

CHAPTER 34

SUBDIVISION CODE

ARTICLE I - GENERAL PROVISIONS

34-1-1 **TITLE.** These regulations shall be known as and may be referred to as the Subdivision Code.

34-1-2 **PURPOSE.** In accordance with State law (**Ill. Comp. Stats., Chap. 65, Secs. 5/11-12-5, 5/11-12-8 -- 5/11-12-12; Chap. 765, Sec. 205/1 et seq.**) this Code regulates the subdivision and development of land in order to implement the Comprehensive Plan and Official Map duly adopted by the City. Thus this Code assists in achieving the following specific objectives:

- (A) to preserve, protect, and promote the public health, safety, and welfare;
- (B) to provide a pleasant living environment by furthering the orderly and efficient layout and use of land and by facilitating aesthetic urban design;
- (C) to establish accurate legal records, to avoid development in wetland areas, and to avoid legal and other problems by requiring that subdivided land be properly monumented and recorded;
- (D) to conserve and increase the value of land, improvements, and buildings throughout the City;
- (E) to preserve the natural beauty and topography of the City to the maximum feasible extent, including preservation of such features as stands of trees, streams, significant archaeological sites, and historical landmarks;
- (F) to provide adequate light, air, and privacy for all residents of new developments by preventing undue concentration of population;
- (G) to protect against injury or damage caused by fire, pollution, flooding, storm water runoff, or erosion and sedimentation;
- (H) to provide safe and convenient access to new developments and to avoid traffic congestion and unnecessary public expenditures by requiring the proper location, design, and construction of streets and sidewalks;
- (I) to provide an environment whereby the cost of installing and maintaining adequate water mains, sanitary sewers, storm water sewers, and other utilities and services can be kept at a minimum; and
- (J) to ensure that adequate parks, schools, and similar facilities can be made available to serve the residents.

34-1-3 **JURISDICTION.** The provisions of this Code shall apply to all Planned Developments whether Residential, Commercial, or otherwise in nature, and to any other developments whether a Plat is required or not under the law, statutes, ordinances or regulations of the governmental body or agency having jurisdiction or control, and regardless of whether the same is labeled a subdivision or not, it being the intent of this Code to apply to all types of development, both within the City and to areas lying within **one and one-half (1.5) miles** of the corporate limits of the City.

34-1-4 **INSTANCES WHEN PLATS WILL NOT BE REQUIRED.** The provision of these regulations do not apply and no plat is required in any of the following instances:

- (A) the division or subdivision of land into parcels or tracts of **five (5) acres** or more in size which does not involve any new streets or easements of access or special utility easements;
- (B) the division of lots or blocks of less than **one (1) acre** in any recorded subdivision which does not involve any new streets or easements of access or special utility easements;

(C) the sale or exchange of parcels of land between owners of adjoining and contiguous land;

(D) the conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipelines which does not involve any new streets or easements of access or special utility easements;

(E) the conveyance of land for highway or other public purposes or grants or conveyance relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;

(F) conveyance made to correct description in prior conveyances;

(G) the sale or exchange of parcels or tracts of land following the division into no more than **two (2) parts** of a particular parcel or tract of land recorded on or before **July 17, 1959** and not involving any new streets or easements of access or add special utility easements;

(H) the conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access or special utility easements;

(I) the sale of a single lot of less than **five (5) acres** from a larger tract when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract existing as of **October 1, 1973**.

The City retains the right to review and approve the infrastructure improvements including, but not limited to stormwater and erosion control regulations.

34-1-5 **INTERPRETATION.** Every provision of this Code shall be construed liberally in favor of the City, and every regulation set forth herein shall be considered the minimum requirement for the promotion of the public health, safety, and welfare.

(A) **More Restrictive Requirements Apply.** Whenever the requirements of this Code differ from those of any statute, lawfully adopted ordinance or regulation, easement, covenant, or deed restriction, the more stringent requirement shall prevail. Thus, in accordance with State law whenever this Code imposes higher standards than the County Subdivision Code, said higher standards shall supersede the County regulations in the unincorporated territory located within the City's subdivision jurisdiction. **(See 65 ILCS Sec. 5/11-12-11)**

34-1-6 **DISCLAIMER OF LIABILITY.**

(A) Except as may be provided otherwise by statute or ordinance, no officer, council member, agent, or employee of the City shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code. **(See "Local Governmental and Governmental Employees Tort Immunity Act," Ill. Comp. Stats., Chap. 745, Secs. 10/1-101.)**

(B) Any suit brought against any officer, council member, agent, or employee of the City, as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the City Attorney until the final determination of the legal proceedings.

34-1-7 **REVIEW AND EXPIRATION.** This Code shall be reviewed by the Plan Commission and the Council every **ten (10) years** for necessary amendments. In lieu of no Plan Commission being appointed, the Mayor may appoint a special Planning Committee which shall serve as the Plan Commission provided herein.

ARTICLE II - DEFINITIONS

34-2-1 **INTERPRETATION OF TERMS.** In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A) Unless the context clearly indicates otherwise, words and phrases shall have the meanings respectively ascribed to them in **Section 34-2-2**; terms not defined in **Section 34-2-2** shall have the meanings respectively ascribed to them in the City's Zoning Code; if any term is not defined either in **Section 34-2-2** or in the Zoning Code, said term shall have its standard English dictionary meaning.

(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C) Words used in the present tense shall include the future tense.

(D) Words used in the singular number shall include the plural number, and vice versa.

(E) The word "shall" is mandatory; the word "may" is discretionary.

(F) Captions (i.e., titles of sections, subsections, etc.) are intended merely to facilitate general reference and in no way limit the substantive application of the provisions set forth thereunder.

(G) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

(H) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

(I) All distances shall be measured to the nearest integral foot; **six (6) inches** or more shall be deemed **one (1) foot**.

34-2-2 **SELECTED DEFINITIONS.**

Administrator: The official appointed by the Mayor and the City Council to administer the Subdivision Code.

Alley: A public right-of-way which affords a secondary means of vehicular access to the side or rear of premises that front on a nearby street, and which may be used for utility purposes.

Amendment: A change in the provisions of this code, properly effected in accordance with State law and the procedures set forth herein.

Area, Building: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of unenclosed patios, terraces, and steps.

Area, Gross: The entire area within the lot lines of the property proposed for subdivision/development, including any areas to be dedicated/reserved for street and alley rights-of-way and for public uses.

Area, Net: The entire area within the boundary lines of the territory proposed for subdivision, less the area to be dedicated for street and alley rights-of-way and public use.

Arterial Street: A street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route with intersections at grade, and on which traffic control devices are used to expedite the safe movement of through traffic.

Barrier (Natural or Artificial): Any street, highway, river, pond, canal, railroad, levee, embankment, or screening by a fence or hedge.

Block: An area of land entirely bounded by streets, highways, barriers, or rights-of-ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or

R.O.W.) or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.

Building: Any structure, whether temporary, semi-permanent, or permanent, designed or intended for the support, enclosure, shelter or protection of persons or property.

Building Line: See Setback Line.

Catch Basin: A receptacle, located where a street gutter opens into a storm sewer, designed to retain matter that would not easily pass through the storm sewer.

Centerline:

- (A) the centerline of any right-of-way having a uniform width;
- (B) the original centerline, where a right-of-way has been widened irregularly;
- (C) the new centerline, whenever a road has been relocated.

Centerline Offset: The distance between the centerline of two roughly parallel streets, measured along the third street with which both said "parallel" streets intersect.

Cluster Development: A subdivision planned and constructed so as to group housing units into relatively dense patterns while providing a unified network of open space and wooded areas, and meeting the requirements of the Subdivision Code and the Zoning Code.

Collector Street: A street which carries or is proposed to carry intermediate volumes of traffic from local streets to arterial streets and which may or may not be continuous. Collector streets are those streets which carry or are expected to carry traffic intensities as generated by serving more than **one hundred fifty (150) dwelling units**.

Common Land: That land set aside for open space or recreational use for the owners of the lots of a subdivision, which land is conveyed by the developer in fee simple absolute title by warranty to trustees whose trust indenture shall provide that said common land be used for the sole benefit, use and enjoyment of the lot owners present and future. No lot owner shall have the right to convey his interest in the common land except as an incident of the ownership of a regularly platted lot.

Comprehensive Plan: The plan or any portion thereof adopted by the City Council to guide and coordinate the physical and economic development of the City, if any. The City's Comprehensive Plan may include, but is not limited to, plans and programs regarding the location, character, and extent of highways, bridges, public buildings or uses, utilities, schools, residential, commercial, or industrial land uses, parks, drainage facilities, etc.

Cross-slope: The degree of inclination measured across a right-of-way rather than in the direction traffic moves on said right-of-way.

Cul-de-Sac: A short minor local street having only one outlet for vehicular traffic and having the other end permanently terminated by a turn-around for vehicles; the term may also be used to refer solely to said turn-around.

Curb and Gutter, Integral: The rim forming the edge of a street plus the channel for leading off surface water, constructed of concrete as a single facility.

Dedicate: To transfer the ownership of a right-of-way, parcel of land, or improvement to the City or other appropriate government entity without compensation.

Density, Gross: The total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.

Density, Net: The total number of dwelling units divided by the net acreage. See definition of Area, Net.

Design: The arrangement of uses on the land and the arrangement of easements, lots and rights-of-way, including specifications of materials, alignment, grade and width of these elements.

Develop: To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefor.

Dimensions: Refers to both lot depth and lot width.

District, Zoning: A portion of the territory of the City wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of the City's Zoning Code, if any.

Drainageway: A watercourse, gully, dry stream, creek, or ditch which carries storm water runoff or which is fed by street or building gutters or by storm water sewers, or which serves the purpose of draining water from the lands adjacent to such watercourse, gully, dry stream, creek, or ditch.

Easement: A grant by the property owner to the public, a corporation, or a person of the use of land for limited and specifically named purpose.

Escrow Deposit: A deposit in cash or other approved securities to assure the completion of improvements within a subdivision.

Filing Date: The date that the applicant has filed the last item of required data or information with the City Clerk and has paid the necessary fees for review by the Plan Commission.

Flood Hazard Area: All land subject to periodic inundation from overflow of natural waterways.

Frontage: The lineal extent of the front (street-side) of a lot.

Frontage Road: A minor street fronting on an arterial street or highway (usually a limited access highway), used for access to abutting lots.

Grade: The degree of inclination of the site or right-of-way, expressed as a percentage. Synonym for "slope."

Hillside Area: An area with an average slope of **twenty percent (20%)** or more.

Improvement: Refers to site grading, street work and utilities (including water, sewer, electric, gas, storm water, telephone and cable television) to be installed or agreed to be installed by the subdivider on land to be used for public or private streets, and easements or other purposes as are necessary for the general use of lot owners in the subdivision. Including the furnishing of all materials, equipment, work and services such as engineering, staking and supervision, necessary to construct all the improvements required in Article V of the Code or any other improvements that may be provided by the subdivider. All of such materials, equipment and services shall be provided at the subdivider's cost and expense, although he may enter into a contract with individuals and firms to complete such improvements, and the improvements shall be subject to the final approval of the Plan Commission and the City Council.

Improvement Plans: The engineering plans showing types of materials and construction details for earth moving and for the structures and facilities to be installed both in, or in conjunction with, a subdivision. Plans shall include drainage, streets, alleys and utility locations to be installed in or in conjunction with a subdivision - also, include overall drainage plan and its effect on contiguous land and source of effluent or discharge.

Inlet: A receptacle, located where surface and/or groundwater can run to by gravity to be received by the storm sewer.

Intersection: The point at which two or more public rights-of-way (generally streets) meet.

Land Use Plan: The comprehensive long-range plan for the desirable use of land, the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive subdividing and use of undeveloped land.

Local Street: A street serving limited amounts of residential traffic and:

- (A) is used primarily for access to abutting properties and marginal streets;
- (B) has more than one outlet;
- (C) is not typically a through route; and
- (D) serves less than **one hundred fifty (150) dwelling units**.

Lot: A tract of land intended as a unit for the purpose (whether immediate or future) of development or transfer of ownership. A "lot" may or may not coincide with a "lot of record."

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lines of a lot, exclusive of any land designated for street right-of-way.

Lot, Butt: A lot at the end of a block and located between **two (2) corner lots**.

Lot, Corner: A lot having at least **two (2) adjacent sides** that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

Lot Depth: The mean horizontal distance between the front end and the rear lot lines measured in the general direction of the side lot lines.

Lot, Interior: A lot whose side lines do not abut any street.

Lot Line, Front: The line separating the lot from the street. On a corner lot, the front lot line shall be the frontage having the least dimension.

Lot Line, Rear: The rear lot line is the lot line most nearly parallel to and most remote from the front lot line.

Lot Line, Side: Any lot line other than front or rear lot line. A corner side lot line separating a lot from a street is called a street side lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot of Record: An area of land designated as a lot on a plat of subdivision recorded with the County Recorder of Deeds in accordance with State law.

Lot, Through: A lot having a part of approximately parallel lot lines that abut **two (2)** approximately parallel streets. Both such lot lines shall be deemed front lot lines.

Lot Width: The mean horizontal width of the lot measured at right angle to the general direction of the side lot lines.

Maintenance Bond: A surety bond, posted by the developer and approved by the City, guaranteeing the satisfactory condition of installed improvements for the two-year period following their dedication.

Marginal Street: A street serving minimal amounts of residential traffic at low speeds and:

- (A) is used for access to abutting properties;

- (B) is a permanently dead end street;
- (C) terminates in a cul-de-sac of the required dimensions; and
- (D) serves no more than **twenty-five (25) dwelling units**.

Master Development Plan: A combination of maps, drawings, site plans, charts and supportive narrative material that portrays total development to be achieved in the overall project area; which provides sufficient detailed information to both illustrate and describe the intended character and configuration of development to be accomplished.

Metes and Bounds: A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and description of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by describing lines or portions thereof.

Official Map: A graphic statement of the existing and proposed capital improvements planned by the City which require the acquisition of land--such as streets, drainage systems, parks, etc.

Owner: A person having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

Parking Lane: An auxiliary lane of a street and primarily used for vehicular parking.

Pedestrian Way: A right-of-way dedicated to public use which cuts across a block to facilitate safe pedestrian access to adjacent streets and properties.

Performance Bond: A surety bond posted by the developer and approved by the City, guaranteeing the installation of required improvements within, or in conjunction with, a subdivision.

Plan Commission: The Plan Commission of the City.

Planned Unit Development (PUD): A planned unit development is a comprehensively planned development containing residential, commercial, industrial, or other land uses on an area of land under continuing unified control. A planned unit development may contain a single type of land use or combination of land uses provided that such development is reviewed, evaluated and approved by the City and satisfies the requirements contained herein.

Plans: All of the drawings including plats, cross-sections, profiles, working details and specifications, which the subdivider prepares or has prepared to show the character, extent and details of improvements required in this Code and which plans shall conform to any requirements of the Plan Commission as to scale and details for submittal to the approval officials of the City for consideration, approval or disapproval.

Plat, Final: The final engineering and architectural maps, drawings, and supporting material indicating the subdivider's plan of the subdivision which, if approved, may be filed with the County Recorder of Deeds.

Plat, Preliminary: Preliminary engineering and architectural maps, drawings, and supportive material indicating the proposed layout of a subdivision.

Project Area: That territory intended to be subdivided or developed, and portrayed and defined in the preliminary and final plats.

Reserve: To set aside a parcel of land in anticipation of its acquisition by the City or other appropriate government entity for public purposes.

Reserve Strip: A narrow strip of land between a public street and adjacent lots which is designated on a recorded subdivision plat or property deed as land over which vehicular travel is not permitted.

Re-subdivision: See Subdivision.

Retention Area: An area of land designed to capture water runoff from a developed parcel and release it at a specified rate of flow as determined by engineering studies.

Reverse Curve: A curve in a street heading in approximately the opposite direction from the curve immediately preceding it so as to form an S-shape.

Right-of-Way, Public: A strip of land which the owner/subdivider has dedicated to the City or other appropriate government entity for streets, alleys, and other public improvements; sometimes abbreviated as r.o.w.

Roadbed: The graded portion of a street upon which the base course, surface course, shoulders and median are constructed.

Roadway: The entire improved portion of the street, including shoulders, parking lanes, travel way, curbs and gutter.

Setback Line: A line that is usually parallel to the front, side or rear lot line establishing the minimum space to be provided as the front, side or rear yard.

Sewerage System, Private: A sewer system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.

Sidewalk: A pedestrian way constructed in compliance with the standards of this Code, generally abutting or near the curb line of the street.

Slope: The degree of inclination of site or right-of-way expressed as a percentage. Synonym for "grade."

Soil and Water Conservation District: The Clinton County Soil and Water Conservation District also known as the U.S. Natural Resource and Conservation Service.

Stop Order: An order used by the Administrator to halt work-in-progress that is in violation of this Code.

Street: A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or a way for pedestrian or bicycle use only.

Street, Area Service Highway: Area service highways interconnect collectors and land access streets with the principal system and vice versa, brings all developed areas within a reasonable distance of principal streets, connects and provides direct access to major traffic generators, provides secondary service to smaller communities, may provide access to abutting property, and have a medium volume design capacity and travel speeds.

Street, Cul-de-Sac: A short, land-access street, having only **one (1) end** open for vehicular traffic, and the other permanently terminated by a turn-around for vehicles.

Street, Dead-End: Land access streets similar to cul-de-sacs, except that they provide no turn-around circle at their closed end, and are permitted in any proposed subdivision with the permission of the City. **(See Section 34-5-12(B))**

Street, Land Access: Land access streets provide access to abutting properties, have a relatively short travel distance, and have a low volume design capacity and travel speeds.

Street, Looped: Land access streets having **two (2) open ends**, each end generally connecting with the same street, no other streets intersecting between its ends, and property fronts on both sides of the street.

Street, Marginal Access or Service Road: A land access street parallel and adjacent to area service highways providing access to abutting properties.

Structure: Anything constructed or erected which requires permanent or temporary location on or in the ground, or is attached to something having a fixed location on or in the ground. All buildings are structures but not all structures are buildings (e.g., a fence).

Stub or Butt Street: A street that is temporarily terminated, but that is planned for future continuation.

Subdivider: Any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision as defined in this Article.

Subdivision: (1) The division of land into two or more lots or parcels for the purpose of either immediate or future sale, rental or building development or use(s) other than agricultural use or production. (2) Establishment or dedication of a public street or alley through a tract of land regardless of size. The term "subdivision" shall also include all re-subdivisions of land or lots.

Subdivision, Minor: A division of land into **two (2)**, but not more than **four (4) lots**, all of which front upon an existing street, **not involving new streets** or other rights-of-way, easements, improvements, or other provisions for public areas and facilities.

Topography: The relief features or surface configuration of an area of land.

Travelway: That portion of a street used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Vacate: To terminate the legal existence of right-of-way or subdivision, and to so note on the final plat recorded with the County Recorder of Deeds.

Variance, Subdivision: A relaxation in the strict application of the design and improvement standards set forth in this Code.

Yard, Front: A yard extending across the full width of the lot, between the nearest front main building and the front lot lines. The depth of the required front yard shall be measured horizontally from the nearest part of the main building toward the nearest point of the front lot lines.

Yard, Rear: A yard extending across the full width of the lot between the nearest rear main building and the rear lot lines. The depth of the required rear yard shall be measured horizontally from the nearest part of the main building toward the nearest point of the rear lot lines.

Yard, Side: A yard between a main building and the side lot line, extending from the front yard or front lot lines, where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

Zoning Code: The Zoning Code of the City.

ARTICLE III - PLATS AND PLANS

DIVISION I - PRELIMINARY PLATS

34-3-1 GENERAL PROCEDURE. Before preparing a proposed plat for an area, the owner, developer, or their representatives should have a pre-application meeting with the Plan Commission and/or the City Planner to determine applicable ordinance regulations and standards which must be complied with. After the pre-application meeting(s), the subdivider should then prepare the preliminary plat. As defined in the Subdivision Code, the preliminary plat must contain a substantial amount of data, and will thus be incomplete and cannot be considered as filed until all required data are submitted. The preliminary plat is received with filing fees by the City Clerk's office, who, in turn, will forward the same to the Plan Commission for their review. Following its review (as well as comments from other appropriate agencies when required), the Plan Commission forwards its recommendation(s) to the City Council, who then either approve, disapprove, or approve with modifications the preliminary plat.

34-3-2 FILING PROCEDURE. Except as specifically provided otherwise below, every person who proposes to subdivide any land located within the subdivision jurisdiction of this municipality shall file **six (6) copies** of the preliminary plat of said subdivision with the City Clerk.

He shall also file **one (1) copy** of the preliminary plat and supporting data with the appropriate Soil and Water Conservation District. Said district shall have not more than **thirty (30) days** to submit any comments it might wish to make to the Council. **(See 70 ILCS Sec. 405/22.02A)**

Whenever a large tract is to be developed in stages and only a portion of that tract is to be submitted for final plat approval, nonetheless, a Master Development Plan of the entire tract shall be submitted.

All preliminary plats shall be reviewed and acted upon in accordance with **Illinois Compiled Statutes, Chapter 65, Section 5/11-12-8** and the provisions of the subsections below.

EXCEPTION: The provision of this section shall not apply to:

- (A) minor subdivisions as defined at **Section 34-2-2**; or
- (B) land that is specifically exempted from the Illinois Plats Act as now or hereafter amended. **(See 765 ILCS Sec. 205/1(B)).**

34-3-3 INFORMATION REQUIRED. Every preliminary plat shall be prepared by an Illinois Professional Land Surveyor at any scale from **one inch equals twenty feet (1" = 20')** through **one inch equals one hundred feet (1" = 100')** provided the resultant drawing does not exceed **thirty-six (36) inches square**. Applicant shall provide 11" x 17" reduced size copies for City Council review. Each preliminary plat shall indicate on its face the following information:

- (A) small key map showing the relation of the proposed subdivision to section or U.S. Survey lines and to platted subdivisions and dedicated roads within **three hundred (300) feet** of the proposed subdivision;
- (B) names and addresses of the owner, subdivider (if not the owner), and registered professional engineer;
- (C) proposed name of the subdivision;
- (D) zoning district classification of the tract to be subdivided, and of the adjacent land;
- (E) north arrow, graphic scale, and date of map;
- (F) the gross and net acreage area of the proposed subdivision, the acreage of streets, and of any areas reserved for the common use of the property owners within the subdivision and/or for public use;
- (G) all lot lines adjacent to and abutting the subdivision;
- (H) tract boundary lines showing dimensions, bearings, angles, and references to known land lines;

- (I) topography of the tract to be subdivided as indicated by **two- (2) foot** contour data for land having slopes of **zero-four percent (0-4%)**, **five- (5) foot** contour data for land having slopes between **four-twelve percent (4-12%)**, and **ten- (10) foot** contour data for land having slopes of **twelve percent (12%)** or more;
- (J) any proposed alteration, adjustment or change in the elevation or topography of any area;
- (K) locations of such features as bodies of water, ponding areas, natural drainageways, railroads, cemeteries, bridges, parks, schools, etc.;
- (L) streets and rights-of-way on and adjoining the site of the proposed subdivision; showing the names and including street right-of-way and paving widths; approximate gradients; types and widths of pavement, curbs, sidewalks, crosswalks, planting strips and other pertinent data, including classification of all existing or proposed streets as to function as collector, major, minor or county road;
- (M) a copy of the results of any tests made to ascertain subsurface rock and soil conditions and the water table;
- (N) locations, widths, and purposes of all existing and proposed easements;
- (O) a copy of the description of all proposed deed restrictions and covenants;
- (P) location and size of existing and proposed sanitary and storm sewers;
- (Q) locations, types, and approximate sizes of all other existing and proposed utilities;
- (R) building setback or front yard lines and dimensions;
- (S) locations, dimensions, and areas of all parcels to be reserved or dedicated for schools, parks/playgrounds, and other public purposes; and
- (T) locations, dimensions, and areas of all proposed or existing lots within the subdivision;
- (U) information as defined in Section 34-3-4(A);
- (V) delineated boundaries of any wetland;
- (W) delineated boundaries of any Federal Emergency Management Agency identified floodplain, floodway or flood prone areas.

[See Schedule "A" at conclusion of Chapter.]

34-3-4 PLAN COMMISSION ACTION. The Plan Commission shall either approve or disapprove the application for preliminary plat approval within **ninety (90) days** from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the Plan Commission and the subdivider mutually agree to extend this time limit. If the Plan Commission disapproves the preliminary plat, they shall furnish to the applicant within the **sixty (60) day period** a written statement specifying the aspects in which the proposed plat fails to conform to this Code and/or the Official Map. If the Plan Commission approves the preliminary plat, they shall inform the City Council that action can be taken at the next regularly scheduled City Council meeting.

(A) **Notice of Meeting.** The Plan Commission shall give notice of its consideration of any preliminary plat and allow the opportunity to be heard to the following person(s) or groups during its preliminary review time span:

- (1) Any person requesting notification of the meeting.
- (2) Any property owner whose property is contiguous to the property, including property across the streets, railroads, creeks, and similar barriers; said information shall be provided by the applicant to the City Clerk's office when filing the plat.
- (3) Any governmental or taxing body which requests notification of the meeting. **(See 65 ILCS 5/11-12-8)**

34-3-5 REVIEW BY CITY COUNCIL; TIME CONSTRAINTS. The City Council shall review the preliminary plat, along with the Plan Commission recommendations and approve, disapprove or approve subject to certain conditions and/or modifications said preliminary plat within **thirty (30) days** after its next regularly scheduled meeting following receipt of the written Plan Commission recommendations, unless variances from Zoning Code requirements are needed, in which case, the City

Council's **thirty (30) days** commence the day after the Board of Appeals hearing is held, as required by the Zoning Code, if any.

If the City Council rejects the preliminary plat, their resolution shall specify the aspects in which the plat fails to comply with this Code and/or the Official Map. The City Clerk shall attach a certified copy of the Council's resolution of approval or disapproval to the preliminary plat. One copy of the resolution and plat shall be retained by the Clerk, one copy shall be filed with the Administrator, and one copy shall be sent to the subdivider by return receipt mail.

34-3-6 **RIGHTS AND PRIVILEGES OF SUBDIVIDER.** Preliminary plat approval shall confer the following rights and privileges upon the subdivider:

(A) That the preliminary plat will remain in effect for a **one (1) year** period from the day the City Council approves the same. The applicant may, during this period, submit all or part or parts of said preliminary plat for final approval. In the event that the subdivision is being developed in stages, the applicant may, by written mutual agreement with the City Council, have final approval of the last part of the plat delayed for a period not to exceed **five (5) years** from the date of the preliminary plat approval. Any part of a subdivision which is being developed in stages shall contain a tract of land at least **one (1) block** in area or **five (5) gross acres**.

(B) That the general terms and conditions under which the preliminary plat approval was granted will not be changed for final approval.

(C) The applicant may also proceed with any detailed improvement plans required for all facilities or utilities intended to be provided. Actual construction of such facilities and improvements may commence prior to final plat approval if the detailed improvement plans have been recommended by the City Engineer and approved by the City Council, provided that such facilities and improvements will be inspected throughout their construction, and final plat approval will be contingent in part upon acceptable compliance to City improvement and facilities standards. If the applicant does not submit the improvement plans prior to the submission of the final plat, then he shall submit the improvement plans to the City Clerk's office at the time that the final plat is submitted.

34-3-7 **RESERVED.**

DIVISION II - IMPROVEMENT PLANS

34-3-8 **SUBMISSION OF PLANS.** After the City Council has approved the preliminary plat, but prior to submission of the final plat, the developer shall furnish **four (4) copies** of the plans and specifications for all improvements to be installed within or in conjunction with the proposed development to the City Clerk, pay all associated filing fees before review by the City Engineer. These plans and specifications shall be signed and sealed by the registered professional engineer responsible for their preparation. Until the City Engineer certifies in writing that the proposed improvements conform to generally accepted engineering practices and to the standards in this Code:

(A) the Administrator shall not issue any building permit to allow construction of said improvements; and

(B) the City Council shall not act upon the application for final plat approval. **(See Section 34-3-22)**

34-3-9 **INFORMATION REQUIRED.** Improvement plans shall consist of black or blue line prints not larger than **twenty-four (24) by thirty-six (36) inches** and at a minimum horizontal scale of **one hundred (100) feet to one (1) inch** or minimum vertical scale of **five (5) feet to one (1) inch**. These plans and the related specifications shall provide all of the following information:

- (A) topography of the tract, both before and after development at the same scale as the approved preliminary plat;
- (B) existing and proposed elevations along the centerline of all streets;
- (C) radii of all curves and lengths of tangents on all streets;
- (D) locations and typical cross-section of street pavements including curbs/gutters, catch basins, and inlets;
- (E) locations and typical cross-section of sidewalks and driveway aprons;
- (F) locations, sizes, and invert elevations of all existing and proposed sanitary sewers, storm sewers, and fire hydrants, showing connections to any existing or proposed utility systems;
- (G) locations and sizes of all water, gas, electric, and other utilities;
- (H) locations of street lighting standards and street signs;
- (I) one or more bench marks, when requested by Engineer, in or near the subdivision, to which the subdivision is referenced; the identity and elevation shall be based on sea level datum;
- (J) all proposed measures to control erosion and sedimentation;
- (K) high water elevations of all lakes/streams adjoining or within the tract;
- (L) such other information as the City Engineer may reasonably require to perform his duties under this section; and
- (M) existing and proposed survey monuments on street plans or on the proposed final plat as required by this Code.
- (N) stormwater detention facilities shown on plans and supporting engineering calculations for storm sewers and detention facilities.

[See Schedule "B" at conclusion of Chapter.]

34-3-10 **INSPECTIONS REQUIRED.** The subdivider/developer shall notify the Administrator and the City Engineer of both the start and completion of construction.

- (A) The City Engineer shall inspect said improvements while they are under construction. If he or his designated deputy determines that they are being built in violation of this Code, he shall request that the Administrator promptly issue a stop order.
- (B) The City Engineer shall inspect improvements upon their completion. This municipality shall not accept any completed improvement until the Engineer has stated in writing that it complies with this Code.

34-3-11 **FILING "AS-BUILT" RECORDS.**

- (A) The subdivider/developer shall file with the Administrator a set of reproducible cloth- or polyester-base film positive showing the as-built details and any deviations from the approved plans upon the completion of improvements, or when **fifty percent (50%)** of the building permits have been issued in a given plat.
- (B) The subdivider/developer shall pay the costs to add water, sewer, street, and stormwater improvements to the overall City map(s);
- (C) If the Administrator finds the as-built to be unacceptable, building permits shall be discontinued until such time as the information is acceptable.

34-3-12 **RESERVED.**

DIVISION III - ASSURANCE FOR COMPLETION OF REQUIRED IMPROVEMENTS

34-3-13 **APPROVAL OF FINAL PLAT - IMPROVEMENTS.** The City Council shall not approve any final plat of subdivision (and, hence, said final plat shall not be entitled to recording) until:

(A) all improvements required in the improvement plan have been completed by the subdivider/developer at his expense, inspected by the Zoning Administrator and Engineer, and dedicated to this municipality or other appropriate entity; or

(B) in accordance with the sections below, the subdivider/ developer has provided this municipality with legal assurance to guarantee the satisfactory completion and dedication of all required improvements.

34-3-14 **FORMS OF ASSURANCE.** At the option of the City Council, the required legal assurance may be either a performance bond or a bank letter of credit. Every performance bond shall be reviewed by the City Attorney, and posted with the City Clerk.

34-3-15 **AMOUNT OF BOND OR DEPOSIT.** The amount of the performance bond or escrow deposit shall be equal to the City Engineer's opinion of probable costs of constructing the uncompleted portion of the required improvements plus all required inspection fees. Developer's engineer shall prepare cost estimates for review and approval by the City Engineer. Any escrow deposit may be in the form of:

(A) an irrevocable letter of credit or commitment from a lending institution guaranteeing to this municipality the availability of the escrow funds from time to time upon demand; or

(B) certificates of deposit, treasury bills, or other readily negotiable instruments approved by the City Clerk, and made payable to this Municipality.

[See Schedules "D" and "E" at the conclusion of the Chapter.]

34-3-16 **ELIGIBLE SURETIES.** No person shall be eligible to act as surety unless he has been approved by the City Council. The Treasurer shall conduct or cause to be conducted spot audits of all sureties. Any surety who fails to perform shall be ineligible for **two (2) years** thereafter to act as surety for any subdivision improvement within this City's jurisdiction.

34-3-17 **TERM OF ASSURANCE, EXTENSION.** The initial term of any performance bond or bank letter of credit shall not exceed **two (2) years**. If all the required improvements have not been completed by the end of the two-year period, the Mayor or Administrator, with the advice and consent of the City Council, may either extend said bond/bank letter of credit for **one (1) year** only, or may proceed as per **Section 34-3-19**.

34-3-18 **RELEASE OF BOND/ESCROW DEPOSIT.**

(A) The City Treasurer may release up to **ninety percent (90%)** of the amount of the performance bond/escrow deposit upon receipt of written authorization from the City Engineer. The amount which the City Engineer authorizes to be released shall be equal to the value of improvements actually completed in accordance with approved plans.

(B) The balance of the amount of the performance bond/escrow deposit shall not be released by the City Council until:

- (1) the City Engineer has certified to the Council in writing that all required improvements have been satisfactorily completed; and
- (2) said improvements have been accepted by and dedicated to this City or other appropriate entity.

34-3-19 **FAILURE TO COMPLETE IMPROVEMENTS.** If all the required improvements have not been completed by the end of the two-year period (or three-year period, in the case of an extension), the Administrator, with the assistance of the City Attorney, may:

(A) require the surety to perform on the bond, and to pay to this municipality an equal amount to the cost of completing the required improvements or the amount of the bond not theretofore released, whichever is less; or

(B) order the City Clerk to retain all escrow funds needed to complete the required improvements, and to return the balance (if any) of such funds to the subdivider/developer; or

(C) require the subdivider/developer to submit a new performance bond or bank letter of credit in an amount sufficient to cover any increase in the cost of constructing the required improvements.

An extension may be granted only for a **one (1) year** period by the City Council.

34-3-20 - 34-3-21 RESERVED.

DIVISION IV - FINAL PLATS

34-3-22 CITY COUNCIL APPROVAL. The City Council shall not approve any final plat unless they determine that it is in compliance with all pertinent requirements of this Code including those set forth in the sections below.

34-3-23 FILING, TIME LIMITS. The subdivider of every subdivision -- whether major or minor but excluding land specifically exempted from the Illinois Plats Act as now or hereafter amended (**III. Comp. Stats., Chap. 765, Sec. 205/1(b)**) -- who desires final plat approval shall file **six (6) copies** of the final plat and supporting data with the City Clerk and pay all associated filing fees not later than **one (1) year** after preliminary plat approval has been granted. However, with the consent of the City Council, the subdivider may delay application for final approval of part(s) of the tract shown on the preliminary plat for successive one-year periods. No subdivision plat or re-plat shall be filed for record or recorded in the office of the County Recorder of Deeds, unless and until the approval of the City is endorsed thereon. No lot shall be sold for such subdivision plat or re-plat until it has been approved by the City Council and filed for record in the office of the County Recorder of Deeds as required by the State Statutes.

For official filings, the subdivider shall file the approved final plat with the County Recorder of Deeds within **sixty (60) days** after the City Council has approved the same and the Mayor has affixed his signature thereto. **One (1) copy** of the final plat shall be given to the City Clerk's office by the subdivider bearing the official stamp of the County Recorder attesting its recording within **twenty (20) days** of such action.

34-3-24 INFORMATION REQUIRED. Every final plat shall be prepared by a registered Illinois land surveyor on polyester-base film with waterproof black ink at a scale not greater than **one hundred (100) feet equals one (1) inch**, provided that the resultant drawing shall not exceed **twenty-four (24) by thirty-six (36) inches**. The final plat and supporting data shall portray/provide all of the following information:

(A) north arrow, graphic scale, and date;

(B) name of subdivider, subdivision, identification of the portion of the Public Lands Survey in which the subdivision is located;

(C) accurate metes and bounds or other adequate legal description of the tract, and the included area of the subdivision to the nearest **one-hundredth (1/100) of an acre**;

(D) accurate boundary lines, with dimensions and bearings or angles which provide a survey of the tract, closing with an error of closure of not more than **one (1) foot in ten thousand (10,000) feet**;

(E) all dimensions shall be shown in feet and decimals of a foot;

(F) reference to recorded plats of adjoining platted land within **three hundred (300) feet**, by record name, plat book, and page number;

- (G) accurate locations of all existing streets intersecting the boundaries of the subdivision;
- (H) right-of-way lines of all streets, other rights-of-way, easements, and lot lines with accurate dimensions, angles, or bearings and curve data, including radii, arcs or chords, points of tangency, and central angles;
- (I) name and right-of-way width of every proposed street;
- (J) purpose of any existing or proposed easement(s);
- (K) number of each lot, lot dimensions, and (in a separate list) lot areas;
- (L) purpose(s) for which sites, other than private lots, are reserved;
- (M) building or setback lines with accurate dimensions;
- (N) restrictions of all types which will run with the land, and become covenants in the deeds of lots;
- (O) certification of dedication of all public areas;
- (P) accurate distances and directions to the nearest established official monument; reference corners shall be accurately described on the final plat;
- (Q) reference to known and permanent monuments and bench marks from which future surveys may be made together with elevations of any bench marks; and the Surveyor must, at the time of making his survey, establish permanent monuments (set in such a manner that they will not be moved by frost) which mark the external boundaries of the tract to be divided or subdivided and must designate upon the plat the locations where they may be found;
- (R) location, type, material and size of all monuments and lot markers.

In addition, the subdivider shall furnish the City Council with a sample sales contract which reflects both restrictive covenants and local development ordinances which the property will be subject to.

[See Schedule "C" at conclusion of Chapter.]

34-3-25 CERTIFICATES REQUIRED. As required by State law (**Ill. Comp. Stats., Chap. 765, Sec. 205/2; Chap. 65, Sec. 5/11-12-8**), the following certificates shall be executed on the final plat:

(A)

OWNER'S CERTIFICATE

We, _____, the Owners of _____ (description) _____, have caused the said tract to be surveyed and subdivided in the manner shown, and said subdivision is to be hereinafter known as _____. All rights-of-way and easements shown hereon are hereby dedicated to the use of the public forever including the release and waiver of the right of homestead under the Homestead Exemption laws of the State of Illinois.

Dated this ___ day of _____, 20__.

_____ (Seal)

_____ (Seal)

(B)

NOTARY PUBLIC'S CERTIFICATE

State of Illinois)
) SS
County of Jasper)

I, _____, a Notary Public in and for the County aforesaid, do hereby certify that _____ (owners) _____ are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, and that they appeared before me this day in person and acknowledged that they signed and

sealed the same as their free and voluntary act for the uses and purposes therein set forth, including the release of waiver of the right of homestead.

Given under my hand and Notarial Seal this _____ day of _____, 20__.

Notary Public

(C)

SURVEYOR'S CERTIFICATE

I, _____, an Illinois Professional Land Surveyor, do hereby certify that this plat is a correct representation of a survey made under my direct supervision at the request of for the purpose of subdividing the tract into lots as shown.

Land Surveyor

Illinois Registration Number

Date

(D)

COUNTY ENGINEER'S CERTIFICATE

This plat has been approved by the Jasper County Highway Department with respect to roadway access pursuant to the requirements of Jasper County governing access rights.

County Engineer

Date

(E)

COUNTY CLERK'S CERTIFICATE

I, _____, County Clerk of Jasper County, Illinois, do hereby certify that I find no unpaid or forfeited taxes against any of the real estate included within this plat.

County Clerk

Date

(F)

CERTIFICATE OF CITY COUNCIL

I, _____, Mayor of the City, do hereby certify that the plat shown herein was duly presented to the City Council and approved at a meeting of same held on ____ (date) ____.

Mayor, City of Newton

City Clerk, City of Newton

(G)

9-1-1 CERTIFICATE

State of Illinois)
County of Jasper)

This plat has been reviewed for 9-1-1 implementation.

Jasper County 9-1-1 Coordinator Date

(H)

SPECIAL FLOOD HAZARD AREA CERTIFICATE

We, the undersigned, do hereby certify that part of the land being subdivided by this plat is located within a Special Flood Hazard Area as identified by the Federal Emergency Management Agency as shown on the "Flood Insurance Rate Map" and the "Flood Boundary and Floodway Map" for the County of Jasper, Illinois on the Community Panel dated **September 24, 1984**.

By: _____
Owner(s)

By: _____
Illinois Land Surveyor

Date

(I)

FLOOD HAZARD CERTIFICATE

State of Illinois)
County of Jasper) ss)

We, the undersigned, do hereby certify that no part of the land being subdivided by this plat is located within a Special Flood Hazard Area as identified by the Federal Emergency Management Agency (FEMA) on the "Flood Insurance Rate Map" for the County of Jasper, Illinois on Community Panel dated **September 24, 1984**. There is no guarantee implied, however, that the property within this subdivision is not subject to flooding.

By: _____
Owner(s)

By: _____
Illinois Land Surveyor

Date

(J)

DRAINAGE CERTIFICATE

We, the undersigned, do hereby certify that to the best of our knowledge and belief the drainage of surface water will not be changed by the construction of such subdivision or any part thereof, or that if surface water drainage will be changed, adequate provision has been made for collection and diversion of such surface

waters into public areas, or drains which the subdivider has a right to use, and that such surface waters will not be deposited on the property of adjoining land owner's in such concentrations as may cause damage to the adjoining property because of the construction of the subdivision.

By: _____
Owner(s)
By: _____
Illinois Registered Engineer

Registration Number

Date

34-3-26 **ADMINISTRATIVE REVIEW, ADVISORY REPORT.** Within **thirty (30) days** from the date of application for Final Plat approval, the City Engineer and the Administrator shall review said Final Plat (and supporting data), and shall each advise the City Council in writing whether it substantially conforms to the approved preliminary plat and improvement plans. A copy of their Advisory Report shall be forwarded to the Plan Commission. The Plan Commission may prepare an addendum to said report (should they so desire), and forward same to the City Council.

34-3-27 **ACTION BY CITY COUNCIL.** The City Council shall either approve or disapprove the application for Final Plat approval by resolution within **sixty (60) days** from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the Council and the subdivider mutually agree to extend this time limit. The City Council shall not approve any Final Plat unless:

- (A) the final plat substantially conforms to the approved preliminary plat; and
- (B) the final plat manifests substantial compliance with the design and improvements standards of this Code, the Zoning Code, if any, and the Official Map; and
- (C) to the Council's knowledge and belief, the final plat complies with all pertinent requirements of State law; and
- (D) either of the following has been met:
 - (1) all required improvements have been completed, inspected, accepted, and dedicated; or
 - (2) the subdivider/developer has posted a performance bond to guarantee the satisfactory completion and dedication of all required improvements.

If the City Council disapproves the Final Plat, their resolution shall specify the aspects in which the Plat fails to meet the above conditions for approval.

The City Clerk shall attach a certified copy of the Council's resolution of approval or disapproval to the Final Plat. One copy of the resolution and plat shall be retained by the Clerk, one copy shall be filed with the Administrator, and one copy shall be given to the subdivider. **(See 65 ILCS 5/11-2-8)**

34-3-28 **CHANGES IN APPROVED FINAL PLATS.** Once a Final Plat is approved by the City Council, it shall not thereafter be modified; provided, however, that minor changes may be made upon written application to the Administrator. Major changes require the filing of a new Final Plat and complete re-review. **(See Section 34-4-4.6)**

34-3-29 - 34-3-34 **RESERVED.**

DIVISION V - MAINTENANCE OF IMPROVEMENTS

34-3-35 **SUBDIVIDER'S RESPONSIBILITIES.** The subdivider/developer shall maintain all the improvements in the subdivision until they have been accepted by and dedicated to the City or other appropriate entity.

34-3-36 **MAINTENANCE BOND.** Prior to dedication, the subdivider/ developer shall post a maintenance bond with the City Clerk in the form approved by the City Attorney. Said bond shall be in the amount to be determined by the City Engineer to be sufficient to guarantee the satisfactory completion of the required improvements for a period of **two (2) years** from the date of their acceptance and dedication. In addition to the improvements, the maintenance bond shall cover any problems developing in the area of the subdivision which can be proven to have created as a result of the construction of the subdivision. If at any time during the **two (2) year** period the improvements are found to be defective or problems above develop, they shall be repaired, replaced, or corrected at the subdivider/developer's expense. If the subdivider/developer fails or refuses to pay such costs within **ninety (90) days** after demand is made upon him by the City Engineer, the City shall use the maintenance bond to make the necessary repairs, replacements, or corrections. If the cost of repairs, replacements, or corrections exceeds the bond amount, the subdivider/developer shall be liable for the excess. At the end of the **two (2) year** period, the maintenance bond shall be released. **[See Schedule "F" at the conclusion of the Chapter.]**

DIVISION VI - VACATION OF PLATS

34-3-37 **VACATION OF PLATS.** In accordance with State law (**Ill. Comp. Stats., Chap. 765, Secs. 205/6, 205/7, and 205/8**), any plat or part thereof may be vacated by the owner of the tract, at any time before the sale of any lot therein, by a written vacation instrument to which a copy of the plat is attached. If there are public service facilities in any street, other public way, or easement shown on said plat, the instrument shall reserve to the City or other public entity or public utility owning such facilities the property, rights-of-way, and easements necessary for continuing public service by means of those facilities and for maintaining or reconstructing the same. The vacation instrument shall be approved by the Council in the same manner as plats of subdivision and shall also be approved by the County Engineer, the Highway Commissioner of the appropriate township, the District Engineer of the State Department of Transportation, and the public utilities. In the case of the platted tracts wherein any lots have been sold, the written vacation instrument shall also be signed by all the owners of lots in said tracts.

ARTICLE IV - ADMINISTRATIVE PROCEDURES

34-4-1 **ENFORCEMENT OFFICER, DUTIES.** The Mayor or his representative is hereby authorized and directed to administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties.

- (A) to review and forward preliminary plats to the Plan Commission (See Art. III; Div. I);
- (B) to transmit improvements plans to the City Engineer for his review (See Art. III; Div. II);
- (C) to review and forward final plats to the City Council (See Sec. 34-3-23);
- (D) to issue stop orders as necessary when the City Engineer determines that approved improvements are being constructed in violation of this Code (See Sec. 34-3-10);
- (E) to pursue actions authorized at Section 34-3-19 when a developer fails to complete required improvements;
- (F) to evaluate and pass upon proposed changes in approved final plats (See Sec. 34-3-28);
- (G) to review and forward applications for subdivision variances to the Plan Commission (See Sec. 34-4-2);
- (H) to maintain up-to-date records of matters pertaining to this Code including, but not limited to, preliminary plats, as-built records of completed improvements (See Sec. 34-3-11), final plats, variances, and amendments;
- (I) to provide information to subdividers/developers and to the general public on matters related to this Code; and
- (J) to periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on such matters to the City Planning Commission as necessary.

34-4-2 **SUBDIVISION VARIANCES.** Any subdivider/developer desiring a variance from the requirements of this Code shall file a written application therefor with the City Council at the same time that he files his preliminary plat. The application shall fully explain the grounds for the variance request, and specify the section(s) of this Code which, if strictly applied, would cause great practical difficulties or hardship. The City Engineer shall prepare an advisory report on every variance application and submit it, together with the completed application, to the Plan Commission.

34-4-3 **REVIEW BY PLAN COMMISSION.** The Plan Commission shall review the variance application and the City Engineer's comments, perform on-site review when appropriate, and submit their advisory report to the City Council together with their recommendation on preliminary plat approval (See Sec. 34-3-2). The Plan Commission's advisory report shall be responsive to all the variances standards set forth in Section 34-4-4.

34-4-4 **ACTION BY CITY COUNCIL, VARIANCE STANDARDS.** At the same meeting at which they take action on the application for preliminary plat approval (See Sec. 34-3-3), the City Council shall decide by resolution whether to grant or deny the requested subdivision variance. A copy of their decision, clearly stating their reasons therefor and the exact terms of any variance granted, shall be attached to both the preliminary and final plats. The City Council shall not grant any subdivision variance unless, based upon the information presented to them, they determine that:

- (A) the proposed variance is consistent with the general purposes of this Code (See Sec. 34-1-1); and
- (B) strict application of the subdivision requirements (See Article V) would result in great practical difficulties or hardship to the applicant, not a mere inconvenience; and
- (C) the proposed variance is the minimum deviation from the subdivision requirements that will alleviate the difficulties/hardship; and

- (D) the plight of the applicant is due to peculiar circumstances not of his own making;
 and
 (E) the peculiar circumstances creating the variance request are not applicable to other tracts and, therefore, that a variance would be a more appropriate remedy than a code amendment; and
 (F) the variance, if granted, will not materially frustrate implementation of the comprehensive plan including the Official Map. **(See Section 34-5-2.2)**
 Financial consideration or peculiar circumstances do not constitute a hardship.

34-4-5 **AMENDMENTS.** Amendments to this Code may be proposed by the City Engineer, any member of the City Council, any Plan Commission member, or any party in interest. Every amendment proposal shall be filed on a prescribed form in the Mayor's office. The Mayor shall promptly transmit each proposal, together with any comments or recommendations he may wish to make, to the Plan Commission for a public hearing.

(A) **Public Hearing, Notice.** The Plan Commission shall hold a public hearing on every amendment proposal within a reasonable time after said proposal is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed amendment shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing by publication in a newspaper of general circulation within this City.

(B) **Advisory Report, Action by City Council.** Within a reasonable time after the public hearing, the Plan Commission shall submit an advisory report to the City Council. The City Council shall act on the proposed amendment at their next regularly scheduled meeting following submission of this report. Without another public hearing, the City Council may either pass or reject the proposed amendment or may refer it back to the Plan Commission for further consideration.

34-4-6 **SCHEDULE OF FEES.** All fees indicated in tabular form below shall be paid to the City Clerk. Said fees are intended to defray the administrative costs connected with the processing/conducting of the listed item; they do not constitute a tax or other revenue-raising device.

<u>Procedure</u>	<u>Fee</u>
Filing preliminary plat	\$15.00 per lot or a minimum of \$500.00
Filing Improvement plans	\$1,500.00 flat fee
Improvements inspection	3% of estimated improvement costs
Filing final plat	\$5.00 per lot
Filing variance request	\$100.00 plus the cost of mailing; public notices, and the court recorder fees
Filing amendment proposal	\$100.00 plus the cost of mailing; public notices, and the court recorder fees

All of these fees shall be paid by the subdivider/developer or the applicant to the City Clerk's office at the time of the submission of documents.

34-4-7 **PENALTIES.**
 (A) Any person who is convicted of a violation of this Code shall be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**, plus costs. Each day that a violation continues shall be considered a separate offense; likewise, in the case of multiple violations, each violation shall be considered a separate offense.

(B) Nothing contained in this Section shall prevent the City from taking any other lawful action that may be necessary to secure compliance with this Code.

ARTICLE V - DESIGN AND IMPROVEMENT STANDARDS

DIVISION I - GENERALLY

34-5-1 **APPLICABILITY OF ARTICLE.** No land within the subdivision and development jurisdiction of this municipality shall be subdivided or developed except in compliance with the regulations of this Article and the applicable provisions of State law. **(See III. Comp. Stats., Chap. 65, Sec. 5/11-12-8; Chap. 765, Secs. 205/1 et seq.)** No lot in any subdivision shall be conveyed until:

(A) the final plat of said subdivision has been approved by the City Council and recorded in the office of the County Recorder of Deeds; and

(B) the portion of said subdivision in which the lot is located has been improved in accordance with the requirements of this Article or until a performance bond or other security has been posted to assure the completion of such improvements.

The City shall not issue a Building Permit for any lot conveyed in violation of this Section.

34-5-2 **SUITABILITY FOR DEVELOPMENT GENERALLY.** Land that is unsuitable for development due to flooding, poor drainage, rough topography, adverse soil conditions, or other features which will be harmful to the health, safety, and general welfare of the inhabitants of the development and/or its surrounding areas shall not be subdivided or developed unless the subdivider/developer formulates adequate plans/methods to solve the problems caused by the adverse land conditions.

34-5-3 **RESERVATIONS FOR PUBLIC USE.** Instead of – or besides – requiring the developer to dedicate parcels, the City Council may require that the developer reserve land for parks, playgrounds, schools, or other public purposes in locations designated in the City's Comprehensive Plan, if any.

DIVISION II - LOT REQUIREMENTS

34-5-4 **LOT SIZE.** All lots in a subdivision shall comply with the applicable zone district requirements. **(See Zoning Code – Chapter 40)**

34-5-5 **ACCESS AND RELATIONSHIP TO STREET.** Land shall be subdivided in such a way that each lot abuts a street meeting the requirements of **Section 34-5-7**. All side lot lines shall be at right angles to straight street right-of-way lines or radial to curved street right-of-way lines except where a deviation from this rule will provide a better street and lot design.

34-5-6 **REFERENCE MONUMENTS.** Stone or reinforced concrete reference monuments, set in the ground in such a manner that they will not be moved by frost, shall be placed in the field in accordance with the Plats Act, as now or hereafter amended. **(III. Comp. Stats., Chap. 765, Sec. 205/1.)** All block corners shall be **thirty-six (36) inches** permanent concrete post monuments and **four (4) inches** in diameter. All lot corners shall be marked by **one-half (0.5) inch** iron pins not less than **twenty-four (24) inches** long. These pins shall be driven into the ground deep enough that they do not protrude above the ground surface more than **one-half (0.5) inch**.

DIVISION III - STREET DESIGN STANDARDS

34-5-7 **PLAN INTEGRATION.** All streets shall be properly integrated with the existing and proposed street system indicated in the municipal comprehensive plan, and shall meet the specifications set forth in **Table 5-A**.

34-5-8 **RIGHT-OF-WAY AND PAVEMENT WIDTHS.** Every right-of-way established for subdivision purposes is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. All rights-of-way shall be dedicated to the public by the developer.

The minimum pavement widths shall be as noted in **Table 5-A**.

34-5-9 **TOPOGRAPHICAL CONSIDERATIONS.** Grades of street shall conform as closely as possible to the natural topography, but shall not exceed the maximum grade nor be less than the minimum grade indicated in the Table of Street Design Specifications. All streets shall be arranged so that as many as possible of the building sites are at or above street grade.

34-5-10 **THROUGH TRAFFIC DISCOURAGED.** Marginal access and local streets shall be laid out so as to discourage use by through traffic. The rigid rectangular gridiron street pattern shall be avoided, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged to effect a more desirable street layout.

34-5-11 **LIMITED ACCESS TO ARTERIALS.** Where a development abuts or contains an existing or proposed arterial street, the Plan Commission may recommend to the City Council that access to said arterial street be limited by one of the following means:

(A) by subdividing lots so they back onto the arterial street and front onto a parallel local street (double frontage lots), coupled with the installation of screening in a reserve (access-restricting) strip along the rear lot lines of such lots;

(B) a series of cul-de-sacs, U-shaped streets, or short loops entered from and generally at right angles to the arterial street, with the rear lot lines of the lots at the termini of such streets backing onto the arterial street; or

(C) a frontage road separated from the arterial street by a planting strip, but having access thereto at suitable points.

34-5-12 **DEAD-END STREETS.**

(A) **Temporary Stub Streets.** Streets shall be so arranged to provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire and police protection, and efficient provision of utilities, and where such continuation comports with the City's Official Map, if any. If the adjacent property is undeveloped and the street must dead-end temporarily, the right-of-way shall be extended to the property line, and no strip that would prevent connections with future streets shall be reserved. A temporary turnabout shall be provided at the terminus of any temporary dead-end street.

(B) **Permanent Dead-End Streets.** For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited to **five hundred (500) feet** in length.

The terminus of a permanent dead-end street shall not be closer than **fifty (50) feet** to the boundary of an adjacent tract. A cul-de-sac turnaround, having a minimum right-of-way radius of **fifty (50) feet** and a minimum pavement radius of **forty-two (42) feet**, shall be provided at the end of every permanent dead-end street.

34-5-13 INTERSECTIONS.

(A) **Only Two Streets.** Not more than **two (2) streets** shall intersect at any one point.

(B) **Right Angles.** Streets shall be laid out so as to intersect as nearly as possible at right angles; in no case shall **two (2) streets** intersect at an angle of less than **seventy-five (75) degrees**. An oblique street shall be curved approaching an intersection and shall be approximately at right angles with said intersection for at least **one hundred (100) feet** therefrom.

(C) **Proper Alignment.** Proposed new intersections along one side of an existing street shall, whenever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than **one hundred twenty-five (125) feet** shall not be permitted, except where the intersected street has divided lanes without median breaks at either intersection. Intersections involving collector or arterial streets shall be at least **eight hundred (800) feet** apart.

(D) **Curb Radii.** To permit safe vehicular movements at corners, the minimum curb radius at the intersection of two streets shall be **twenty-five (25) feet** from back of curb.

(E) **Flat Grade.** Intersections shall be designed with a flat grade wherever practical. In hilly terrain, an area having not greater than a **three percent (3%)** slope for a distance of **fifty (50) feet** from the nearest right-of-way line of the intersecting street shall be provided at the approach to an intersection.

(F) **Maximum Cross-Slope.** The cross-slopes on all streets, including intersections, shall not exceed **three percent (3%)**.

(G) **Adequate Sight-Lines.** Where any street intersection will involve earth banks or existing vegetation on the triangular area shown in **Figure 1**, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide an adequate sight distance.

(H) **Driveways.** It shall be unlawful to construct a driveway in the triangular area shown in **Figure 1**.

34-5-14 REVERSE CURVES. A tangent at least **one hundred (100) feet** long shall be introduced between reverse curves on local and collector streets (**see Figure 2**).

34-5-15 IMPROVEMENTS TO EXISTING STREETS. Whenever any development abuts an existing street that is narrower than the standards indicated in the Table of Street Design Specifications, the subdivider shall dedicate sufficient right-of-way on the side abutting the development to permit compliance with those standards. The developer shall improve said street to the standards imposed at **Section 34-5-21** et seq., and pay one-half the cost of said improvements.

34-5-16 WHEN EXCESS RIGHT-OF-WAY REQUIRED. Right-of-way width in excess of the standards set forth in the Table of Street Design Specifications shall be required where:

(A) due to topography, additional width is necessary to provide adequate earth slopes;
or

(B) due to the location of railroad tracks, additional width is needed to construct overpasses, underpasses, and approaches thereto.

34-5-17 - 34-5-19 RESERVED.

DIVISION IV - STREET IMPROVEMENT STANDARDS

34-5-20 **STREET REQUIREMENTS.** All streets shall be improved solely at the expense of the developer in accordance with the requirements set forth herein. Typical roadway and pavement sections are shown in **Figures 6 and 7**. Requirements for pavement materials, equipment, and methods of construction for bituminous concrete (flexible) pavements and Portland cement concrete (rigid) pavements are contained in **Table 5-B**. Existing streets that adjoin the development on one side only will be improved to meet the current street standards, and this cost will be shared equally between the City and the developer. Existing streets that join the development on both sides shall be improved at the developer's expense. The extent of the improvement of existing streets will be determined by the City and the developer during improvement plan approval process. IDOT Standard Specifications for Roads and Bridge Construction, policies and specifications shall be followed for all street design and construction, except as modified by this Code.

In general, all such new streets within the subdivision and all work to be undertaken thereon shall be designed and constructed according to IDOT Standard Specifications as the same are in effect at the time the Preliminary Plat and plans for such improvement work are submitted for approval.

34-5-21 **PAVEMENT STRUCTURE.** All streets shall be paved across the entire surface width specified in **Section 34-5-8**. The structural composition of the pavement shall conform to the minimum requirements set forth in **Table 5-B**. Design requirements for both rigid and flexible pavements are set forth hereinafter.

(A) **Flexible Pavements.** Flexible pavements are to be constructed as multi-layered structures combining hot mix bituminous concrete/bituminous base/crushed stone base/subbase. Each layer of material is to be constructed in lifts not to exceed the maximum lift thickness (compacted) specified in **Table 5-B**. The minimum width of any single pass for any lift/layer of bituminous mixture shall be **ten (10) feet**. There are alternate designs for either deep-strength asphalt or bituminous concrete on a crushed stone base/subbase.

(B) **Rigid Pavements.** Rigid pavements are specified as either reinforced or non-reinforced Portland cement concrete to be constructed either on a lime stabilized subgrade or on an underlayment (**See Table 5-B**). Alternate designs are shown for two of the five street classifications. The underlayment is to be **one-fourth (1/4) inch** thick fabric such as "Bidim" or "Petromat," or equal.

- (1) Contraction joints are to be provided at the spacings shown in **Table 5-B** for each of the various alternates. These transverse joints are to be sawed joints that are **one-eighth inch (1/8")** to **one-fourth inch (1/4")** wide with a depth equal to **one-fourth (1/4)** of the pavement thickness. Sawed construction joints are to be sawed within **twenty-four (24) hours** of placement on the concrete. All contraction joints are to be dowelled with the exception of the alleys and land access residential streets. Dowel sizes and spacing shall comply with the following requirements:

Min. Pavement Thickness	Min. Dowel Diameter	Min. Dowel Length	Min. Dowel Spacing
6"	5/8"	12"	12"
7"	3/4"	15"	15"
8"	1"	15"	12"

The dowel units are to be smooth, plain round bars placed at mid-height of the pavement with an expansion cap on one end. The bars, or assemblies, shall be placed so that the bars are parallel to the centerline and to the pavement surface and shall be treated to prevent bonding of the concrete.

- (2) Longitudinal joints shall be constructed no closer than **eight (8) feet** and no farther apart than **fifteen (15) feet**. The longitudinal joints may be either "construction" joints or "sawed" joints. In either case, there shall be transverse #4 reformed tie bars, **thirty (30) inches** long, spaced at **thirty (30) inch** centers along all longitudinal joints. This includes the joint between the pavement and curb/gutter if the curb/gutter is not constructed integral with the pavement. As an option to tie bars, either a half-round or trapezoidal preformed keyway meeting the following dimensions may be used on longitudinal joints excluding the gutter joint:

Pavement Thickness	Half-Round Diameter	Trapezoidal		
		Edge Ht.	Depth	Inside Ht.
6"	2"	2"	1"	1"
7"	2"	2"	1"	1"
8"	2"	2"	1"	1"

- Sawed longitudinal joints shall be sawed within **ten (10) days** of concrete placement and prior to any traffic or vehicles traveling on the surface.
- (3) Transverse Construction Joints shall be constructed at the end of each day's run or at locations where a "cold" joint will occur due to a delay or interruption in placement operations. All transverse construction joints shall be "tied" with #4 deformed billet bars, **thirty-six (36) inches** long, spaced at **twelve (12) inch** centers. Construction joints must be at least **five (5) feet** from a contraction joint.
 - (4) Pavement Reinforcement shall be used in all rigid pavements designated as S.R.P.C.C. in Table 5-B. Reinforcement shall be welded wire fabric (**6" X 12"**) with W 4 wire transversely and W 5.5 wire longitudinally weighing approximately **54 lbs. per 100 sq. ft.** The fabric shall be lapped **twelve (12) inches** on transverse laps and **six (6) inches** on longitudinal laps. Reinforcement shall be placed on the subgrade and supported by proper chairs and spacers, prior to paving, at the heights specified below:

Pavement Thickness	Depth Below Pavement Surface
6"	2" min. 3" max.
7"	2" min. 3" max.
8"	3" min. 4" max.

- Should the City and/or City Engineer or the developer's engineer determine that the minimal standards are not adequate for a given condition (i.e., traffic volume, size of loads, subgrade support, drainage, etc.), the required pavement design shall be determined by the subdivider's engineer on the basis of current pavement design procedures subject to the approval of the City Engineer.
- (5) All concrete shall be minimum 6.05 cwt/c.y.

34-5-22 CURB AND GUTTER. All streets, except alleys and collector commercial, local commercial, arterial or industrial, shall be constructed with Portland cement concrete vertical curb and gutter and/or V-type gutter in accordance with the dimensions and specifications shown, therefor, in the Appendices. Only vertical curb and gutter shall be constructed in Industrial Streets. The materials and construction methods for curb and/or gutter shall conform with IDOT standards, policies and specifications.

Curb and/or gutter may be constructed either integrally or separately in conjunction with Portland cement concrete pavement. If constructed separately, the gutter flag shall be "tied" to P.C.C. pavement with **thirty (30) inch** long #4 reinforcing bars spaced at **thirty (30) inch** centers. New curb and gutter adjoining existing shall be "tied" together with **two (2) eighteen (18) inch** long #4 reinforcing bars drilled and epoxied into the existing curb and gutter and imbedded in the new concrete curb and gutter. (See **Figures 3 and 5**)

34-5-23 **EARTH SUBBASE.** The earth subbase shall be compacted to not less than **ninety-five percent (95%)** of the standard laboratory density and shall extend across the entire width of the roadway. Soil analysis shall be performed to determine the standard laboratory density in accordance with Article 207.05 of the current edition of the **Illinois Department of Transportation's "Standard Specifications for Road and Bridge Construction"**. The results of the soil analysis shall be filed with the City Engineer and compaction testing of the earth subbase shall be required in the areas of both driving lanes at a minimum sampling rate of **one (1) test** per lane per **five hundred (500) lineal feet** of roadway length. All tests required shall be run by the subdivider's authorized agent and the results, along with the certification of the subdivider's Engineer, shall be filed with the City Engineer.

34-5-24 **MAINTENANCE RESPONSIBILITY.** Subsequent to completion of street construction by the subdivider, the City Engineer shall make a final inspection of all streets to ascertain the acceptability of structural condition, earth slopes, drainage structures, etc. If said inspection indicates no deficient items, the City shall take formal action to accept the completed streets for maintenance based upon the Engineer's recommendation.

Should any item need correction or repair, the subdivider will be notified in writing of each deficiency. No street(s) shall be accepted in a subdivision until all streets comply with the City's requirements to the satisfaction of the City Engineer. In addition, the developer shall be required to provide a guarantee in the form of a Surety Bond in the amount of **twenty-five percent (25%) of the approved construction cost estimate** for a period of **two (2) years**.

DIVISION V - BLOCKS

34-5-25 **BLOCK WIDTH.** Blocks shall be sufficiently wide to accommodate **two (2) tiers** of lots having the minimum depth required by the zoning district regulations; provided, that this requirement may be waived in blocks adjacent to local collector or collector streets, railroads, or watercourses.

34-5-26 **BLOCK LENGTH.** No block shall be longer than **one thousand four hundred (1,400) feet** nor shorter than **five hundred (500) feet**. Wherever practicable, blocks along collector streets shall not be less than **one thousand (1,000) feet** in length.

34-5-27 **CROSSWALKS.** Crosswalks, not less than **ten (10) feet** wide, may be required through the center of blocks more than **one thousand (1,000) feet** long where necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

34-5-28 **RESERVED.**

DIVISION VI - SIDEWALKS

34-5-29 **SIDEWALKS.** Sidewalks shall be required:

- (A) on at least **one (1) side** of a local street, when residential density is **two (2)** or more dwelling units per net acre; and
- (B) along collector streets, near schools, and in shopping areas and similar public places.

These requirements shall not be waived unless the Planning Commission advises the City Council that, in the area in question, sidewalks are not needed to ensure public safety, and/or that topographical conditions make the installation of sidewalks impractical.

All sidewalks constructed within the municipality shall meet IDOT standards, policies and specifications.

34-5-30 **SIDEWALK CONSTRUCTION STANDARDS.**

- (A) **Relationship to Curb.** The outside edge of every sidewalk shall be located **twelve (12) inches** inside right-of-way.
- (B) **Width.** Residential sidewalks shall be at least **four (4) feet** wide. Non-residential sidewalks shall be at least **five (5) feet** wide.
- (C) **Thickness of Concrete.** All sidewalks shall be constructed of concrete at least **four (4) inches** thick, except that across driveways the thickness shall be increased to **six (6) inches** and/or number **six (6)** reinforcing mesh shall be used.
- (D) **Grade.** No sidewalk shall be constructed at a grade steeper than **five percent (5%)** or at a cross slope steeper than **two percent (2%)**.
- (E) **Ramps at Intersections.** Curbs shall be cut and sidewalks shall be ramped at all intersections so as to enhance the mobility of handicapped individuals and shall meet the requirements of the Illinois Accessibility Code.

34-5-31 **RESERVED.**

DIVISION VII - STREETLIGHTS

34-5-32 **INTERSECTION LIGHTING.** Streetlights shall be provided at each intersection of streets (or alleys) within a subdivision and at each cul-de-sac, but in no event shall there be less than one streetlight per **four hundred (400) feet** (or portion thereof) of street frontage between intersections, or between a street intersection and the terminus of a dead-end street. Additionally, in multi-family dwelling subdivisions, lighting shall be provided within parking areas at a minimum rate of one light per **twenty-five (25) parking spaces** or any fraction thereof.

34-5-33 **STREETLIGHT SYSTEM STANDARDS.** The design and installation of the streetlight system in every subdivision shall be reviewed by the City Engineer and the appropriate electric utility company.

The lighting intensity of each streetlight shall be equivalent, at a minimum, to a **175 watt lamp** or **6800 mercury luminary lamp**. Each streetlight standard (post) shall be at least **sixteen (16) feet** high.

34-5-34 **RESERVED.**

DIVISION VIII - SIGNS

34-5-35 **STREET SIGN SPECIFICATIONS.** Street name signs of the size, height, and type approved by City Council shall be supplied and placed by the developer at all intersections within or abutting any subdivision. Street names shall be sufficiently different in sound and spelling from other street names in this municipality so as to avoid confusion. The City Clerk shall maintain a list of existing street names for reference. A street which is planned as a continuation of an existing street shall bear the same name.

34-5-36 **STOP SIGNS.** Stop signs shall be provided by the developer. The City Superintendent shall specify the design and the location of the signs. He shall inspect the final installation.

DIVISION IX - UTILITIES

34-5-37 **UTILITY LOCATION AND EASEMENTS REQUIRED.** All utility lines shall be located underground throughout the subdivision, in such a manner that the various service lines can be logically extended to adjacent areas and that such underground services do not adversely affect one another. Generally, gas, electric, telephone and CATV utility lines shall be buried a minimum of **one (1) foot** below the finished grade, while water and sewer utility lines shall be a minimum of **three (3) feet**. In addition, any support equipment required to be above ground (e.g., transformer boxes, vaults, etc.) shall be located in a safe and sightly manner. No utility line shall be placed such that it runs parallel within the area bordered by vertical planes located **one (1) foot** inside and outside the curb and gutter lines.

Underground service connections to the property line of each platted lot shall be installed at the subdivider's expense; provided that, on the recommendation of the Plan Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership.

34-5-38 **UTILITY EASEMENTS.** Utility easements, not less than **twenty (20) feet** wide for sanitary sewers and water mains and not less than **fifteen (15) feet** wide for gas, electric, telephone, and cable television, shall be provided where necessary. Normally, in the case of abutting lots, an equal amount should be taken from each lot. Property owners may (at their own risk) plant shrubbery or hedges or install fences on the easement areas. Utilities (private and public), however, in order to have access for repair shall have the election to destroy said improvements and restore the area only by grading and seeding, or to have alternate access through the owner's property.

34-5-39 **MAINTENANCE EASEMENTS.** Maintenance easements of not less than **five (5) feet** in width shall be provided along all rear and side lot lines.

34-5-40 **EXCAVATION BACKFILL.** The trench width for installation of all water and sewer lines shall be a maximum of **one and one-half (1.5) foot** greater the outside diameter of the pipe being placed. Pipe shall be placed on bedding material of select material free of stones, frozen clods, or other materials likely to cause damage to the pipe material. The initial lift of backfill shall be select material free of stones, frozen clods, or other materials likely to cause damage to the pipe, placed such that uniform support of the pipe haunches is obtained and to a depth of one-half diameter of the pipe. The next life of backfill material shall again be select material free of stones, frozen clods, or other materials likely to cause

damage to the pipe, placed for a minimum compacted depth of **six (6) inches** above the top of the pipe. The remaining backfill shall be placed in compacted layers of approximately **six (6) inch** lifts.

Water or sewer lines which fall within the area bounded by an imaginary vertical plane located **one (1) foot** outside the curb and gutter lines, shall be backfilled with sand placed in **six (6) inch** compacted lifts to a depth of **eighteen (18) inches** below the finished grade. Should the line cross beneath the curb and gutter or fall in the roadway, the last **eighteen (18) inches** of backfill shall consist of CA-6 gradation crushed stone compacted in **six (6) inch** lifts. Other areas may be backfilled with select earthen material. Water and sewer lines consisting of non-ferrous pipe materials shall require placing detector wires or tape such that the location of the line may be found using available metal detecting equipment.

34-5-41 **RESERVED.**

DIVISION X - WATER FACILITIES

34-5-42 **POTABLE WATER REQUIRED.** An adequate supply of potable water shall be provided to every platted lot in accordance with Illinois Department of Public Health regulations and the Illinois Environmental Protection Agency regulations. If the public water system is reasonably accessible, each lot shall be properly connected thereto at the property line. All water distribution lines shall be at least **eight (8) inches** in diameter and shall conform to the latest edition of Standard Specifications for Water and Sewer Construction in Illinois and in accordance with all City administrative regulations.

The developer shall provide at his expense a minimum of **one (1)** water main tap per lot and shall be responsible for having a curb box installed in accordance with City administrative regulations.

Where public water supply facilities are available, private water wells shall not be installed. Backflow prevention devices shall be provided on public water supply services on properties where an existing well is already located.

34-5-43 **FIRE HYDRANTS.** Fire hydrants of the type approved by the Fire Chief of the Fire Protection District (where applicable) shall be installed in every subdivision as part of the water distribution system. Unless otherwise stated, fire hydrants shall have at least a **five (5) inch** barrel, be equipped with **two (2) connections** for **two and one-half (2.5) inch** hose and **one (1) four (4) inch** pumper connection, and have a separate shutoff valve and box of at least **six (6) inches** in nominal size. In general, said fire hydrants shall be installed throughout the subdivision so that no residence shall be greater than **four hundred (400) feet** from a fire hydrant. This distance being measured from the center line of the street right-of-way to the residence. Commercial and industrial areas shall have **four hundred (400) foot** spacing for fire hydrants.

34-5-44 **RESERVED.**

DIVISION XI - SANITARY SEWERS

34-5-45 **COMPLIANCE WITH REGULATIONS.** All proposed sanitary sewer facilities shall comply with the regulations of the Illinois Department of Public Health and the Illinois Environmental Protection Agency, and shall be approved by the City Council. All water and sewer lines shall be constructed as per Standard Specifications for Water and Sewers Mains, State of Illinois, 5th Edition, or as amended.

34-5-46 **WHEN PUBLIC SYSTEM AVAILABLE.** Whenever the public sanitary sewerage system is reasonably accessible, the developer shall extend said system throughout the subdivision, and shall provide each lot with a connection thereto. (Note: See Chapter 38 of City's Municipal Code for sewer main specifications.)

Systems requiring the installation of a lift station must be furnished with a station meeting the approval of the City. Occasionally the City may require the subdivider to install a system with a capacity greater than the needs of the individual subdivision. In these instances, the City may participate in the additional costs involved with increasing the capacity of the system.

34-5-47 **ALTERNATE METHODS OF DISPOSAL.** In the event it is not possible, or feasible, for the subdivider to extend the public sewer system into the proposed subdivision, for whatever reason, the subdivider has the right to petition the City to install an alternative method of sewage disposal. Any such petition shall be considered on an individual basis with each case standing on its own merit. No subdivision shall be approved without the City's approval of the method of sewage disposal:

(A) **Private Central Sewage Systems.** Upon specific approval of the City Council, the subdivider may install a private central sewage system. The City shall reserve the right to review and approve/reject the detailed plans for such a system. Approval of the plans by the City shall in no way be construed as acceptance of the design or operation or maintenance responsibility for said installation. Such installation shall be designed and constructed in accordance with the rules and regulations of the Illinois Environmental Protection Agency, and the Illinois Department of Public Health. The subdivider shall assume perpetual operational and maintenance responsibilities for such installation unless arrangements to the contrary are provided for in a formal written agreement between home owners and the subdivider. Failure of the subdivider to discharge his operational/maintenance responsibilities may result in a fine of **Seven Hundred Fifty Dollars (\$750.00)** per day for each day a deficiency exists and shall apply to the subdivider, his heirs, successors, or assigns.

(B) **Individual Disposal Systems.** Upon written approval of the City Council, the subdivider may install individual sewage disposal systems providing the lot size is in excess of **twenty thousand (20,000) s.f.** If such installations are permitted, they shall be designed and installed in accordance with the applicable provisions of the requirements and regulations of the "**Private Sewage Disposal Licensing Act and Code**" of the Illinois Department of Public Health or the County Health Department regulations whichever are stricter.

34-5-48 **RESERVED.**

(See Chapter 40 for the Zoning Code.)

DIVISION XII - STORMWATER CONTROL CODE

34-5-49 **AUTHORITY AND PURPOSE.** This Code is enacted pursuant to the police powers granted to the City by the **Illinois Compiled Statutes 55 ILCS 5/5-1041, 55 ILCS 5/5-1113, 55 ILCS 5/5-15001, and 55 ILCS 5/5-12001.**

The purpose of this Code is to diminish threats to public health and safety, protect property, prevent damage to the environment and promote public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any new development or redevelopment or other activity which disturbs or breaks the topsoil or otherwise results in the movement of earth, and/or changes the stormwater drainage pattern and/or stormwater flows from that which would have occurred if the land had been left in its natural state. This stormwater runoff and resulting soil erosion could result in the inundation of damageable properties, the erosion and destabilization of downstream channels, and the pollution of valuable stream and lake resources. This Code regulates these activities to minimize adverse impacts.

The purpose of this Code is also to comply with the General National Pollutant Discharge Elimination System (NPDES) Permit No. ILR40 regulations, the Notice of Intent (NOI) submitted to the IEPA in 2003.

This Code is adopted to accomplish the following objectives:

- (A) To assure that new development or redevelopment does not increase the drainage or flood hazards, or create unstable conditions susceptible to soil erosion;
- (B) To protect new buildings and major improvements to buildings from flood damage due to increased stormwater runoff and soil erosion;
- (C) To protect human life and health from the hazards of increased flooding and soil erosion on a watershed basis;
- (D) To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, correction of channel erosion problems, and flood rescue and relief operations caused by storm water runoff and soil erosion quantities from new development or re-development;
- (E) To protect, conserve, and promote the orderly development of land and soil, water, air, animal, and plant resources;
- (F) To preserve the natural hydrologic and hydraulic functions of watercourses and flood plains and to protect water quality and aquatic habitats;
- (G) To preserve the natural characteristics of stream corridors in order to manage flood and stormwater impacts, improve water and groundwater quality, reduce soil erosion, protect aquatic and riparian habitat, maintain quality forest resources, provide recreational opportunities, provide aesthetic benefits, enhance community and economic development.

34-5-50 **OTHER RELEVANT PERMITTING.** Before Development begins, all required Federal, State, and Local permits will have been officially approved. The acquisition of these permits shall be the sole responsibility of the applicant. These may include but are not limited to Section 404 of the Clean Waters Act, Section 106 of the National Historic Preservation Act, Section 10 of the Rivers and Harbors Act, or permitting required by the Illinois Department of Natural Resources, Office of Water Resources in accordance with the Rivers, Lakes and Streams Act, 615 ILCS, the Soil and Water Conservation Districts Act, 70 ILCS, the Farmland Preservation Act, 505 ILCS the Illinois Groundwater Protection Act, 415 ILCS and the National Pollutant Discharge Elimination System Permit (NPDES) through the Illinois Environmental Protection Agency, Division of Water Pollution Control. Compliance is also required with but not limited to the Subdivision Code.

34-5-51 **APPLICABILITY.** This Code applies to all new development or re-development in the City. Except as otherwise provided in this Code, no person, firm or corporation, public or private, the State of Illinois and its agencies, or political subdivisions, the United States of America, and its agencies or political subdivisions, any agent, servant, officer or employee of any of the foregoing which meets the following provisions or is otherwise exempted in this Code, shall commence any development activities without first having obtained approval from the City Council.

- (A) Any new development or re-development contains an area **five thousand (5,000) or more square feet** of total impervious surface (i.e., streets, roof, patio or parking area or any combination thereof); or
- (B) Any land disturbing activity (i.e., clearing, grading, stripping, excavation, fill, or any combination thereof) that affects an area of **five thousand (5,000) or more square feet**, or that will exceed **one hundred (100) cubic yards**; or
- (C) Any land disturbing activity if the activity is within **twenty-five (25) feet** of a river, lake, pond, stream, sinkhole, or wetland; and is done in conjunction with paragraphs (A) and (B) of this Section; or
- (D) Any land disturbing activity on the sloping side of the slope disturbance line and is in conjunction with this Section.

34-5-52 **EXEMPTIONS.** Development Approval shall not be required for the following:

- (A) Any new development, re-development or other activity falling below the minimum standards as set forth in **Section 34-5-51**.
- (B) The agricultural use of land, including the implementation of conservation measures included in a farm conservation plan approved by the Soil and Water Conservation District, and including the construction of agricultural structures.
- (C) The maintenance of any existing stormwater drainage/detention component or structure or any existing soil erosion/sediment control component or structure; including dredging, levee restoration, tree removal or other function which maintains the original design capacities of the above.
- (D) The construction of, improvements to, or the maintenance of any street, road, highway or interstate highway performed by any unit of government whose powers grant such authority.

34-5-53 **DEVELOPMENT APPROVAL.** Development Approval is required for these uses but shall not be subject to the provisions of **Section 34-5-60 through 34-5-65**, Stormwater Drainage and Retention.

- (A) Any land disturbing activity that is **one (1) acre** (43,560 S.F.) or less; or development of tracts of land where not more than **one (1)** single family dwelling is being erected; or, any lots in a new subdivision of land where the lots front and have their sole access on an existing street or roadway.

34-5-54 **EXCEPTIONS.** The City Council may, in accordance with the following procedures, authorize exceptions to any of the requirements and regulations set forth in this Code:

- (A) Application for exception shall be made by a verified petition of the applicant for Development approval stating fully the grounds of the petition and the facts relied upon by the applicant. Such petition shall be filed with the City Council. In order for the petition to be granted, it shall be necessary that the City Council find all of the following facts with the respect to the land referred to in the application:
 - (1) That the land is of such shape or size or is affected by such physical conditions or is subject to such title limitations of record, that it is impossible or impractical for the applicant to comply with all of the requirements of this Code;
 - (2) That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
 - (3) That the granting of the exception will not be detrimental to the public welfare, environment or injurious to other property in the vicinity of the subjects property.
- (B) Each application for an exception shall be made to the City Council. The Council will review the application and grant or deny the exception.
- (C) The City Council shall hold a public hearing on each application for exception, within **thirty (30) days** after receiving the application, in the manner by ordinance. Within **thirty (30) days** after public hearing, the City Council shall either approve the site Development with the exceptions and conditions it deems necessary or it shall disapprove such Development and exception application, or it shall take other such action as appropriate.

34-5-55 **SEPARABILITY/SEVERABILITY.** The provisions and sections of this Code shall be deemed to be separable, and the invalidity of any portion of this Code shall not affect the validity of the remainder.

34-5-56 **RESPONSIBILITY.** The applicant shall not be relieved of responsibility for damage to persons or property otherwise imposed by law, and the City or its officers or agents will not be made liable for such damage, by (1) approval of a Development under this Code, (2) compliance with the

provisions of that Development or conditions attached to it by the City Council, (3) failure of City Officials to observe or recognize hazardous or unsightly conditions, (4) failure of City Officials to recommend denial or to deny a Development, or (5) exemptions from Development requirements of this Code.

34-5-57 **NPDES COMPLIANCE.** New and re-development, that is applicable to this Code (per Section 34-5-51) must comply with the NPDES regulations (the General NPDES Permit No. ILR40 and the NOI). NPDES compliance is obtained by adhering to this Code, ILR10 permits, the General NPDES for Jasper County and the NOI submitted for each individual community and all future steps taken by the individual communities to implement the NOI.

34-5-58 **STORM SEWERS AND OTHER DRAINAGE APPURTENANCES.** In addition to the installation of curbs or gutters along the streets, as required by **Section 34-5-22** of this Article, storm sewer systems shall be constructed to an adequate outfall. Such sewers shall provide for an extension to land lying within the upland drainage area, whether such land is within the subdivision or not. Storm sewers shall be designed by a professional engineer to accommodate the runoff incident for the **ten (10) year** design storm by the rational method. Copies of the design computations, complete with drainage area maps, shall be submitted with the plans. All storm sewer pipe and culverts shall meet the requirements of the **IDOT Standard Specifications for Road and Bridge Construction**, latest edition, unless otherwise approved by the City. All storm sewer pipe and culverts shall be **twelve (12) inches** or larger. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than **four hundred (400) feet** in the gutter, unless otherwise approved by the City. The storm water drainage system shall be separate and independent of the sanitary sewer system. Surface water drainage patterns shall be shown for each and every individual lot and block.

34-5-59 **INFORMATION ACCESSIBILITY TO THE PUBLIC.** Documents relating to the adherence to this Code are available for review by request at City Hall.

DIVISION XIII - DEFINITIONS

34-5-59 **DEFINITIONS.** For the purposes of this Code certain terms are defined and set forth below:

Adverse Impacts: Any negative impact on plant, soil, air or water resources affecting their beneficial uses including recreation, aesthetics, aquatic habitat, quality, and quantity.

Applicant: Any person, firm, or governmental agency who executes the necessary forms to procure official approval of a development or permit to carry out construction of a new development or re-development from the City.

Base Flood Elevation: The elevation at all locations delineating the level of flooding resulting from the 100-year frequency flood event, which has a **one percent (1%)** chance of occurring in any given year.

Bypass Flows: Stormwater runoff from upstream properties tributary to a property's drainage system but not under its control.

Certify or Certification: Formally attesting that the specific inspections and tests were performed, and that such inspections and tests comply with the applicable requirements of this Code.

Channel: Any defined river, stream, creek, brook, branch, natural or artificial depression, ponded area, on-stream lake or impoundment, karst area (sinkhole), flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or manmade drainage way, which has a definite bed and bank or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

Channel Modification: Alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, riprapping (or other armoring), filling, widening, deepening, straightening, relocating, lining, and significant removal of bottom or woody rooted vegetation. Channel modification does not include the man-made clearing of debris or removal of trash.

Clearing: Any activity which removes the natural vegetative ground cover.

Compensatory Storage: An artificially excavated, hydraulically equivalent volume of storage within the floodplain used to balance the loss of natural flood storage capacity when fill or structure are placed within the floodplain.

Conduit: Any channel, pipe, sewer or culvert used for the conveyance or movement of water, whether open or closed.

Cubic Yard: A **one (1) yard by one (1) yard by one (1) yard** amount of material in excavation and/or fill.

Detention Basin: A facility constructed or modified to provide for the temporary storage of stormwater runoff and the controlled release by gravity of this runoff at a prescribed rate during and after a flood or storm.

Detention Time: The amount of time stormwater is held within a detention basin.

Development: Any manmade change to real estate or property, including:

- (A) The division or subdivision of any duly recorded parcel of property;
- (B) Construction, reconstruction or placement of a building or any addition to a building;
- (C) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than **one hundred eighty (180) days** per year;
- (D) Construction of roads, bridges, or similar projects;
- (E) Redevelopment of a site;
- (F) Filling, dredging, grading, clearing, excavating, paving or other non-agricultural alterations of a ground surface;
- (G) Storage of materials or deposit of solid or liquid waste;
- (H) Any other activity that might alter the magnitude, frequency, direction, or velocity of stormwater flows from a property.

Drainage Plan: A plan, including engineering drawings and supporting calculations, which describes the existing stormwater drainage system and environmental features, including grading, as well as proposed alterations or changes to the drainage system and environment of a property.

Dry Basin: A detention basin designed to drain after temporary storage of stormwater flows and to normally be dry.

Erosion: The general process whereby soil or earth is moved by rainfall, flowing water, wind or wave action.

Excavation: Any act by which organic matter, earth, sand, gravel, rock or any other similar material, is cut into, dug, quarried, uncovered, removed, displaced, re-located or bulldozed and shall include the conditions resulting from such actions.

Excess Stormwater Runoff: The volume and rate of flow of stormwater discharged from a new development or re-development which is or will be in excess of that volume and rate which existed before development or re-development.

Existing Grade: The vertical location of the existing ground surface prior to excavation or filling.

Fill: Any act by which earth, sand, gravel, rock, or any other material, is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom.

Final Grade: The vertical location of the ground surface after grading work is completed in accordance with the engineering plans.

Flood Fringe: That area as designated by the Federal Emergency Management Agency (FEMA) on either side of the floodway. This area is subject to inundation from the base flood but conveys little or no flow.

Flood Hazard Boundary Map (FHBM): A very generalized map prepared by the Federal Emergency Management Agency (FEMA) which shows only where floodplains are located based on very basic data. FHBM's do not include base flood elevations.

Flood Insurance Rate Map (FIRM): A map prepared by the Federal Emergency Management Agency (FEMA) that depicts the special flood hazard area (SFHA) within a community. This map includes insurance rate zones and regulatory floodplains and may or may not depict regulatory floodways.

Floodplain: That land adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation which is subject to inundation. The floodplain as designated by the Federal Emergency Management Agency (FEMA) is also known as the Special Flood Hazard Area (SFHA). These areas can be found on the (FIRM), Flood Boundary and Floodway Map, or the Flood Hazard Boundary Map (FHBM) of the community. This area is the collective combination of the regulatory floodway and the flood fringe.

Floodway: The channel and that portion of the floodplain, including on-stream lakes, adjacent to a stream or watercourse which is needed to store and convey the anticipated existing and future 100-year frequency flood discharge with no more than a **0.1 foot** increase in stage due to any loss of flood conveyance or storage and no more than a **ten percent (10%)** increase in velocities. Floodways are designated by FEMA on some Flood Insurance Rate Maps and Flood Boundary and Floodway Maps. However, there are floodways on all streams whether mapped by FEMA or not.

Grading: The excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

Hydrograph: A graph showing for a given location on a stream or conduit, the flow rate with respect to time.

Hydrograph Method: This method estimates runoff volume and runoff hydrographs for the point of interest by generating hydrographs for individual sub areas, combining them, and routing them through stream lengths and reservoir structures. Factors such as rainfall amount and distribution, runoff curve number, time of concentration, and travel time are included.

Impervious Surface: That area of property that is covered by materials other than soil and vegetation and that has no intended capacity to absorb water, such as parking lots, driveways, sidewalks, patios, tennis courts, roofs and other structures.

Infiltration: The passage or movement of water into the soil surfaces.

Loessal Soil: A sediment, commonly non-stratified and unconsolidated, composed predominately of silt sized particles with accessory clay and sand.

Lot: An individual platted parcel in an approved subdivision.

Major Drainage System: That portion of a drainage system needed to store and convey flows beyond the capacity of the minor drainage system.

Minor Drainage System: That portion of a drainage system designed for the convenience of the public. It consists of street gutters, storm sewers, small open channels, and swales and, where manmade, is to be designed to handle the 10-year runoff event.

Mitigation: Mitigation is when the prescribed controls are not sufficient and additional measures are required to offset the development, including those measures necessary to minimize the negative effects which stormwater drainage and development activities might have on the public health, safety and welfare. Examples of mitigation include, but are not limited to compensatory storage, soil erosion and sedimentation control, and channel restoration.

Modified Rational Method: As described in the Illinois Department of Transportation "Drainage Manual" is based on the principal that the maximum rate of runoff from a given drainage area occurs at that point in time when all parts of the watershed are contributing to the flow. The rainfall generating the peak flow is assumed to be of uniform intensity for the entire watershed with a rainfall duration equal to the time of concentration.

Natural: Conditions resulting from physical, chemical, and biological processes without intervention by man.

Natural Drainage: Channels formed in the existing surface topography of the earth prior to changes made by unnatural causes.

One Hundred-Year Event: A rainfall, runoff, or flood event having a **one percent (1%)** chance of occurring in any given year. A **twenty-four (24) hour** storm duration is assumed unless otherwise noted.

Parcel: All contiguous land in one ownership.

Peak Flow: The maximum rate of flow of water at a given point in a channel or conduit.

Permittee: Any person to whom a building permit is issued.

Person: Any individual, firm or corporation, public or private, the State of Illinois and its agencies or political subdivisions, the United States of America, and its agencies or political subdivisions, and any agent, servant, officer or employee of any of the foregoing.

Positive Drainage: Provision for overland paths for all areas of a property including depressional areas that may also be drained by storm sewer.

Prime Farmland: Prime farmland is land that is best suited to food, feed, forage, fiber and oilseed crops. It may be cropland, pasture, woodland, or other land, but it is not urban and built up land or water areas. It is either used for food or fiber or is available for those uses. The soil qualities, growing season and moisture supply are those needed for a well managed soil to economically produce a sustained high yield of crops. Prime farmland produces the highest yields with minimum inputs of energy and economic resources, and farming it results in the least damage to the environment.

Property: A parcel of real estate.

Retention Basin: A facility designed to completely retain a specified amount of stormwater runoff without release except by means of evaporation, infiltration, emergency bypass or pumping.

Sedimentation: The process that deposits soils, debris, and other materials either on other ground surfaces or in bodies of water or stormwater drainage systems.

Site: A parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

Sinkhole, (Karst Areas): A Sinkhole or Karst topography is a land surface depression or blind valley which may or may not have surface openings to cavernous underground areas and are the result of water movement through silts and jointed limestone. These conditions make such areas unstable and susceptible to subsidence and surface collapse. Fractures in the limestone may channel runoff water to public or private water supplies, making those sources especially susceptible to groundwater contamination.

Slope Disturbance Line: The line which delineates relatively level building areas from areas where slopes exceed **eight percent (8%)** and where special precautions must be taken.

Stormwater Drainage System: All means, natural and manmade, used for conducting stormwater to, through or from a drainage area to the point of final outlet from a property. The stormwater drainage system includes but is not limited to any of the following: conduits and appurtenance features, canals, channels, ditches, streams, culverts, streets, storm sewers, detention basins, swales and pumping stations.

Stormwater Runoff: The waters derived from melting snow or rain falling within a tributary drainage basin which are in excess of the infiltration capacity of the soils of that basin, which flow over the surface of the ground or are collected in channels or conduits.

Storm Sewer: A closed conduit for conveying collected stormwater.

Stream: Any river, creek, brook, branch, flowage, ravine, or natural or man-made drainage way which has a definite bed and banks or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

Stripping: Any activity which, removes the vegetative surface cover including tree removal, by spraying or clearing, and storage or removal of top soil.

Ten-Year Event: A runoff, rainfall, or flood event having a **ten percent (10%)** chance of occurring in any given year. A **twenty-four (24) hour** storm duration is assumed unless otherwise noted.

Time of Concentration: The elapsed time for stormwater to flow from the most hydraulically remote point in a drainage basin to a particular point of interest in that watershed.

Tributary Watershed: All of the land surface area that contributes runoff to a given point.

Two-Year Event: A runoff, rainfall, or flood event having a **fifty percent (50%)** chance of occurring in any given year. A **twenty-four (24) hour** storm duration is assumed unless otherwise noted.

Vacant: Land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself.

Watershed: All land area drained by, or contributing water to, the same stream, creek, ditch, lake, marsh, stormwater facility, groundwater or depressional area.

Wet Basin: A detention basin designed to maintain a permanent pool of water after the temporary storage of stormwater runoff.

Wetlands: Wetlands are defined by regulation as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." For general, but not inclusive locations of designated wetlands refer to mapping prepared jointly by the U.S. Department of Interior, Fish and Wildlife Service and the Illinois Department of Natural Resources, Office of Resource Conservation; National Wetlands Inventory Mapping, 1987. The applicant may be required to provide a field investigation by a qualified wetland delineator.

DIVISION XIV - STORMWATER DRAINAGE AND DETENTION

34-5-60 **DRAINAGE PLAN SUBMITTAL REQUIREMENTS.** Each applicant shall submit the following information, to ensure that the provisions of this Code are met. The submittal shall include sufficient information to evaluate the environmental characteristics of the property, the potential adverse impacts and benefits of the development on water resources both on-site and off-site, and the effectiveness of the proposed drainage plan in managing stormwater runoff, and meet the provisions of **Section 34-5-50**. The applicant shall certify on the drawings that all clearing, grading, drainage, and construction shall be accomplished in strict conformance with the drainage plan. The following information shall be submitted for both existing and proposed property conditions for all new development or re-development.

(A) **Drainage Plan Requirements.** A topographic survey of the property at **two (2) foot** contours unless otherwise specified or approved by the City. If the mapping is compiled using a digital format the applicant will provide both paper and digital copies including points.

(B) **Mapping and Descriptions.** An existing drainage and proposed drainage plan, for the property and **one hundred (100) feet** surrounding the property at a scale of not more than **one hundred (100) feet to one (1) inch** and including the following:

- (1) property boundary, dimensions, and approximate acreage;
- (2) building setback lines;
- (3) all existing and proposed structures and sizes;
- (4) "area in" square feet of existing and proposed impervious surface;
- (5) all existing, or proposed easements;
- (6) all existing, abandoned, or proposed water or monitoring well head locations;
- (7) all sanitary or combined sewer lines and septic systems;
- (8) the banks and centerline of streams and channels;
- (9) shoreline of lakes, ponds, and detention basins with normal water level elevation;
- (10) known farm drains and tiles;
- (11) soils classifications;
- (12) location, size and slope of stormwater conduits and drainage swales;
- (13) depressional storage areas;
- (14) detention facilities;
- (15) roads, streets and associated stormwater inlets including finished grades;
- (16) base flood elevation, flood fringe, and regulatory floodway;
- (17) basis of design for the final drainage network components.
- (18) a statement giving any applicable engineering assumptions and calculations
- (19) a vicinity map showing the relationship of the site to its general surroundings at a scale of not less than **two thousand (2,000) feet to one (1) inch** (1:24,000)

- (20) title, scale, north arrow, legend, seal of Licensed Professional Engineer, date, and name of person preparing plans.
- (21) cross-section data for open channel flow paths and designated overland flow paths;
- (22) direction of storm flows;
- (23) flow rates and velocities at critical points in the drainage system (may be included in the supporting documentation);
- (24) a statement by the design engineer of the drainage system's provision for handling events greater than the 100-year, 24 hour runoff (may be included in the supporting documentation); and,
- (25) a statement of certification of all drainage plans, calculations, and supporting data by an Illinois Licensed Professional Engineer.

(C) **Environmental Features.** A depiction of environmental features of the property and immediate vicinity including the following:

- (1) the limits of designated regulatory and non-regulatory wetland areas;
- (2) the location and limits of known sinkholes (karst areas);
- (3) any known designated natural areas, prime farmland; and
- (4) any known proposed environmental mitigation features.

34-5-61 MINIMIZATION OF INCREASES IN RUNOFF VOLUMES AND RATES. In the selection of a drainage plan for a new development or re-development, the applicant shall evaluate and implement site design features which minimize the increase in runoff volumes and rates from the site. The applicant's drainage plan submittal shall include evaluations of site design features which are consistent with the following hierarchy:

- (A) Preservation of regulatory floodplains, flood prone and wetland areas;
- (B) Minimize impervious surfaces on the property, consistent with the needs of the project;
- (C) Attenuate flows by use of open vegetated swales and natural depressions and preserves the existing natural stream channel.
- (D) Infiltration of runoff on-site;
- (E) Provide stormwater retention structures;
- (F) Provide wet or wetland detention structures;
- (G) Provide dry detention structures; and
- (H) Construct storm sewers.

34-5-62 WATER QUALITY AND MULTIPLE USES. The drainage system should be designed to minimize adverse surface and groundwater quality impacts off-site and on the property itself.

Water quality shall adhere to:

- (A) Illinois Environmental Protection Act – 415 ILCS 5/12, from Ch. 111 ½, par. 1011 and 1012;
- (B) Illinois Pollution Control Board Rules and Regulations – Title 35: Environmental Protection, Subtitle C: Water Pollution, Chapter I: Pollution Control Board, Part 302 Water Quality Standards; and
- (C) Illinois Pollution Control Board Rules and Regulations – Title 35: Environmental Protection, Subtitle C: Water Pollution, Chapter I: Pollution Control Board, Part 304 Effluent Standards.

Detention basins shall incorporate design features to capture stormwater runoff pollutants. When designers propose wet bottom and wetland type designs, all flows from the development shall be routed through the basin (i.e. low flows shall not be bypassed). When it is not practical or feasible to route all of the project's flow to the detention basin, the design of the basin shall compensate for the bypass flow. In cases where detention facilities are practical and the long term maintenance of such facilities are provided for, detention of stormwater shall be promoted throughout the property's drainage system to reduce the volume of stormwater runoff and to reduce the quantity of runoff pollutants.

The drainage system should incorporate multiple uses where practicable. Uses considered compatible with stormwater management include open space, aesthetics, aquatic habitat, recreation (boating, fishing, trails, playing fields), wetlands and water quality mitigation.

34-5-63 **DESIGN CRITERIA, STANDARDS, AND METHODS.**

(A) **Release Rates.** The drainage system for new developments or redevelopments shall be designed to control the peak rate of discharge from the property for the **two (2) year**, and 100-year events to discharge rates at or below those which existed prior to development. Additionally, the discharge from a stormwater detention facility shall not cause an increase in flooding or channel instability downstream when considered in aggregate with other developed properties and downstream drainage capacities.

(1) **Detention Basin Outlet Design.** The detention basin outlet control structure shall be designed to account for observed or anticipated downstream tailwater elevations. The tailwater elevations used in the detention model shall be for the particular storm frequency being routed through the detention basin. An emergency spillway or overflow device shall be provided and set at an elevation equivalent to the 100-year design high water.

(2) **Calculations.** A calculation shall be made to determine the water elevation in the detention basin that would result from a 100-year storm with the outflow control structure openings blocked. The discharge rate flowing through the emergency spillway shall not exceed the 100-year pre-development flow rate. The top of bank for the detention basin shall be set at least **one (1) foot** above this elevation. The lowest finished floor elevation of adjacent structures shall also be at least **one (1) foot** above the detention basin top of bank.

(B) **Detention Storage Requirements.** See Section 34-5-63(A).

(C) **Drainage System Design and Evaluation.** The following criteria should be used in evaluating and designing the drainage system. The design will provide capacity to pass the 10-year peak flow rate in the minor drainage system and an overload flow path for flows in excess of the design capacity.

(1) **Design Methodologies.** Detention basin design shall be calculated using SCS TR-55 methods. Basins with drainage areas of **ten (10) acres** or less may be calculated using the Rational Method as approved by the Illinois Department of Transportation. Other applicable methods, i.e. HEC-1, TR-20, SWMM, etc. shall be used for large watersheds.

(2) **Positive Drainage.** Whenever practicable, all developments must be provided an overland flow path that will pass the 100-year, 24 hour event flow at a stage at least **one (1) foot** below the lowest grade, adjacent to a structure, in the vicinity of the flow path. Street ponding and flow depths shall not exceed curb heights.

(D) **Rainfall.** Unless a continuous simulation approach to drainage system hydrology is used, all design rainfall events shall be based on the Illinois State Water Survey's Bulletin 70. The first quartile point rainfall distribution shall be used for the design and analysis of conveyance systems with critical durations less than or equal to **six (6) hours**. The second quartile distribution shall be used for storms with durations greater than **six (6) hours** and less than or equal to **twelve (12) hours**. The third quartile point rainfall distribution shall be used for the design and analysis of detention basins and conveyance system with critical durations greater than **twelve (12)** and less than or equal to **twenty-four (24) hours**. The fourth quartile distribution shall be used in the design and analysis of systems with durations greater than **twenty-four (24) hours**. The first, third, and fourth quartile distributions described by Huff are presented in Table 37 of Bulletin 70. Refer to Table 13 of Bulletin 70 for rainfall depth, duration, and frequency. The NRCS Type II distribution may be used as an alternate to the Huff distributions. The total rainfall value for the design storm shall be adjusted for the "St. Louis Urban Effect" as given in Table 4, Illinois State Water Survey Circular 172.

(E) **Antecedent Moisture.** Average antecedent moisture conditions shall be assumed when calculating runoff curve numbers for use in the SCS TR-55 method.

(F) **Wet Detention Basin Design.** Wet detention basins shall be designed to remove stormwater pollutants, to be safe, to be aesthetically pleasing, and as much as feasible to be available for recreational use.

- (1) **Wet Basin Depths.** Wet basins shall be at least **three (3) feet** deep, excluding near-shore banks and safety ledges. If fish habitat is to be provided they shall be at least **eight (8) feet** deep over **twenty-five percent (25%)** of the bottom area to prevent winterkill.
- (2) **Wet Basin Shoreline Slopes.** The side slopes of wet basins at the normal pool elevation shall not be steeper than **three to one (3 to 1)** horizontal to vertical). It is recommended that aquatic vegetation be established around the perimeter to provide protection from shoreline erosion. For basins in excess of **five (5) acres**, rip rap shoreline protection shall be provided.
- (3) **Permanent Pool Volume.** The permanent pool volume in a wet basin at normal depth shall, at a minimum, be equal to the runoff volume from its watershed for the 2-year, 24-hour event (calculated during dry weather conditions).
- (4) **Wet Basin Inlet and Outlet Orientation.** The distance between detention inlets and outlets shall be maximized. Inlets and outlets shall be at opposite ends of the basin providing that the orientation does not create undue hardship based on topography or other natural constraints.

(G) **Dry Detention Basin Design.** In addition to the other requirements of this Code, dry basins shall be designed to remove stormwater pollutants, to be safe, to be aesthetically pleasing and as much as feasible to be available for multiple uses. Paved low flow channels may be used in a dry basin provided provisions are made to prevent ponding.

- (1) **Dry Basin Drainage.** Dry basins shall be designed so that the bottom area shall have standing water no longer than **seventy-two (72) hours** for any runoff event less than the 100-year, 24 hour event.
- (2) **Velocity Dissipation.** Velocity dissipation measures shall be incorporated into dry basin designs to minimize erosion at inlets and outlets and to minimize resuspension of pollutants.
- (3) **Dry Basin Inlet and Outlet Orientation.** Shall be the same as **Section 34-5-63(F)(4)**.

(H) **Existing Depressional Areas.** Existing depressional storage volume will be maintained and the volume of detention storage provided to meet the requirements of this Code shall be in addition to existing storage.

(I) **Minimum Detention Outlet Size.** Where a single pipe outlet or orifice plate is to be used to control discharge, it shall have a minimum diameter of **twelve (12) inches** for larger basins. Smaller basins may install a smaller rectangular or v-notch weir to control discharge. If this minimum orifice size permits release rates greater than those specified in this Section, and regional detention is not a practical alternative, outlets, structures such as perforated risers, or flow control orifices shall be used.

(J) **Detention in Flood Plains.** The placement of detention basins within the flood plain is strongly discouraged because of questions about their reliable operation during flood events. However, the stormwater detention requirements of this Code may be fulfilled by providing detention storage within flood fringe areas on the project site provided the following provisions are met as well as compliance with **Section 34-5-50**.

- (1) **Detention in Flood Fringe Areas.** The placement of a detention basin in a flood fringe area shall require compensatory storage for **one and one-half (1.5) times** the volume below the base flood elevation occupied by the detention basin including any berms. The release from the detention storage provided shall still be, controlled consistent with the requirements of this Section. The applicant shall demonstrate its operation for all stream-flow and flood plain backwater conditions.

Excavations for compensatory storage along watercourses shall be opposite or adjacent to the area occupied by detention. All flood plain storage lost below the existing ten-year flood elevation shall be replaced below the existing ten-year elevation. All flood plain storage lost above the existing ten-year flood elevation shall be replaced above the existing ten-year flood elevation. All compensatory storage excavations shall be constructed to drain freely and openly to the watercourse and comply with **Section 34-5-50**.

- (2) **Detention on Prime Farmland.** The placement of detention basins shall avoid the utilization of prime farmland. All detention basin construction shall examine potential impacts to adjacent agricultural land and shall address measures that will be implemented to eliminate such impacts and comply with **Section 34-5-50**.
- (3) **Detention in Floodways.** Detention basins shall be placed in the floodway only in accordance with **Section 34-5-63(J)**.
- (4) **On-Stream Detention.** On-stream detention basins are discouraged but allowable if they provide regional public benefits and if they meet the other provisions of this Code with respect to water quality and control of the 100-year 24-hour events from the property. Further criteria are presented in **Section 34-5-64** of this Code. If on-stream detention is used in watersheds larger than **one (1) square mile**, the applicant will use hydrographic modeling to demonstrate that the design will not increase the water level for any properties upstream or downstream of the property. Also, impoundment of the stream as part of on-stream detention:
 - (a) shall not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning,
 - (b) shall not cause or contribute to the degradation of water quality or stream aquatic habitat,
 - (c) shall include a design calling for gradual bank slopes, appropriate bank stabilization measures, and a pre-sedimentation basin,
 - (d) shall not involve any stream channelization or the filling of wetlands,
 - (e) shall require the implementation of an effective non-point source management program throughout the upstream watershed which shall include as a minimum: runoff reduction "Best Management Practices" (BMP's) consistent with **Section 34-5-61**; 2 year, 24 hour detention/sedimentation basins for all development consistent with this Section.
 - (f) shall not occur downstream of a wastewater discharge, and
 - (g) shall not contribute to the duration or flood frequency of any adjacent land.
 - (h) shall comply with **Section 34-5-50**.

(K) **Drainage Into Wetlands, Rivers, Streams, Lakes, Ponds, and Depressional Storage Areas.** Wetlands, lakes, ponds and depressional storage areas shall be protected from damaging modifications and adverse changes in runoff quality and quantity associated with land developments. In addition to the other requirements of this Code, the following requirements shall be met for all developments whose drainage flows into wetlands, rivers, lakes, ponds or depressional storage areas:

- (1) **Detention in Wetlands, Rivers, Streams, Lakes, Ponds or Depressional Storage Areas.** Existing wetlands, rivers, lakes, ponds or depressional storage areas shall not be modified for the purposes of stormwater detention unless it is demonstrated that the proposed modifications will maintain or improve its habitat and ability to perform beneficial functions and shall comply with **Section 34-5-50**. Existing storage and release rate characteristics of wetlands, rivers, lakes, ponds or

depressional storage areas shall be maintained and the volume of detention storage provided to meet the requirements of this Section shall be in addition to this existing storage.

- (2) **Sediment Control.** The existing wetlands, rivers, lakes, ponds, or depressional storage areas shall be protected during construction and as further regulated in **Division XV** of this Code.
- (3) **Alteration of Drainage Patterns.** Site drainage patterns shall not be altered to substantially decrease or increase the existing area tributary to the wetlands, rivers, lakes, ponds or depressional storage areas.
- (4) **Detention/Sedimentation.** All runoff from the development shall be routed through a preliminary detention/ sedimentation basin designed to capture the two-year, 24-hour event and hold it for at least **twenty-four (24) hours**, before being discharged to the wetland, river, lake, pond, or depressional storage area. This basin shall be constructed before property grading begins and shall be maintained throughout the construction process. In addition, the drainage hierarchy defined in **Section 34-5-60** should be followed to minimize runoff volumes and rates being discharged to the wetland, river, stream, lake, pond, or depressional storage area and as further regulated in **Division XIV** of this Code.
- (5) **Loessal Soils.** Care must be taken to avoid open flow discharges of stormwater over silt (loessal) soils due to high potential for erosion.
- (6) **Sinkholes, Karst Area.** The following requirements apply for new developments or redevelopments where sinkholes are determined to be present:
 - (a) A stormwater detention basin shall not be placed in or over a sinkhole.
 - (b) Stormwater detention basins shall not be located closer than **one hundred (100) feet** from the rim of a sinkhole.
 - (c) The outflow from a stormwater detention basin, channel, ditch or any stormwater runoff generated as a result of a new development or redevelopment shall not empty into or be directed, redirected by any means into or through any sinkhole.
 - (d) If, after the review of the stormwater drainage plan, the City may determine that more detailed information is required, a sinkhole evaluation may be required. A sinkhole evaluation which addresses the geologic, engineering and environmental factors resulting from a new development or redevelopment be performed by a professional with experience and expertise in karst topography, whom shall certify the results of the evaluation. This evaluation shall be the responsibility of the applicant and performed at no cost to the City. After a review of this evaluation and with the consultation of the Jasper County Soil and Water Conservation District, the City Council may either approve or disapprove the drainage plan as submitted.
 - (e) Whenever a new sinkhole appears or it becomes apparent that the sinkhole has not yet been identified, it shall be reported to the County Soil and Water Conservation District.
 - (f) Shall comply with **Section 34-5-50**.

(L) **Street Detention, Parking Lot Detention, and Culvert Drainage.**

- (1) **Street Detention.** Street detention is not permitted. If streets are to be used as part of the minor or major drainage system, ponding depths shall not exceed curb heights and shall not remain flooded for more than **eight (8) hours** for any event less than or equal to the 100-year, 24 hour event.
- (2) **Parking Lot Detention.** Parking lot detention is not permitted.

- (3) **Culvert, Road and Driveway Crossings.** Sizing of culvert crossings shall consider entrance and exit losses as well as tailwater conditions on the culvert.

(M) **Infiltration Practices.** To effectively reduce runoff volumes, infiltration practices including basins, trenches, and porous pavement should be located in hydrologic soil groups "A" and "B" as designated by the USDA Natural Resources Conservation Service. Infiltration basins and trenches designed to re-charge groundwater shall not be located within **seventy-five (75) feet** of a water supply well or building foundation and comply with **Section 34-5-50**. A sediment settling basin shall be provided to remove coarse sediment from stormwater flows before they reach infiltration basins or trenches. Stormwater shall not be allowed to stand more than **seventy-two (72) hours** over **eighty percent (80%)** of the dry basin's bottom area for the maximum design event to be ex-filtrated. The bottom of infiltration basins or trenches shall be a minimum of **four (4) feet** above the seasonally high groundwater and bedrock level. Engineering calculations demonstrating infiltration rates shall be included with the application.

- (1) **Vegetated Filter Strips and Swales.** To effectively filter stormwater pollutants and promote infiltration of runoff, sites should be designed to maximize the use of vegetated filter strips and swales. Whenever practicable, runoff from impervious surfaces shall be directed onto filter strips and swales comprised of native grasses and forbs before being routed to a storm sewer or detention basin.

(N) **Safety Considerations.** The drainage system components, especially all detention basins, shall be designed to protect the safety of any children or adults coming in contact with the system during runoff events and shall comply with **Section 34-5-50**.

- (1) **Side Slopes.** The side slopes of all detention basins at 100-year, 24-hour capacity shall be as level as practicable to prevent accidental falls into the basin and for stability and ease of maintenance. Side slopes of detention basins and open channels shall not be steeper than three (3) to one (1) (horizontal to vertical).
- (2) **Safety Ledge.** All wet detention basins shall have a level safety ledge at least **four (4) feet** in width **two and one-half (2.5) to three (3) feet** below the normal water depth or must be protected by an enclosed fence, at least **forty-eight (48) inches** in height.
- (3) **Velocity.** Velocities throughout the surface drainage system shall be controlled to safe levels taking into consideration rates and depths of flow.
- (4) **Overflow Structures.** See **34-5-63(A)(1)**.

(O) **Maintenance Considerations.** The stormwater drainage system shall be designed to minimize and facilitate maintenance. Turfed side slopes shall be designed to allow lawn-mowing equipment to easily negotiate them. Wet basins shall be provided with alternate outflows which can be used to completely drain the pool for sediment removal. Pumping may be considered if drainage by gravity is not feasible. Pre-sedimentation basins shall be included, where feasible, for localizing sediment deposition and removal. Site access for heavy equipment shall be provided.

34-6-64 ACCOMMODATING FLOWS FROM UPSTREAM TRIBUTARY AREAS.

Stormwater runoff from areas tributary to the property shall be considered in the design of the property's drainage system. Whenever practicable, flows from upstream areas that are not to be detained should be routed around the basin being provided for the site being developed.

(A) **Upstream Areas Not Meeting Code Requirements.** When there are areas not meeting the storage and release rates of this Code, tributary to the applicant's property, regionalized detention on the applicant's property shall be explored by the applicant or the City. When it is deemed beneficial by the City or the Applicant to explore such a design, the following steps shall be followed:

- (1) The applicant shall compute the storage volume needed for his property using the release rates of **Section 34-5-63**, the applicant's property area, and the procedures described in **Section 34-5-62**.
- (2) Areas tributary to the applicant's property, not meeting the storage and release rate requirements of this Code, shall be identified.

- (3) Using the areas determined above plus the applicant's property area, total storage needed for the combined properties shall be computed.

Allowable release rates shall be computed using the combined property areas. Storage shall be computed as described in **Section 34-5-63**. If tributary areas are not developed, a reasonable fully developed land cover, based on local zoning, shall be used for the purposes of computing storage.

Once the necessary combined storage is computed, the City may choose to pay for over-sizing the applicant's detention basin to accommodate the regional flows. The applicant's responsibility will be limited to the storage for his property as computed above. If regional storage is selected by the City, then the design produced in **Section 34-5-62** shall be implemented. If regional storage is rejected by the City, the applicant shall bypass all tributary area flows around the applicant's basin whenever practicable. If the applicant must route upstream flows through his basin and the upstream areas exceed **one (1) square mile** in size, the applicant must meet the provision of **Section 34-5-64(B)** for on-stream basins.

(B) **Upstream Areas Meeting Code Requirements.** When there are areas which meet the storage and release rate requirements of this Code, tributary to the applicant's property, the upstream flows shall be bypassed around the applicant's detention basin if this is the only practicable alternative. Storage needed for the applicant's property shall be computed as described in **Section 34-5-64(A)**. However, if the City decides to route tributary area flows through an applicant's basin, the final design stormwater releases shall be based on the combined total of the applicant's property plus tributary areas. It must be shown that at no time will the release rate from the combined property exceed the allowable release rate for applicant's property alone.

34-5-65 EARLY COMPLETION OF DETENTION FACILITIES. Where detention, retention, or depressional storage areas are to be used as part of the drainage system for a property, they shall be constructed as the first element of the initial earthwork program. Any eroded sediment captured in these facilities shall be removed by the applicant on a regular basis and before project completion in order to maintain the design volume of the facilities.

DIVISION XV - SOIL EROSION AND SEDIMENT CONTROL

34-5-66 FINDINGS. The City hereby finds that:

(A) The soil types found in the City are susceptible to erosion and if left unprotected could cause severe loss of soil with resultant damage to property;

(B) The topography of the City contains areas with steep slopes upon which, if clearing of trees and/or inappropriate construction takes place, could result in severe erosion and slope stability problems which could result in damage to property;

(C) Excessive quantities of soil may erode from areas undergoing development for certain non-agricultural uses including but not limited to the construction of dwelling units, commercial buildings and industrial plants, the building of roads and highways, the modification of stream channels and drainage ways, and the creation of recreational facilities;

(D) The washing, blowing, and falling of eroded soil across and upon roadways endangers the health and safety of users thereof, by decreasing vision and reducing traction of road vehicles;

(E) Soil erosion necessitates the costly repairing of gullies, washed out fills, and embankments;

(F) Sediment from soil erosion tends to clog sewers and ditches and to pollute and silt rivers, streams, lakes, sinkholes, wetlands, and reservoirs;

(G) Sediment limits the use of water and waterways for most beneficial purposes, promotes the growth of undesirable aquatic weeds, destroys fish and other desirable aquatic life, and is costly and difficult to remove; and

(H) Sediment reduces the channel capacity of waterways and the storage capacity of flood plains and natural depressions, resulting in increased chances of flooding at risk to public health and safety.

34-5-67 GENERAL PRINCIPLES. It is the objective of this Code to control soil erosion and sedimentation caused by development activities, including clearing, grading, stripping, excavating, and filling of land, in the City.

Water quality shall adhere to:

(A) Illinois Environmental Protection Act – 415 ILCS 5/12, from Ch. 111 ½, par. 1011 and 1012;

(B) Illinois Pollution Control Board Rules and Regulations – Title 35: Environmental Protection, Subtitle C: Water Pollution Chapter I: Pollution Control Board, Part 302 Water Quality Standards; and

(C) Illinois Pollution Control Board Rules and Regulations – Title 35: Environmental Protection, Subtitle C: Water Pollution, Chapter I: Pollution Control Board, Part 304 Effluent Standards.

Measures taken to control soil erosion and off-site sediment runoff shall be adequate to assure that sediment is not transported from the site by a storm event of ten-year, 24 hour frequency or less. The following principles shall apply to all new development or redevelopment activities within the City and to the preparation of the submissions required under **Section 34-5-68** of this Code.

(A) New development or redevelopment shall be related to the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes greater than **thirty-three percent (33%)** where high cuts and fills may be required are to be avoided wherever possible, and natural contours should be followed as closely as possible.

(B) Natural vegetation shall be retained and protected wherever possible. Areas immediately adjacent to natural watercourses, lakes, ponds, sinkholes, and wetlands are to be left undisturbed wherever possible. Temporary crossings of watercourses, when permitted, must include appropriate stabilization measures.

(C) Special precautions shall be taken to prevent damages resultant from any necessary development activity within or adjacent to any stream, lake, pond, sinkhole or wetland. Preventive measures shall reflect the sensitivity of these areas to erosion and sedimentation.

(D) The smallest practical area of land shall be exposed for the shortest practical time during development.

(E) Sediment basins or traps, filter barriers, diversions, and any other appropriate sediment or runoff control measures shall be installed prior to site clearing and grading and maintained to remove sediment from run-off waters from land undergoing development.

(F) The selection of erosion and sediment control measures shall be based on assessment of the probable frequency of climatic and other events likely to contribute to erosion, and on evaluation of the risks, costs, and benefits involved.

(G) In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance must be considered.

(H) Provision shall be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development. Drainage ways shall be designed so that their final gradients and the resultant velocities and rates of discharge will not create additional erosion on-site or downstream.

(I) Permanent vegetation and structures shall be installed and functional as soon as practical during development.

(J) Those areas being converted from agricultural purposes to other land uses shall be vegetated with an appropriate protective cover prior to development.

(K) All waste generated as a result of site development activity shall be properly disposed of and shall be prevented from being carried off the site by either wind or water.

(L) All construction sites shall provide measures to prevent sediment from being tracked onto public or private roadways.

(M) All temporary soil erosion and sediment control practices shall be maintained to function as intended until the contributing drainage area has been permanently stabilized at which time they shall be removed.

34-5-68 EROSION AND SEDIMENT CONTROL PLAN SUBMITTAL REQUIREMENTS.

Each applicant shall submit the information depending on development size, as regulated to ensure that the provisions of this Code are met. The submittal shall include sufficient information to evaluate the environmental characteristics of the property, the potential adverse impacts of the development related to erosion both on-site and off-site, and the effectiveness of the proposed erosion and sediment control plan in reducing sediment loss and meet the provisions of **Section 34-5-50**. The applicant shall certify on the drawing that all clearing, grading, drainage, and construction shall be accomplished in strict conformance with the erosion and sediment control plan. The following information shall be submitted for both existing and proposed property conditions; new developments or re-developments meeting the requirements of **Section 34-5-51**.

(A) **Erosion and Sediment Control Plan Requirements.** Shall meet the requirements of **Section 34-5-60(A)**, **Section 34-5-60(B)**, and **Section 34-5-49**.

(B) **Mapping and Descriptions.** The existing and proposed erosion and sediment control features of the property and immediate vicinity including:

- (1) As required in **Section 34-5-60(A)**, **Section 34-5-60(B)**, and **Section 34-5-60(C)**;
- (2) Location of the slope disturbance line;
- (3) Location and description of the erosion and sediment control measures to be employed during construction;
- (4) For any structures proposed to be located on the slope side of the slope disturbance line the map shall include the limits of disturbance including tree removal, erosion and sediment control measures during construction, cross section view of any proposed cut or fill, erosion and sediment control measures during construction, details of method(s) proposed for providing slope stability, permanent stormwater control measures, and permanent erosion and sediment control measures all being certified by a registered professional engineer or a "Certified Professional Erosion Control Specialist."
- (5) The predominant soil types on the site, their location, and their limitations for the proposed use as defined by the USDA Natural Resources Conservation Service.
- (6) The proposed use of the site, including present and planned development, areas of clearing, stripping, grading, excavation and filling; proposed contours, finished grades, and street profiles; the stormwater plan as required in **Division XIII**; kinds and locations of utilities, areas and acreages proposed to be paved, sodded or seeded, vegetatively stabilized, or left undisturbed; and the location of specimen trees over **eighteen (18) inches** in diameter and their type.
- (7) The erosion and sediment control plan showing all measures necessary to meet the requirements of this Code throughout all phases of construction and those remaining permanently after completion of the development of the site, including:
 - (a) Location and description, including standard details, of all sediment control measures, runoff control measures, including diversions, waterways and outlets, and design specifics of sediment basins and traps including outlet details.
 - (b) Location and description of all soil stabilization and erosion control measures, including seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, kind and quantity

- of mulching for both temporary and permanent vegetative control measures, and types of non-vegetative stabilization measures.
- (c) Location and description of methods to prevent tracking of sediment off-site including construction entrance details, as appropriate.
 - (d) Description of dust and traffic control measures.
 - (e) Locations of stockpiles and description of stabilization methods.
 - (f) Location of off-site fill or borrow volumes, locations and methods of stabilization.
 - (g) Provisions for maintenance of control measures, including type and frequency of maintenance, easements, and estimates of the cost of maintenance.
 - (h) The proposed phasing of development of the site, including stripping and clearing, rough grading and construction, and final grading and landscaping. Phasing should identify the expected date on which clearing will begin, the estimated duration of exposure of cleared area, and the sequence of installation of temporary sediment control measures (including perimeter controls), installation of stormwater drainage, paving streets and parking areas, final grading and the establishment of permanent vegetative cover, and the removal of temporary measures. It shall be the responsibility of the applicant to notify the City Council of any significant changes which occur in the site development schedule after the initial erosion and sediment control plan has been approved.

34-5-69 **DESIGN AND OPERATION STANDARDS AND REQUIREMENTS.** The preparation of soil erosion and sediment control plans shall follow the principles outlined in the "Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control", excepting **Chapter 6** published by the Urban Committee of the Association of Illinois Soil and Water Conservation Districts. The design criteria, standards, and methods shall be prepared in accordance with the requirements of this Code and the standards and specifications contained in "Illinois Urban Manual" prepared for the Illinois Environmental Protection Agency by the USDA Natural Resources Conservation Service, which standards and methods are hereby incorporated into this Code by reference. In the event of conflict between the provisions of said manuals and of this Code, this Code shall govern.

(A) **Erosion and Sediment Control Design Requirements.** New developments or redevelopments shall comply with **Section 34-5-68** and meet the following:

- (1) Control measures shall be constructed to control runoff from the property to such an extent possible that sediment is retained on-site.
- (2) Temporary on-site control measures required shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.
- (3) Disturbed areas shall be stabilized with permanent measures within **seven (7) calendar days** following the end of active disturbance, or re-disturbance consistent with the following criteria:
 - (a) Appropriate permanent stabilization measures shall include seeding, mulching, sodding, with non-vegetative measures as a last resort.
 - (b) Areas having slopes greater than **thirty-three percent (33%)** shall be stabilized with sod, mat, or blanket in combination with seeding or equivalent.

- (4) All temporary and permanent erosion and sediment control practices must be maintained and repaired as needed to assure effective performance of their intended function.
- (5) All temporary erosion and sediment control measures shall be disposed in a proper manner within **thirty (30) days** after final site stabilization is achieved with permanent soil stabilization measures. Trapped sediment and other disturbed soils resulting from the disposition of temporary measures shall be permanently stabilized to prevent further erosion and sedimentation.
- (6) **Site Development Requirements.** On-site sediment control measures, as specified by the following criteria, shall be constructed as specified in the referenced handbooks, and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.
- (a) For new developments or redevelopments less than **one (1) acre**, or for a tract of land where a single family dwelling is being erected and less than **ten thousand (10,000) square feet** of impervious surface is being developed, filter barriers (including filter fences, straw bales, or equivalent control measures) shall be constructed to control all on-site runoff. Vegetated filter strips, with a minimum width of **twenty-five (25) feet**, may be used as an alternative only where runoff in sheet flow is expected.
- (b) For new developments or re-developments more than **one (1) acre** but less than **five (5) acres**, a sediment trap designed in accordance with the IEPA Standards and Specifications for Soil Erosion or equivalent control measure shall be constructed at the downslope point of the disturbed area.
- (c) For new developments or redevelopments greater than **five (5) acres**, a sediment basin or equivalent control measure shall be constructed at the downslope point of the disturbed area.
- (d) Sediment basin and sediment trap designs shall provide for both "dry" detention and "wet" detention sediment storage. The detention storage shall be composed of equal volumes of "wet" detention storage and "dry" detention storage and each shall be sized as regulated in **Division XIV**. The release rate of the basin shall be that rate as regulated in **Division XIV**. The elevation of the outlet structure shall be placed such that it only drains the dry detention storage.
- (e) The sediment storage shall be sized to store the estimated sediment load generated from the site over the duration of the construction period with a minimum storage equivalent to the volume of sediment generated in **one (1) year**. For construction periods exceeding **one (1) year**, the 1-year sediment load and a sediment removal schedule may be substituted.
- (f) The alteration of sinkholes by filling, grading or excavation is prohibited, including an area within **twenty- five (25) feet** from the rim.
- (g) To the extent possible or as otherwise regulated in this Code all desirable trees **eight (8) inches** in diameter and larger shall be protected for their present and future value for erosion protection and other environmental benefits. Trees that have been selected for preservation shall be marked prior to the beginning of any clearing, grading, stripping, excavation, or filling of the site. A "No" construction zone shall be established and marked at the perimeter of the drip line of each tree which is to be preserved.

- (7) Stormwater conveyance channels, including ditches, swales, and diversions, and the outlets of all channels and pipes shall be designed and constructed as regulated in **Division XIV**. All constructed or modified channels shall be stabilized within **forty-eight (48) hours**, consistent with the standards as required in the IEPA Erosion Control Manual "Standards and Specifications for Soil Erosion and Sediment Control".
- (8) Land disturbance activities in stream channels shall be avoided, where possible, or as regulated in **Division XIV**. If disturbance activities are unavoidable, the following requirements shall be met.
 - (a) Construction vehicles shall be kept out of the stream channel to the maximum extent practicable. Where construction crossings are necessary, temporary crossings shall be constructed of non-erosive material, such as riprap or gravel.
 - (b) The time and area of disturbance of stream channels shall be kept to a minimum. The stream channel, including bed and banks, shall be stabilized within **forty-eight (48) hours** after channel disturbance is completed, interrupted, or stopped.
- (9) Storm sewer inlets and culverts shall be protected by sediment traps or filter barriers meeting accepted design standards and specifications.
- (10) Soil storage piles containing more than **ten (10) cubic yards** of material shall not be located with a downslope drainage length of less than **twenty-five (25) feet** to a roadway, drainage channel, or sinkhole. Filter barriers, including straw bales, filter fence, or equivalent, shall be installed immediately on the downslope side of the piles.
- (11) If dewatering devices are used, discharge locations shall be protected from erosion. All pumped discharges shall be routed through appropriately designed sediment traps or basins, or equivalent and shall not be deposited into a sinkhole.
- (12) Each site shall have graveled (or equivalent) entrance roads, access drives, and parking areas of sufficient length and width to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by shoveling or street cleaning (not flushing) before the end of each workday and transported to a controlled sediment disposal area.

34-5-70 **MAINTENANCE OF CONTROL MEASURES.** All soil erosion and sediment control measures necessary to meet the requirements of this Code shall be maintained periodically by the applicant or subsequent land owner during the period of land disturbance and development of the site in a satisfactory manner to ensure adequate performance.

34-5-71 **CONTROL OF CONSTRUCTION SITE WASTES.** All waste materials generated during construction activities must be properly disposed. Examples of construction site waste may consist of, but not be limited to, all building materials, raised structure debris, concrete (including concrete truck wash), asphalt, brick, excess soil, rebar, erosion and sediment control materials, cleared vegetation, chemicals, temporary bathroom facilities and all other construction site wastes.

34-5-72 **CONSTRUCTION SITE STORM WATER POLLUTION PREVENTION PLAN.** Activities that are applicable to this Code, per **Section 34-5-51**, must provide a Construction Site Storm Water Pollution Prevention Plan (CSSPPP).

The Construction Site Storm Water Pollution Prevention Plan may be a full sized plan sheet with necessary notes for requirements or may be a narrative explaining construction site operating procedures to minimize or eliminate storm water pollution as a result of construction activities.

The items covered in an approvable CSSPPP are dependent on the activities and the materials required on site to complete the project. Therefore, the detail of the plan may be more or less depending on site activities planned. Standard items included in a CSSPPP are, but are not limited to:

- (A) Purpose
- (B) Construction Site Description
- (C) Activities/Materials to be Addressed in the CSSPPP
- (D) Construction Site Operating Procedures
- (E) Activities/Materials Monitoring and Maintenance
- (F) Emergency and Spill Procedures

Should construction site activities/materials change during construction, the CSSPPP must reflect the changes. Therefore, the plan must be kept on-site at all times and be altered as necessary with the approval of the Inspector. Should major changes be warranted, a revised plan must be submitted for review and approval.

DIVISION XVI - LONG TERM MAINTENANCE RESPONSIBILITY

34-5-73 **LONG TERM MAINTENANCE RESPONSIBILITY.** Maintenance of stormwater drainage, and erosion and sediment control facilities located on private property shall be the responsibility of the owner of that property. Before approval is obtained from the City the applicant shall execute a maintenance agreement with the City guaranteeing that the applicant and all future owners of the property will maintain its stormwater drainage and erosion and sediment control system. Such agreement shall be recorded with the Recorder of Deeds of the County. The maintenance agreement shall include a schedule for regular maintenance of each aspect of the property's stormwater drainage and erosion and sediment control system and shall provide for access to the system for inspection by authorized personnel of the City. The maintenance agreement shall also stipulate that if the appropriate personnel of the City notify the property owner in writing of maintenance problems which require correction, the property owner shall begin such corrections within **twenty-four (24) hours** and shall not extend beyond **seven (7) calendar days** of such notification. If the corrections are not made within this time period the City may have the necessary work completed and assess the cost to the property owner. The City has the option of requiring a bond to be filed by the property owner for maintenance of the stormwater drainage and erosion and sediment control system.

DIVISION XVII - INSPECTIONS

34-5-74 **INSPECTIONS.** The City shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the developer wherein the work fails to comply with the stormwater drainage or erosion and sedimentation control plan as approved. Plans for grading, stripping, excavating, and filling work approved by the City Council shall be maintained at the site during progress of the work. In order to obtain inspections and to ensure compliance with this Code, the developer shall notify the City within **two (2) working days** of the completion of the construction stages specified below:

- (A) Upon completion of installation of the stormwater drainage and erosion and sediment control measures (including perimeter controls and diversions), prior to proceeding with any other earth disturbance or grading,

- (B) After stripping and clearing,
- (C) After rough grading,
- (D) After final grading,
- (E) After seeding and landscaping deadlines, and
- (F) After final stabilization and landscaping, prior to removal of sediment controls.

If stripping, clearing, grading and/or landscaping are to be done in phases or areas, the developer shall give notice and request inspection at the completion of each of the above work stages in each phase or area. If an inspection is not made and notification of the results given within **five (5) working days** after notice is received by the City from the developer, the developer may continue work at his/her own risk, without presuming acceptance by the City. Notification of the results of the inspection shall be given in writing at the site.

34-5-75 **BI-WEEKLY INSPECTIONS.** Bi-weekly inspection reports shall be submitted to the City for all Developments. Except for the development of one single family dwelling, the Bi-weekly reports must be certified by a registered professional engineer, describing the current status of construction for proposed drainage and detention system, including whether drainage construction and erosion control has been installed in accordance with construction plans. Report shall define whether maintenance has been provided as needed for the erosion control.

34-5-76 **SPECIAL PRECAUTIONS.** If at any stage of the grading of any development site the City determines by inspection that the nature of the site is such that further work authorized by an existing approval is likely to imperil any property, public way, stream, lake, wetland, or drainage structure, the City may require, as a condition of allowing the work to be done, that such reasonable special precautions to be taken as is considered advisable to avoid the likelihood of such peril. "Special precautions" may include, but shall not be limited to, a more level exposed slope, construction of additional drainage facilities, berms, terracing, compaction, or cribbing, installation of plant materials for erosion control, and recommendations of a registered soils engineer and/or engineering geologist which may be made requirements for further work.

(A) **Possibility of Storm Damage.** Where it appears that storm damage may result because the grading on any development site is not complete, work may be stopped and the developer required to install temporary structures or take such other measures as may be required to protect adjoining property or the public safety. On large developments or where unusual site conditions prevail, the City may specify the time of starting grading and time of completion or may require that the operations be conducted in specific stages so as to ensure completion of protective measures or devices prior to the advent of seasonal rains.

34-5-77 **AMENDMENT OF PLANS.** Major amendments to stormwater drainage and detention or erosion and sediment control plans shall be submitted to the City Council and shall be processed and approved or disapproved in the same manner as the original plans. Field modification of a minor nature may be authorized by the City by written authorization to the developer.

DIVISION XVIII - APPROVAL

34-5-78 **APPLICATION FOR DEVELOPMENT APPROVAL.** Application for Development Approval shall be made by the owner of the property or his authorized agent to the City on a form furnished for that purpose. Each application shall bear the name(s) and address(es) of the owner or developer of the site, the contractor(s) and any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm, and shall be accompanied by a filing fee of **Two Hundred Dollars (\$200.00)** for approval subject to the requirements of **Division XIV**, Stormwater Drainage and Detention. No approval fee is assessed for those developments where only the

requirements of **Division XV**, Soil Erosion and Sediment Control, apply. Each application shall include certification that any land clearing, construction, or development involving the movement of earth shall be in accordance with the plans approved upon issuance of the approval.

34-5-79 **BOND REQUIRED.** The applicant for a Development may be required to file with the City, a faithful performance bond or bonds, letter of credit, or other improvement security satisfactory to the City in an amount deemed sufficient to cover all costs of improvements, landscaping, maintenance of improvements and landscaping, and soil erosion and sediment control measures for such period as specified by the City, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

34-5-80 **REVIEW AND APPROVAL.** Each application for a Development shall be reviewed and acted upon according to the following procedures:

(A) The City will review each application for a Development to determine its conformance with the provisions of this Code. The City may also refer any application to the County Soil and Water Conservation District, a consulting engineer retained by the City, and/or any other local government or public agency within whose jurisdiction the site is located for review and comment. All costs or fees acquired from the review shall be the responsibility of the applicant to reimburse the City in full before the approval is processed further. Within **sixty (60) days** after receiving an application and all costs or fees acquired, the City shall in writing:

- (1) Approve the development if it is found to be in conformance with the provisions of this Code;
- (2) Approve the development subject to such reasonable conditions as may be necessary to secure substantially the objectives of this Code, and issue the approval subject to these conditions; or
- (3) Disapprove the development, indicating the deficiencies and the procedure for submitting a revised application and/or submission.

(B) No approval for Development shall be issued for an intended development site unless:

- (1) The development, including but not limited to subdivision or planned unit development, has been approved by the City where applicable, or
- (2) the proposed earth moving is coordinated with any overall development program previously approved by the City for the area in which the site is situated; and
- (3) all relevant federal and state permits have been received for the portion of the site subject to soil disturbance as noted in **Section 34-5-50**.

(C) Failure of the City to act on an original or revised application within **sixty (60) days** of receipt shall authorize the applicant to proceed in accordance with the plans as filed and in compliance with the regulations contained herein, unless such time is extended by agreement between the City and the applicant. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the City.

34-5-81 **FINAL CERTIFICATION.** Prior to final approval by the City a registered professional engineer shall certify that the detention basin has been constructed in accordance with construction plans and proposed volume has been provided. An "as-built" survey of the detention basin, prepared by a licensed surveyor, shall be included with the certification for approval.

34-5-82 **EXPIRATION OF APPROVAL.** Approval for Development shall expire and become null and void if the work authorized by such approval has not been commenced within **one hundred eighty (180) days**, or if not completed by the date specified; except that the City may, if the developer presents satisfactory evidence that unusual difficulties have prevented work being commenced

or completed within the specified time limits, grant a reasonable extension of time if written request is made prior to expiration of the specified time limit. The City may require modification of the erosion control plan to prevent any increase in erosion or off-site sediment runoff resulting from any extension.

34-5-83 **APPEALS.** The applicant, or any person or agency which received notice of the filing of the application, may appeal the decision of the City. Upon receipt of an appeal, the City shall schedule and hold a public hearing, after giving **fifteen (15) days** notice thereof. The City shall render a decision within **thirty (30) days** after the hearing. Factors to be considered on review shall include, but need not be limited to, the effects of the proposed development activities on the surface water flow to tributary and downstream lands, any comprehensive watershed management plans, or the use of any retention facilities; possible saturation of fill and unsupported cuts by water, both natural and domestic; runoff surface waters that produce erosion and silting of drainageways; nature and type of soil or rock which when disturbed by the proposed development activities may create earth movement and produce slopes that cannot be landscaped; and excessive and unnecessary scarring of the natural landscape through grading or removal of vegetation.

DIVISION XIX - ENFORCEMENT

34-5-84 **STOP-WORK ORDER; REVOCATION OF APPROVAL.** In the event any person holding granted development approval pursuant to this Code violates the terms of the permit, or carries on-site development in such a manner as to materially adversely affect the health, welfare, environment, or safety of persons residing or working in the neighborhood of the development site or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the City may suspend or revoke the Development approval.

(A) Suspension of approval shall be by a written stop-work order issued by the City and delivered to the developer or his agent or the person performing the work. The stop-work order shall be effective immediately, shall state the specific violations cited, and shall state the conditions under which work may be resumed. A stop-work order shall remain in effect until the next regularly scheduled meeting of the City Council at which time the conditions of **Section 34-5-82** above can be met.

(B) No Development approval shall be revoked until a hearing is held by the City. Written notice of such hearing shall be served on the developer, either personally or by registered mail, and shall state:

- (1) The grounds for complaint or reasons for suspension or revocation, in clear and concise language; and
- (2) The time when and place where such hearing will be held.

Such notice shall be served on the developer at least **five (5) days** prior to the date set for the hearing. At such hearing, the developer shall be given an opportunity to be heard and may call witnesses and present evidence on his behalf. At the conclusion of the hearing the City shall determine whether the permit shall be revoked.

34-5-85 **VIOLATIONS AND PENALTIES.** No person shall construct, enlarge, alter, repair or maintain any grading, excavation or fill, or cause the same to be done, contrary to or in violation of any terms of this Code. Any person violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this Code is committed, continued, or permitted shall constitute a separate offense. In addition to any other penalty authorized by this Section, any person, partnership, or corporation convicted of violating any of the provisions of this Code shall be required to restore the site to the condition existing prior to commission of the violation, or to bear the expense of such restoration.

**CITY OF NEWTON
SUBDIVISION CODE**

SCHEDULES AND BONDS

Schedule A	Checklist for Preliminary Plat
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Schedule A. Checklist for Preliminary Plat

_____ (Name of Subdivision)

_____ (Date of Submission)

_____ (Due date of recommendation – 90 days)

NOTE: To properly execute this checklist, the subdivider or his engineer shall:

- (A) Insert the required information.
- (B) Denote compliance with applicable ordinances by placing his initials in all spaces where applicable.
- (C) Denote those items which the subdivider considers "not applicable" to this particular subdivision by the abbreviation "N.A.".

- _____ 1. Six copies of preliminary plan submitted.
- _____ 2. Plans conform to Sec. 34-3-3.
- _____ 3. Plan scale is not less than 1" to 100'.
- _____ 4. Minimum profile scale is 1" to 100' horizontal and 1" to 10' vertical.
- _____ 5. A title sheet is included with each set of preliminary plans.
- _____ 6. Name of proposed subdivision shown.
- _____ 7. Location given by town, range, section or other legal description.
- _____ 8. Name and address of owner, trust, corporation, or subdivider having control of project is shown.
- _____ 9. Name and seal of professional engineer or surveyor who prepared topographic survey is shown.
- _____ 10. Name and address of the designer of the plan is shown.
- _____ 11. North direction is shown.
- _____ 12. Date of preparation and date of revision, if any, is shown.
- _____ 13. A location map is included indicating:
 - _____ a. A scale of not less than 1" to 1,000'.
 - _____ b. Boundary lines of adjoining land within an area bounded by the nearest arterial streets or other natural boundaries.
 - _____ c. Use of surrounding land.
 - _____ d. Ownership of the surrounding land.
 - _____ e. Alignment of existing streets.
 - _____ f. Section and corporate lines.
- _____ 14. Boundary lines of proposed subdivision are clearly shown.
- _____ 15. Total approximate acreage is shown.
- _____ 16. Existing zoning classification is indicated.
- _____ 17. The following existing items, if within the boundaries of the subdivision, or located 100' or less outside the boundaries are shown:
 - _____ a. Previously platted streets and other right-of-way, with improvements, if any, indicating:
 - _____ 1. Location
 - _____ 2. Widths
 - _____ 3. Names
 - _____ b. Railroad rights-of-way, indicating:
 - _____ 1. Location
 - _____ 2. Dimensions
 - _____ c. Utility rights-of-way, indicating:
 - _____ 1. Location
 - _____ 2. Widths
 - _____ 3. Type
 - _____ a. Sewer
 - _____ b. Water
 - _____ c. Electric
 - _____ d. Other

- _____ d. Parks and other open spaces indicating:
 - _____ 1. Location
 - _____ 2. Area
- _____ e. Easements, including:
 - _____ 1. Location
 - _____ 2. Width
 - _____ 3. Purpose
- _____ f. Permanent buildings and structures, indicating:
 - _____ 1. Location
 - _____ 2. Setback lines
 - _____ 3. Names of owners
- _____ g. Section and corporate lines
- _____ h. Sanitary sewers, indicating:
 - _____ 1. Location
 - _____ 2. Size
 - _____ 3. Manholes
 - _____ 4. Invert elevations at manholes
- _____ i. Water mains, indicating:
 - _____ 1. Location
 - _____ 2. Size
 - _____ 3. Valves, indicating:
 - _____ a. Valve manhole, or
 - _____ b. Valve box
 - _____ 4. Fire hydrants and auxiliary valves
- _____ j. Culverts, indicating:
 - _____ 1. Type
 - _____ 2. Location
 - _____ 3. Size
 - _____ 4. Invert elevation
- _____ k. Storm sewers, indicating:
 - _____ 1. Location
 - _____ 2. Size
 - _____ 3. Catch basins
 - _____ 4. Invert elevations
- _____ l. Watercourses, indicating:
 - _____ 1. Type
 - _____ 2. High water width and elevation
 - _____ 3. Width of easement
 - _____ 4. Location of easement
- _____ m. Marshes or wetlands, indicating:
 - _____ 1. Location
 - _____ 2. Dimensions
 - _____ 3. Soil bearing capacity
- _____ n. Floodplains, floodways, or flood prone areas, indicating:
 - _____ 1. Location
 - _____ 2. Dimensions
 - _____ 3. Type
- _____ o. Rock outcrops, indicating:
 - _____ 1. Location
 - _____ 2. Dimensions
- _____ p. Monuments and survey markers, indicating:
 - _____ 1. Location
 - _____ 2. Type
- _____ 18. Topographic data is given in feet above mean sea level within the tract and to a distance of 100' beyond, indicating:
 - _____ a. Existing contours at vertical intervals of not more than 2'.
 - _____ b. Proposed contours at vertical intervals of not more than 2'.
 - _____ c. Bench mark, indicating:

- _____ 1. Location
 - _____ 2. Description
 - _____ 3. Elevation
- _____ 19. Soil bearing data is given, if required by the municipality, indicating:
- _____ a. Location of tests
 - _____ b. Depth of tests
 - _____ c. Soil bearing capacity
 - _____ d. Moisture content
- _____ 20. The following proposed items, if within the boundaries of the subdivision or located 100' or less outside of the boundaries, are shown:
- _____ a. Layout of streets, indicating:
 - _____ 1. Arterial streets, indicating:
 - _____ a. Right-of-way width
 - _____ b. Roadway width, back to back of curbs
 - _____ 2. Collector streets, indicating:
 - _____ a. Right-of-way width
 - _____ b. Roadway width, back to back of curbs
 - _____ 3. Local streets, indicating:
 - _____ a. Right-of-way width
 - _____ b. Roadway width, back to back of curbs
 - _____ 4. Cul-de-sac streets, indicating:
 - _____ a. Right-of-way width
 - _____ b. Roadway width, back to back of curbs
 - _____ c. The length does not exceed 500' unless there are less than 16 lots abutting the cul-de-sac street.
 - _____ d. Terminus is circular, or nearly so, and right-of-way is at least 120' in diameter.
 - _____ e. Terminus roadway width is 80' in diameter.
 - _____ 5. Marginal access street, indicating:
 - _____ a. Right-of-way width
 - _____ b. Roadway width, back to back of curbs
 - _____ 6. Through street shown extended to boundaries of subdivision
 - _____ 7. Storm water runoff pattern on paving
 - _____ b. Names of streets
 - _____ 1. Not duplicating the name of any street heretofore used in the municipality or its environs, unless the street is an extension of an already existing street, in which case, the name shall be used.
 - _____ c. Street improvement plan showing location of all new street improvements, including those to the center line of previously dedicated rights-of-way, abutting the subdivision, in accordance with prevent municipality standards.
 - _____ d. Utility easements:
 - _____ 1. Located at the rear of each lot and other necessary locations
 - _____ 2. Not less than 10' in width on each lot
 - _____ 3. Purpose is indicated
 - _____ 4. Storm water runoff is indicated
 - _____ e. Centerline profiles of all streets showing gradients not less than 0.4 percent and not more than:
 - _____ 1. 5.0% on collector streets

- _____ 2. 7.0% on minor streets
- _____ f. Pedestrian ways, when required, indicating:
 - _____ 1. Location at approximately the center of blocks in excess of 1000' in length
 - _____ 2. Width not less than 10'
 - _____ 3. Shrub or tree hedge at side boundary lines
- _____ g. Block layout, indicating:
 - _____ 1. Blocks do not exceed 1200' in length
 - _____ 2. Additional access ways to parks, schools, etc., are shown in accordance with the plan commission's requirements
 - _____ 3. Blocks fit readily into the overall plan of the subdivision, with due consideration given to:
 - _____ a. Topographical conditions
 - _____ b. Lot planning
 - _____ c. Traffic flow pattern
 - _____ d. Public open space areas
 - _____ 4. Block numbers
 - _____ 5. Blocks intended for commercial, industrial or institutional use are so designated
- _____ h. Lot layout, indicating:
 - _____ 1. Lot dimensions
 - _____ 2. Lot areas, not less than those stipulated in the appropriated district regulations of the zoning code (Areas may be listed by Schedule)
 - _____ 3. Building setback lines shown and properly dimensioned
 - _____ 4. Proposed land use
 - _____ 5. Lot numbers
 - _____ 6. Corner lots are sufficiently larger than interior lots to allow maintenance of building setback lines on both street frontages and still allow a buildable width equal to that of the smallest interior lot in the block
 - _____ 7. All lots abut a publicly dedicated street for a distance of not less than the minimum width of the lot
 - _____ 8. Lots are as nearly rectangular in shape as is practicable
 - _____ 9. Lots are not less than the provision of the zoning code
 - _____ 10. Lot lines are substantially at right angles to the street lines and radial to curved street lines
 - _____ 11. Double frontage lots only where:
 - _____ a. Lots back upon an arterial street and front on an access street
 - _____ b. Topographic or other conditions make subdividing otherwise unreasonable
 - _____ c. Lots can be made an additional 20' deeper than average
 - _____ d. A protective screen planting is indicated on one frontage
 - _____ 12. Lots abutting or traversed by a watercourse, drainage way, channel way, channel, or stream, indicate:
 - _____ a. Additional width and depth to provide an acceptable building site
 - _____ b. Width of easement is at least 15' wider on each side of water at high water level
 - _____ 13. Due regard for natural features, such as:
 - _____ a. Trees
 - _____ b. Watercourses
 - _____ c. Historic items
 - _____ d. Other similar conditions

- _____ i. Areas intended to be dedicated for public use, indicating:
 - _____ 1. Plan conforms to general development plan of the municipality
 - _____ 2. Purpose
 - _____ 3. Acreage
- _____ j. Source of domestic water supply, indicating:
 - _____ 1. Connection to existing water mains
 - _____ 2. Location of site for community water plans
- _____ k. Provision for sewage disposal, indicating:
 - _____ 1. Connection to existing sanitary sewer mains
 - _____ 2. Location of site for community sewage disposal plant
- _____ l. School sites, indicating:
 - _____ 1. Location
 - _____ 2. Dimensions
 - _____ 3. Acreage
- _____ m. Topographic information, indicating:
 - _____ 1. Proposed changes in elevation of land showing that any flooding would be relieved
 - _____ 2. Adequate installation of storm sewers would remove the possibility of flooding
- _____ n. Sanitary sewer layout, indicating:
 - _____ 1. Location
 - _____ 2. Size
 - _____ 3. Invert elevation at manholes
 - _____ 4. Manhole locations
- _____ o. Watermain layout, indicating:
 - _____ 1. Location
 - _____ 2. Size
 - _____ 3. Looped pattern where practicable
 - _____ 4. Fire hydrants, as per Section 34-5-43
- _____ p. Storm sewer layout (See Ch. 32)
 - _____ 1. Location
 - _____ 2. Catch basins at not more than 600' intervals
 - _____ 3. Storm water is not carried across or around any intersection
 - _____ 4. Surface water drainage pattern for individual lot and block
- _____ q. Street light layout, indicating:
 - _____ 1. Locations and typical street light detail, or
 - _____ 2. Statement by subdivider that street lights will be installed in accordance with municipality standards
- _____ 21. An outline of proposed covenants accompanies the plans, indicating the intention of the subdivider to have the covenants recorded with the final plat.
 - _____ a. Protective against obstruction against drainage easements
- _____ 22. Typical street cross-section showing base construction, surfacing, concrete curb and sidewalk in accordance with the land improvements code.
- _____ 23. Indication that sidewalks will be installed along all lot lines coincidental with street rights-of-way.
- _____ 24. Indication on drawing or by certificate that subdivider is aware of his responsibility for installation of street signs and for seeding and tree planting in all parkways.

Completed by _____ (Name)

_____ (Address)

Reviewed by _____ (Zoning Administrator)

_____ (Date)

Considered by Plan Commission on _____ (Date)

_____ (Chairman)

Schedule B. Checklist for Engineering Plans

_____ (Name of Subdivision)

_____ (Date of Submission)

_____ (Due date of recommendation – 45 days)

NOTE: To properly execute this checklist, the subdivider or his engineer shall:

- (A) Insert the required information.
- (B) Denote compliance with applicable ordinances by placing his initials in all spaces where applicable.
- (C) Denote those items which the subdivider considers "not applicable" to this particular subdivision by the abbreviation "N.A."

- _____ 1. Plans have been submitted within twelve (12) months of the date of approval by the municipality board of the Preliminary Plan.
- _____ 2. Four (4) copies of engineering plans have been submitted.
- _____ 3. Plans conform to Article V, p. 858.
- _____ 4. A title sheet is included with each set of plans, and includes:
 - _____ a. Name of subdivision and unit number.
 - _____ b. Type of work covered.
 - _____ c. Location map showing relation of area to be improved to existing streets.
 - _____ d. An index of sheets.
 - _____ e. A summary of quantities.
 - _____ f. Name, address, and seal of registered engineer preparing the plans.
 - _____ g. Date of preparation and revisions, if any, is shown.
- _____ 5. Plans and profiles are on Federal Aid Sheets, plate I or II or equal.
 - _____ a. Horizontal scale is not less than 1" to 50'.
 - _____ b. Vertical scale is not less than 1" to 5'.
- _____ 6. Cross sections are plotted on Federal Aid Sheets, plate III.
- _____ 7. North direction is shown for each separate plan view.
- _____ 8. An adequate number of bench marks are shown with elevations referenced to mean sea level, to facilitate checking of elevations.
- _____ 9. Delineation is shown of all easements necessary to serve all lots with underground and overhead utilities, and to allow for perpetual maintenance to these facilities.
- _____ 10. An application for State Environmental Protection Agency permit for the sanitary sewer extension accompanies the plans.
- _____ 11. Sanitary sewer plans and specifications are complete and conform to the standards and requirements of the codes applicable thereto and denote all of the following:
 - _____ a. All properties in the subdivision are served and house service connections are provided.
 - _____ b. The minimum size main is 8" I.D.
 - _____ c. The plan conforms to the overall municipal plan for any trunk sewers traversing the subdivision.
 - _____ d. The distance between manholes does not exceed 400'.
 - _____ e. The invert elevation of each manhole is shown.
 - _____ f. The grade of each section of sewer is shown by percentage in accordance with accepted engineering practice.
 - _____ g. Extra strength pipe and extra strength manhole wall construction is specified and shown on the plans and in the estimates of quantities where the depth of installation exceeds 8'.
 - _____ h. Profile of existing and proposed ground surfaces.
 - _____ i. Risers are shown for individual house service laterals where depths of main exceeds 12'.
 - _____ j. Pipe joints are of permitted type.
 - _____ k. Minimum manhole cover weights are correct.
 - _____ 1. 540 pounds in collector streets.

- _____ 2. 400 pounds in minor and cul-de-sac streets.
- _____ 3. 335 pounds in rear-lot easements.
- _____ 12. An application for State Environmental Protection Agency approval of the water main installation accompanies the plans.
- _____ 13. Water distribution plans and specifications are complete and conform to the codes applicable thereto and include all of the following:
 - _____ a. All properties in the subdivision are served.
 - _____ b. The minimum size main is 6" I.D.
 - _____ c. The plan conforms to the municipality's overall plan for any trunk lines which might traverse the subdivision.
 - _____ d. Valve and hydrant spacing and location conform to the approved preliminary plan.
 - _____ e. Materials and joint specifications comply with the municipality's standards.
 - _____ f. Specifications include provisions for testing and sterilization of all new water distribution facilities.
 - _____ 1. Valve cover
 - _____ 2. Standard cover
 - _____ 3. Standard hydrant installation
- _____ 14. Street plans, including storm sewers, are complete and conform to the codes applicable thereto and include the following:
 - _____ a. The location of streets and width of pavements conform to those indicated on the approved preliminary plan.
 - _____ b. Plan shows curb, gutter and sidewalk locations, and include the following information:
 - _____ 1. Corner curb radius is not less than 16'.
 - _____ 2. Curve data for all horizontal curves.
 - _____ 3. Direction of flow along all curbs.
 - _____ 4. No surface water is carried across or around any street intersection, nor for a distance greater than 600'.
 - _____ c. Cross-sections are submitted as necessary to indicate feasibility of proposed street elevations in relation to adjacent lot elevations, and include sidewalk location.
 - _____ d. Profiles are submitted for all paving centerlines and storm sewers and indicate:
 - _____ 1. Catch basin invert elevations.
 - _____ 2. Minimum pipe size is 12" I.D., except that a lead from a single inlet may be 10" I.D.
 - _____ 3. The grade of each section of sewer is shown by percentage in accordance with accepted engineering practice.
 - _____ 4. Storm sewer elevations do not conflict with any other underground utilities.
 - _____ 5. Storm sewer is connected with an adequate outfall.
 - _____ 6. Curve data is given for vertical road curves.
 - _____ e. The storm sewer system is designed to provide sufficient capacity for the drainage of upland areas contributing to the storm water runoff on the street.
 - _____ 1. Storm sewer design computations are submitted with plans.
 - _____ f. A surface water drainage pattern is shown for each block.
 - _____ g. Material specifications comply with municipality standards and include:
 - _____ 1. Paving base material
 - _____ 2. Paving surface materials
 - _____ 3. Concrete
 - _____ 4. Pipe materials
 - _____ h. Typical cross-sections and details include the following:
 - _____ 1. Collector street
 - _____ 2. Minor or cul-de-sac street
 - _____ 3. Concrete curb and gutter
 - _____ 4. Concrete sidewalk
 - _____ 5. Standard manhole
 - _____ 6. Standard cover

- _____ 7. Catch basin
- _____ 15. Street light plans are complete and include the following:
- _____ a. Pole locations
 - _____ b. Spacing
 - _____ c. Average maintained footcandle illumination (calculated).
 - _____ 1. Type of base and pole
 - _____ 2. Bracket or arm
 - _____ 3. Luminaire, indicating type of lamp and wattage
 - _____ 4. Mounting height
- _____ 16. Parkway improvement specifications are complete and include provisions for:
- _____ a. Removal of stumps, trees that cannot be saved, boulders, and all other similar items.
 - _____ b. Grading, installation of topsoil and seeding or sodding.
- _____ 17. Street signs are shown to be installed at all street intersections not previously marked.

Completed by _____ (Name)
 _____ (Address)
 Reviewed by _____ (Zoning Administrator)
 _____ (Date)
 Considered by Plan Commission on _____ (Date)
 _____ (Chairman)

Schedule C. Checklist for Final Plat

_____ (Name of Subdivision)

_____ (Date of Submission)

_____ (Due date of recommendation – 30 days)

NOTE: To properly execute this checklist, the subdivider or his engineer shall:

- (A) Insert the required information.
- (B) Denote compliance with applicable ordinances by placing his initials in all spaces where applicable.
- (C) Denote those items which the subdivider considers "not applicable" to this particular subdivision by the abbreviation "N.A."

- _____ 1. Plat has been submitted within six (6) months after the approval of the engineering plans.
- _____ 2. Plat has been submitted within three (3) years after the approval of the preliminary plan (unless an extension of time has been requested and granted by the City Council.
- _____ 3. One (1) original drawing of the final plat has been submitted.
- _____ 4. One (1) transparency print of the final plat has been submitted.
- _____ 5. Four (4) copies of the final plat have been submitted.
- _____ 6. Plat is drawn with black or blue ink on heavy linen tracing cloth or polyester film.
- _____ 7. North direction is shown.
- _____ 8. Scale is shown (minimum 1" equals 100').
- _____ 9. Section corners and section lines are accurately tied into subdivision by distances and angles.
- _____ 10. Official survey monuments are shown as required.
- _____ 11. All necessary easements are shown and dimensioned.
- _____ 12. Building setback lines are shown and dimensioned in accordance with the zoning code.
- _____ 13. Lot areas are in accordance with the applicable zoning regulations.
- _____ 14. Street names are shown.
- _____ 15. Areas to be dedicated or reserved for public use are shown and described and the purpose is designated.
- _____ 16. Protective covenants are lettered on the plat or are appropriately referenced.
- _____ 17. Required certificates are shown and signed:
 - _____ a. Surveyor's certificate (including legal description).
 - _____ b. Owner's certificate.
 - _____ c. Notary certificate.
 - _____ d. County Clerk certificate.
 - _____ e. Flood Hazard certificate.
 - _____ f. Plan Commission certificate.
 - _____ g. City Council Certificate.
 - _____ h. Administrator.
- _____ 18. The following items have been submitted with the final plat:
 - _____ a. Detailed specifications for all required land improvements not previously submitted and approved with the engineering plans.
 - _____ b. A copy of the state sanitary water board permit for the sanitary sewer installation.
 - _____ c. A copy of the state department of public health approval of the water main installation.
 - _____ d. An affidavit by the subdivider acknowledging responsibility for the proper installation of all required land improvements.
 - _____ e. A certified estimate of cost of all required land improvements prepared by a registered engineer.
 - _____ f. A description of the bond or guarantee collateral intended to be submitted after contingent approval is granted by the City Council.

Completed by _____ (Name)
_____ (Address)
_____ (Date)
Reviewed by _____ (Zoning Administrator)
_____ (Date)
Considered by Plan Commission on _____ (Date)
_____ (Chairman)

Schedule D. Surety Bond for Improvements

"Know all men by these presents that we, _____, (name of individual, corporation, etc.), as principal, and the _____, (name of bonding company), a corporation, authorized to do business in the State of _____, as surety, are held and firmly bound unto the City of Trenton, in the penal sum _____ Dollars, lawful money of the United States for the payment of which we and each of us bind ourselves, our heirs, executors, administrators, successors and assigns jointly by these presents:

"The condition of this obligation is such that whereas, the said _____, (name of individual, corporation or principal) has agreed to construct and/or install at its expense the following improvements:

- Street base and paving
- Concrete curb and gutters
- Water mains, appurtenances, and house services
- Storm sewers, appurtenances, and house services
- Sanitary sewers, appurtenances, and house services
- Concrete sidewalks
- Street lights
- Site improvements

All in accordance with the specifications and codes of the City, and contained in plans and specifications prepared by _____ (named engineer), and approved by the City Council, at the following location:

(Description of Property)

'And has agreed to maintain such improvement constructed under this bond for a period of two years from the date of acceptance of the same by the City.

'Now, therefore, if the said principal shall well and truly perform in all respects in strict accordance with the requirements, and shall save the City harmless from all loss, cost or damage, by reason of their failure to complete said work, or maintain said improvements, relating to the above described work, then this obligation to be void, otherwise to remain in full force and effect."

Schedule E. Cash Bond

The Plan Commission may permit a developer to file in lieu of the surety bond called for in Schedule D, a cash bond guaranteeing that the improvements will be completed as follows:

(A) Undertaking in Lieu of Completion Bond.

WHEREAS, the statutes of the State of Illinois grant to a municipal corporation the right to require that a developer constructing certain improvements within that community guarantee the construction of such improvements by a completion bond or other security acceptable to the community; and WHEREAS, _____ desires to construct a residential development within the _____ of _____, and that said municipality is willing to accept an undertaking from a financial institution in the nature of an irrevocable commitment in lieu of such completion bond.

NOW, THEREFORE, are the following representations made by the owner and/or developer to the _____ of _____, as follows:

1. THAT _____ is the owner and/or developer of the property legally described in clause 2 of this undertaking, and shall hereinafter be referred to as "OWNER"; and, THAT the _____ of _____ shall hereinafter be referred to as "MUNICIPALITY".

2. THAT the OWNER is the legal title holder of the following described property:

[Legal Description]

3. THAT the OWNER shall be required to install and guarantee the installation of streets, sidewalks, street lights, sanitary sewers, storm sewers, water lines, recreational facilities (including structures), and common landscaping. In order to guarantee that such facilities shall be installed, the OWNER shall submit to the municipal engineer such specifications and estimated engineering costs as shall be required to meet with his approval. In aiding the municipal engineer in determining the amount of reasonably anticipated costs for the construction of such improvements, the OWNER may submit to the engineer signed contracts for the construction of such improvements. The municipal engineer, upon being satisfied that the design of the required improvements are in accordance with the ordinances of the MUNICIPALITY and in accordance with good engineering practices, shall estimate and certify an amount which shall represent one hundred ten percent (110%) of the reasonably estimated cost of completing the required improvements for which the MUNICIPALITY is requiring a completion guarantee.

4. [THAT except for the issuance of building permits for a reasonable number of models], the OWNER shall not be entitled to the issuance of [further] building permits until and unless said OWNER shall submit to the municipality an irrevocable financial commitment from a bank, savings and loan, or mortgage company approved by the municipality in the amount certified by the municipal engineer.

5. THAT the written irrevocable financial commitment shall be furnished by the municipality from a banking or lending institution in the form marked Appendix A and appended to this agreement.

6. THAT the OWNER guarantees the workmanship of the public improvements to be installed upon the site for a period of two (2) years after their donation to the municipality. Upon final completion of the streets, sidewalks, street lights, sanitary sewers, storm sewers, and water mains, the OWNER shall execute a Bill of Sale for those items which are personal property. For a period of one (1) year after the granting of the Bill of Sale in the case of personal property and the acceptance for maintenance in the case of streets and sidewalks, all necessary repairs to such facilities shall be the responsibility of the OWNER.

IN WITNESS WHEREOF _____ has hereunto
set his hand and seal this _____ day of _____, 20____.

(OWNER)

APPROVED by the _____ of _____ this _____ day of _____
_____, 20____.

BY: _____
(MUNICIPALITY)

(B) [Letterhead of Bank, Savings and Loan or Mortgage House]

_____, 20____

Schedule F. Maintenance Bond

The contractor making subdivision improvements shall furnish a two-year maintenance bond in the amount of 25% of the total cost of any improvements and installations excluding street tree plants and landscaping, which are to be maintained by the municipality. Such bond shall be in full force and effect from the date of the letter from the Administrator certifying that all required subdivision improvements and installations have been completed. This bond shall provide that all defects in the improvements and installations will be corrected at the end of the bond period subject to the approval of the Administrator. In those cases where a surety bond has been posted for the improvements in accordance with division (D) of this section, the applicant may provide that the surety bond be extended to cover this two-year period. Otherwise, a separate maintenance bond shall be posted.

APPENDIX A: FINANCIAL COMMITMENT

GENTLEMEN:

We hereby establish our irrevocable credit in favor of _____ [developer] _____, or the municipality of _____ in the amount of _____ Dollars (\$_____). We understand that this irrevocable credit is to be used to construct the following improvements in the residential development known as _____ to be constructed within the _____ of _____, Illinois:

streets; sidewalks; street lights; the portion of sanitary sewers, storm sewers, and water mains to become municipality-owned; recreational facilities (including a recreational building and a swimming pool and appurtenances thereof); and, landscaping in common areas.

The development is legally described as follows: [Legal Description]

We shall make payouts from this irrevocable commitment as follows:

If we have not been notified by the municipality of a default by the owner and/or developer, we shall disburse the funds for labor and materials furnished by contractors in accordance with the sworn statement on order of the owner, the submission of proper lien waivers from the contractors engaged in such work, and the certificate by the municipal engineer, _____ [his name] _____, that such work has been properly completed, however, that we shall withhold from each payment made under such sworn statement(s) or order(s) an amount equal to ten percent (10%) thereof until all improvements have been completed except final surfacing of the streets and sidewalks, at which time the ten percent (10%) sum withheld shall be disbursed less a sum equal to one hundred and twenty-five percent (125%) of the cost of the final surfacing of the streets, which sum shall be finally disbursed when the work has been completed and the requirements of certification and lien waivers as has been hereinabove set out.

The required improvements shall be completed in accordance with the following schedule: [Insert Schedule].

If we receive a resolution of the corporate authorities of the municipality indicating that the owner and/or developer has failed to satisfactorily complete or carry on the work of the installation and construction of the required improvements, and such resolution indicates that the owner and/or developer has been notified that the municipality finds that a breach of the owner's and/or developer's obligations has occurred and have not been cured within a period of thirty (30) days, that in such case we shall make payments for materials and labor to such contractor(s) or subcontractor(s) retained by the municipality who have completed the improvements in substantial accordance with the plans and specifications of the owner and/or developer; such payments shall be made upon the certification of the municipal engineer that the work has been completed and the submission of proper waiver of liens from the contractor(s) or subcontractor(s). The amount of the payouts shall be in accordance with the retention provisions as previously set out.

The irrevocable credit established by us shall be in force for a period of _____ (_____) years, and shall remain in effect without regard to any default in payments of sums owned us by the owner and/or developer and without regard to other claims which we may have against the owner and/or developer. Sixty (60) days prior to the expiration of this irrevocable credit, we shall notify the corporate authorities of the municipality, by registered letter return receipt requested, of the impending expiration date. This commitment shall not terminate without such notice. If the work covered by this commitment has not been completed within the time set forth in this agreement, the municipality may at its option continue drawing funds as otherwise provided for an additional period of one (1) year. It is recognized that the municipality is according to the owner and/or developer the permission to proceed with the development project expressly upon the guarantee of the irrevocable nature of this commitment. It is further acknowledged that the consideration for this irrevocable commitment is provided by agreements between this financial institution and the developer. The sum of this credit shall, however, be reduced in the amount of disbursements made from time to time in accordance with the terms under which this credit is extended as set out above.

TABLE 5-A

STREET DESIGN SPECIFICATIONS

RESIDENTIAL STREETS

<u>Classification</u>	<u>Max. No. of Dwelling Units/Net Acre</u>	<u>Permitted On-Street Parking</u>	<u>Required R.O.W. (ft.)</u>	<u>Min. Pavement Width¹ (ft.)</u>	<u>Max. Gradient (%)</u>	<u>Min. Gradient (%)</u>
Marginal Access	To 1.99	None	40	20	6	1.3
Local	2.0-4.50	Both Sides	50	30	6	1.0
Collector	4.50/Greater	Both Sides	50	34	6	1.0
Arterial	Over 250 dwelling units served	None	70	28	6	1.0

COMMERCIAL AND INDUSTRIAL STREETS

<u>Classification</u>	<u>Permitted On-Street Parking</u>	<u>Required R.O.W. (ft.)</u>	<u>Required Pavement Width (ft.)</u>	<u>Max. Gradient (%)</u>	<u>Min. Gradient (%)</u>
Local	None	60	26	10	1.0
	One Side	60	34	10	1.0
	Both Sides	60	42	10	1.0
Collector	None	80	44	8	1.0

¹ If curbs are required, as measured from back to back of curbs.

² Parking lane width, add ten (10) feet.

TABLE 5-B

MINIMUM REQUIREMENTS FOR STRUCTURAL COMPOSITION OF PAVEMENTS

<u>Street Classification</u>	<u>Flexible Pavements</u>	<u>Rigid Pavements¹</u>
MARGINAL LAND ACCESS Residential	8" Cr. St. 1 1/2" Bituminous Concrete Bind. 1 1/2" Bituminous Concrete Surf.	6" P.C.C.
LOCAL Residential	8" Cr. St. 2" Bituminous Concrete Bind. 1 1/2" Bituminous Concrete Surf.	6" P.C.C.
COLLECTOR Residential	8" Cr. St. 3" Bituminous Concrete Base Course 1 1/2" Bituminous Concrete Surf.	7" P.C.C. with Fabric 4" Cr. St.
LOCAL Commercial and Industrial	8" Cr. St. 3" Bituminous Concrete Base Course 2" Bituminous Concrete Surf.	7" P.C.C. with Fabric 4" Cr. St.
COLLECTOR Commercial and Industrial	8" Cr. St. 4" Bituminous Concrete Base Course 1 1/2" Bituminous Concrete Bind. 1 1/2" Bituminous Concrete Surf.	8" P.C.C. with Fabric 4" Cr. St.

¹ Joints in rigid pavement shall be in accordance with IDOT BLR 10-4.

ABBREVIATIONS:

Cr. St.	=	Crushed Stone
P.C.C.	=	Unreinforced Portland Cement Concrete