has been made by the Engineer and approval by the Village Board, and then only after proper fees and monies have been paid to the village, as set forth in this chapter, and connection fees as set forth elsewhere in this Code of Ordinances. Further, the village shall not be liable for any damages that may occur on any dedicated road within a new subdivision that has not been accepted as complete by motion of the Village Board, and the subdivider, his agents and employees, shall save the village free and harmless from any and all claims that may be submitted.

(D) No improvements shall be accepted by the village until the subdivider shall provide a cash deposit, irrevocable letters of credit (in a form approved by the Village Attorney), or a maintenance bond equal to 10% of the estimated cost of the improvements. This deposit shall be a guarantee of satisfactory performance of the improvements constructed within the subdivision and shall be held by the village for a period of 12 months after acceptance of such facilities by the village. After such 12 months, the deposit shall be refunded if no defects in materials or workmanship have developed, or if any defects have developed, then the balance of such deposit shall be refunded after reimbursement of the village for amounts expended in correcting defective improvements. The deposit under this division shall be made immediately upon completion and approval of the construction of said improvements, and the performance guarantee for the improvements shall thereupon be released.

(E) The subdivider shall be responsible for keeping clear of ice and snow all dedicated streets within the subdivision which have been improved but not yet accepted by the village. If the subdivider fails to clear ice and snow from any such street within six hours of any snowfall, such failure shall be considered a violation of the provisions of this section.

(F) The subdivider may fulfill the obligations imposed by division (E)) above by entering into an agreement with the village whereby the village shall clear such streets of ice and snow in consideration of the subdivider's agreement to hold the village harmless for any damage to subdivision street improvements resulting from ice and snow removal, and to repair any such damages prior to acceptance of such street improvements by the village.

Penalty, see § 10.99

#### **§ 150.44 FINANCING OF CERTAIN IMPROVEMENTS.**

(A) Whenever this chapter requires the installation of water mains, sanitary sewers, drains, other facilities for sewers and drains, the construction of any roadways, or the installation of any traffic signals or other traffic related improvements as a condition of either the acceptance of a preliminary or of a final subdivision or plat, and where, in the opinion of the Board of Trustees the facilities may be used for the benefit of property not in the subdivision, and the improvements or other facilities are to be dedicated to the public, the Board of Trustees may by contract with the subdivider agree to reimburse and may reimburse the subdivider for a portion of the cost of the improvements or other facilities from fees charged to owners of the property not within the subdivision, when and as collected from such owners.

(B) The contract shall describe the property outside the subdivision that may reasonably be expected to benefit from the improvements or other facilities required to be constructed under the contract and shall specify the amount or proportion of the cost of the improvements or other facilities that is to be incurred primarily for the benefit of that property.

(C) The contract shall provide that the village shall collect fees charged to owners of property not within the subdivision prior to the connection to and use of the improvements or other facilities by the respective properties of each owner.

(D) The contract may contain other and further provisions and agreements concerning the construction, installation, completion, and acceptance of the facilities, roadways or other improvement that the Board of Trustees in its sole authority may deem proper and may also provide for the payment to the subdivider of a reasonable amount of interest on the amount expended by him to complete the improvements, the interest to be calculated from and after the date of completion and acceptance the facilities, roadways and other improvements. (ILCS Ch. 65, Act 5, § 9-5-1)

(E) Any contract entered into between the Board of Trustees and a subdivider pursuant division (A) shall be filed with the County Recorder. The recording of the contract in this manner shall serve to notify persons interested in such property of the fact that there will be a charge relation to such property for the connection to and use of the facilities constructed under the contract. (ILCS Ch. 65, Act 5, § 9-5-2)