

CHAPTER 34

SUBDIVISION CODE

ARTICLE I – SCOPE AND PURPOSE

34-1-1 **TITLE.** This Code shall be known, referred to, and cited as “**The Subdivision Code**”.

34-1-2 **SCOPE.** For the purpose of present and future development of the Village and for the promotion of the public health, safety, comfort, morals and welfare of persons living within the territory governed, the provisions and regulations hereafter contained shall govern the subdividing and platting of lands lying within the corporate limits of Bethalto and within all unincorporated territory located within **one and one-half (1 1/2) miles** of Bethalto, as now or hereafter existing, except as otherwise provided in this Code. Within the area of jurisdiction of the Village, the provisions of the Statutes of the State of Illinois are hereby adopted as part of this **Subdivision Code**.

This Code prescribes procedures for the subdivision or resubdivision of land within the area of jurisdiction of the Village and comprises the procedures, requirements, standards, and specifications with respect thereto. **(765 ILCS 205)**

34-1-3 **PURPOSE.** In accordance with State law, this Chapter regulates the subdivision and development of land in order to assist in achieving the following specific objectives:

- (A) To preserve, protect, and promote the public health, safety and welfare;
- (B) To otherwise implement the following:
 - (1) The Village of Bethalto Comprehensive Plan.
 - (2) The Village of Bethalto Zoning Code and Official Zoning Map.
 - (3) The Village of Bethalto Stormwater Drainage and Detention, Soil Erosion and Sediment Control Code. **(Ord. No. 2001-14; 03-02-01)**
- (C) To provide a pleasant living environment by furthering the orderly layout and development of land;
- (D) To avoid legal and other problems by requiring that subdivided land be properly monumented and recorded;
- (E) To conserve and increase the value of land, improvements, and buildings throughout the Village;
- (F) To preserve the Village's natural beauty and topography to the maximum feasible extent;
- (G) To protect against injury or damage caused by pollution, 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 insure the proper installation and maintenance of adequate water mains, sanitary sewers, storm water sewers, and other utilities and services; and

(J) To insure that in conservation areas, adequate parks and similar facilities can be made available to serve the residents of new developments.
(765 ILCS 205)

34-1-4 INTERPRETATION. This Code is intended to provide minimum standards and requirements to provide for the coordinated, efficient, and economic development of the Village, to ensure the adequacy of street and utility facilities, and to promote the public health, safety and welfare.

Thus, in accordance with State law, whenever this Chapter imposes higher standards than the **County Subdivision Ordinance and the Plat Act, Chapter 109**, the higher standards shall supersede the County regulations in the unincorporated territory located within the subdivision jurisdiction of the Village.

34-1-5 APPLICATION OF CODE. No lot, tract, or parcel of land in a subdivision, as defined herein, may be conveyed or leased for a term in excess of **five (5) years** unless a **Final Plat** of the property has been approved according to the requirements and provisions of this Code and recorded in the office of the County Recorder of Deeds, except in those instances listed in **Section 34-1-9 when subdivision plats will not be required.**

34-1-6 SUITABILITY OF LAND FOR SUBDIVISION DEVELOPMENT. Land unsuitable for subdivision development due to drainage, flood hazard area, hillside area, rock formation or any other condition(s) constituting a danger to health, life or property shall not be approved for subdivision development unless the subdivider presents evidence or data satisfactory to the **Plan Commission**, establishing that the methods proposed to meet any such condition(s) are adequate to avoid any danger to health, life, or property.

34-1-7 LANGUAGE AND DEFINITIONS. The language set forth in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

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

(B) **Words.** Whenever a word or term defined hereinafter appears in the text of this Chapter, its meaning shall be construed as set forth in the definition thereof; and any word appearing in parentheses directly after a word herein defined shall be construed in the same sense as that word:

"AREA, GROSS". The entire area within the boundary lines of the territory proposed for subdivision, including the area to be dedicated for street and alley rights-of-way and public use.

"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 ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless the exterior

boundary is a street, or highway) or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.

"COMMISSION". The Plan Commission of the Village.

"COMMON GROUND". That part of a subdivision which is established, such that it is not subject to private individual ownership by subdivision lot owners, and is available for nonexclusive common use and enjoyment by the subdivision lot owners, subdivision occupants, their families and guests on a nonexclusive basis. Such areas are normally owned by a controlling entity of the respective subdivisions and governed by restrictive covenants.

"COMPREHENSIVE PLAN". The plan or any portion thereof adopted by the Board of Trustees to guide and coordinate the physical and economic development of Bethalto. The Comprehensive Plan includes, but is not limited to, plans and programs regarding the locations, character and extent of highways, bridges, public buildings or uses, utilities, residential, commercial or industrial land uses, parks, etc.

"CORNER LOT". A lot situated at the intersection of **two (2)** or more streets with frontage on **two (2)** or more adjacent sides.

"CUL-DE-SAC". A short, minor local street, having only **one (1)** end open for vehicular traffic, and the other end permanently terminated by a turnaround for vehicles.

"DESIGN". The arrangement of uses on the land and use of land for easements, lots and rights-of-way, including material, alignment, grade, and width of these elements.

"DOUBLE FRONTAGE LOT". A lot having a pair of approximately parallel lot lines that abut **two (2)** approximately parallel streets. Both such lot lines shall be deemed front lot lines.

"EASEMENT". A grant by a property owner of the right of use of his land by another party for a specific purpose.

"FLOOD HAZARD AREA". All land subject to periodic inundation from overflow or natural waterways when subjected to the maximum possible runoff from **three (3) inches of rain per hour** as calculated by approved engineering methods subject to periodic ponding.

"FRONTAGE". All of the property abutting and measured along the street right-of-way line.

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

"HALF-STREET". Right-of-way for a road, generally along an edge of a subdivision, platted to meet only **one-half (1/2)** of the minimum required width for a road.

"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 and storm water), 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.

"IMPROVEMENT PLAN". The engineering plans showing types of materials and construction details for the physical structures and facilities to be installed both in or in conjunction with the subdivision.

"INTERIOR LOT". A lot whose side lot lines do not abut upon any street.

"LAND USE PLAN". The long-range plan for the desirable use of land in the Village as officially adopted and as amended from time to time by the Village Board or appropriate corporate authority.

"LOADING SPACE". An off-street space or berth on the same lot with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while

loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

"LOT". A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

"LOT AREA". The area of a horizontal plane bounded by the front, side, and rear lines of a lot.

"LOT DEPTH". The mean distance measured from the front lot line to the rear lot line.

"LOT LINE". A line of record bounding a lot thereby dividing such lot from another lot or from a right-of-way.

"OFFICIAL MAP". Graphic statements contained in the Comprehensive Plan or the capital improvements planned by Bethalto which require the acquisition of land – such as streets, drainage systems, parks, etc. or the current Zoning Districts.

"PARKING LANE". An auxiliary lane of a street used primarily for vehicular parking.

"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 **Article III** of this Code, and which plans shall conform to any requirements of the Plan Commission as to scale and details for submittal to the appropriate officials of the Village for consideration, approval or disapproval.

"PLAT". The maps, drawings, charts, and other documents complying with all applicable provisions of this Code which constitute the plan for subdivision and which the subdivider submits to the Village for consideration of approval.

"PLAT, FINAL". A plat prepared to the requirements of **Article IV** and if approved, will be submitted to the County Recorder of Deeds for recordation.

"PLAT, PRELIMINARY". A plat drawn upon tracing paper or other material from which reproduction can be made and conforming to the requirements of **Article II** of this Code.

"PREMISES". A lot, together with all the buildings and uses thereon.

"PUBLIC SEWER AND WATER FACILITIES". Those water and/or sewer facilities of the Village, County, the State, the Federal and/or of a sanitary sewer district and/or privately-owned public facilities which comply with applicable public health standards.

"RE-SUBDIVISION". See "SUBDIVISION".

"RESERVE". To set aside a parcel of land in anticipation of its acquisition by Bethalto (or other 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.

"RIGHT-OF-WAY". Land acquired by reservation, dedication, prescription or condemnation and intended to be occupied or occupied by a road, railroad, electric transmission line, oil or gas pipeline, water line, wastewater sewer line, or storm sewer line, or other similar use.

"ROAD, COUNTY". A term denoting a tract of land which is used primarily for the purpose of vehicular movement and includes all of the facilities and improvements within the rights-of-way. This tract of land must have been presented to and accepted by the County Superintendent of Highways.

"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 which lies between the right-of-way lines.

"SETBACK LINE". The line parallel to the front, side or rear lot line establishing the minimum space to be provided as the front, side or rear yard.

"STOP WORK ORDER". A written notice from the Building and Zoning Administrator, Public Works Director, or other appropriate Village employee to the owner, contractor or agents of the owner requiring all affected parties to cease work on a site pending review, approval and/or modification of necessary permits to ensure compliance with all Village ordinances and requirements.

"STREET". A general term denoting a public or private way for the purpose of vehicular travel. The term includes all facilities which normally occur within the right-of-way; it shall also include such other designation for a street as a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court, or as otherwise designated, but excluding an alley or a way for pedestrian use only.

"STREET, ARTERIAL". A street designed or utilized primarily for high vehicular speeds and heavy volumes of traffic on a continuous route, with intersections at grade, and which may have direct access to abutting properties, and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic as depicted on the transportation plan map in the Village's Comprehensive Plan.

"STREET, COLLECTOR". 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 as depicted on the transportation plan map in the Village's Comprehensive Plan.

"STREET, LOCAL". A street used primarily for access to abutting properties, providing for minimum speeds and traffic volumes.

"STREET, MARGINAL ACCESS OR SERVICE ROAD". A local street parallel and adjacent to arterial streets providing access to abutting properties.

"SLOPE". The degree of natural inclination of the existing ground.

"STRUCTURE". Anything constructed, erected or located on or above the ground, or attached to something having or requiring a fixed location on or above the ground including a building, sign, fence, tennis court, parking lot, driveway or similar feature, but not including a regulation mail box.

"STUB STREET". A street that is temporarily terminated, but that is planned for future continuation.

"SUBDIVIDE". See "SUBDIVISION".

"SUBDIVIDER". Means 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 herein defined.

"SUBDIVISION". The division of land into **two (2)** or more lots or parcels for the purpose of either immediate or future sale, rental, or building development, or any other uses, or the 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". Any subdivision containing not more than **two (2) lots** fronting on an existing street, not involving any new street, road, or the extension of Village facilities or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Official Map, Zoning Regulations, or these regulations, including lot line adjustments.

"THROUGH LOT". (See Double Frontage Lot).

"TOPOGRAPHY". The relief features or surface configuration of an area of land.

"TRAVEL WAY". 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 Chapter.

"YARD". An open space at grade between a building and the adjoining lot line unoccupied and unobstructed by any portion of a structure from the ground upward.

"ZONING ADMINISTRATOR". The Public Works Director or the person designated by the Village Board to enforce and administer the provisions of this Code, or his duly appointed representative(s).

34-1-8 **ADOPTION BY REFERENCE.** All definitions not otherwise noted contained in the **Zoning Code**, the **Stormwater Drainage and Detention, Soil Erosion and Sediment Control Code** and The **Revised Code of Ordinances** are hereby adopted by reference. **(Ord. No. 2001-14; 03-02-01)**

34-1-9 **SUBDIVISION PLATS WILL NOT BE REQUIRED.** The provisions of these regulations do not apply and no subdivision plat is required in any of the following instances, provided, however, that no lot is created that does not conform to the minimum standards of the zoning district in which the lot is located.

(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;

(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;

(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 pipe lines which does not involve any new streets or easements of access;

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

(F) Conveyances made to correct descriptions 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 existing on **July 17, 1959**, and not involving any new streets or easements of access, provided, however, a plat of survey shall be prepared by a registered surveyor and submitted to the Plan Commission;

Under the circumstances when subdivision plats are not required as described above, the Plan Commission reserves the right to request a plat of survey or other documentation if there is a need for said survey or documentation in order to verify conformance to the **Zoning Code** and/or to insure that the division of property is in accordance with the purpose and objectives of the Code as listed in **Section 34-1-3**.

34-1-10 **DISCLAIMER OF LIABILITY.**

(A) Except as may be provided otherwise by statute or ordinance, no official, board member, agent, or employee of the Village 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 Chapter. **(See "Local Governmental Employees Tort Immunity Act," 745 ILCS 10/1-101 et seq.)**

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

34-1-11 MINOR SUBDIVISION PLATS. A Minor Subdivision, as defined in this Code, or a similar splitting or subdividing of real property requiring Village approval for land located within the extraterritorial planning area of the Village (**one and one-half (1 ½) miles** from the Village limits) may be approved by the Zoning Administrator and need not be reviewed by the Village Plan Commission or approved by the Village Board if such minor subdivision or similar subdividing or splitting of land procedure meets one or more of the following criteria:

(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;

(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;

(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 pipe lines which does not involve any new streets or easements of access;

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

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

(G) Conveyances made to correct descriptions in prior conveyances;

(H) 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 existing on **October 1, 1973** and not involving any new streets or easements of access provided that a plat of survey has been prepared by a registered surveyor and submitted to the Zoning Administrator. **(Ord. No. 2000-12; 05-01-00)**

ARTICLE II - PRELIMINARY PLAT

DIVISION I - PROCEDURE

34-2-1 **PRE-APPLICATION CONFERENCE.** Before submitting a preliminary plan and plat, the applicant is encouraged to confer with the Zoning Administrator and the Plan Commission and other official units of government affected thereby as well as those providing services to the area in question to initiate pre-planning activities and obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of detailed plans, surveys and other data.

34-2-2 **APPLICABILITY OF ARTICLE.** No land within the subdivision jurisdiction of the Village--other than land that is specifically exempted from the requirements of this Code as provided in **Section 34-1-9**--shall be subdivided or developed except in compliance with the regulations of this Code and the applicable provisions of State law. No lot in any subdivision shall be conveyed until:

(A) The portion of the 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; and

(B) The final plat of the subdivision has been approved by the Village Board and recorded in the office of the County Recorder of Deeds.

No building permit shall be issued to allow construction on any lot conveyed in violation of this Section.

34-2-3 **MINOR SUBDIVISIONS.** Minor subdivisions, as defined in **Section 34-1-7**, may be exempted from the procedures and requirements for Preliminary Plats and the subdivider may proceed to filing of the Final Plat for review. Final Plat procedures and requirements shall be as specified in **Article IV, Sections 34-4-1 and 34-4-4.**

34-2-4 **PRELIMINARY PLAN AND PLAT.**

34-2-4.1 **SUBDIVIDER.** The subdivider shall file with the Village at the office of the Zoning Administrator **twenty (20) paper copies** and **one (1) electronic copy** in PDF format of the Preliminary Plan and Plat at least **thirty (30) days** prior to the regularly scheduled Plan Commission meeting. Such application shall include the following: **(Ord. No. 2010-13; 07-06-10)**

(A) **Requested Information.** A written request to the Plan Commission for preliminary review of such subdivision and a general description of the location and size of the tract to be platted; the intent as to character type and use of the property and structures to be developed; the deed restrictions proposed, if any; a statement of mineral rights; the extent and character of the improvements to be made by the subdivider, the zone district classifications of the territory and compliance of the proposed subdivision thereto. If appropriate, a description of any unique hardship or difficulty limiting the physical development of the property under

consideration and a description of any past history of the property under consideration which is pertinent thereto.

(B) **Documentation.** The necessary documentation in accordance with the requirements of this Code. **(See Sec. 34-2-6, et seq.)**

(C) The Zoning Administrator shall file **one (1) copy** of the preliminary plat and supporting data with the Madison County Soil and Water Conservation District. Said district shall have not more than **twenty (20) days** to submit any comments to the Plan Commission.

34-2-4.2 PROCEDURE.

(A) **Distribute Copies.** The Zoning Administrator shall immediately distribute a copy to the Village Board's Water and Sewer Committee(s); a copy to the School Superintendent(s); a copy to the Soil and Water Conservation Service; a copy to the Village Engineer; a copy to the Mayor; **one (1) copy** to the Plan Commission; and a copy to the Fire Chief.

(B) **Time Constraints.** The Commission shall review the Preliminary Plat **within sixty (60) days** from the date of application or the filing by the subdivider of the last item of required supporting data, whichever date is later, unless such time is extended by written mutual consent, and shall determine whether the Preliminary Plat shall be approved as submitted; shall be approved subject to certain conditions or modifications; or shall be disapproved.

(C) **Plan Commission Review.** The action of the Plan Commission shall be noted in writing, and if such Preliminary Plat is disapproved or is conditionally approved, the Commission shall furnish written notice of such action to the applicant setting forth the reasons for disapproval or conditional approval and specifying with particularity the aspects in which the Preliminary Plat fails to conform to the Village's Code including the Comprehensive Plan.

(D) **Village Board Review.** The Village Board shall accept or reject the Preliminary Plat **within thirty (30) days** after its next regularly scheduled meeting following the action granting approval of the Preliminary Plat by the Commission, unless such time is extended by written mutual agreement of the Village Board and the applicant, or such Preliminary Plat will be deemed as approved. The Village Board shall indicate by letter whether the Preliminary Plat is approved or disapproved as submitted. If the Preliminary Plat is disapproved, the letter shall state the reasons for disapproval.

(E) **Official Approval.** A certified copy of the letter of approval or disapproval by the Village Board shall be attached to the Preliminary Plat and shall be filed with the Village Clerk; **one (1) such copy** shall be filed with the Zoning Administrator and **one (1) copy** shall be returned to the subdivider. Approval of the Preliminary Plat **shall not** qualify the Preliminary Plat for recording with the County Recorder of Deeds.

(F) **Rights and Privileges of Subdivider.** Preliminary Plat approval shall confer upon the subdivider the following rights and privileges:

- (1) Preliminary Plat approval shall remain in effect for **eighteen (18) months**. The applicant may, during this period, submit all or part 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 Board of Trustees, have final approval of the last part of the Plat delayed for a period not to exceed **three (3) years** from the date of Preliminary Plat approval.

- (2) That the general terms and conditions under which the Preliminary Plat approval was granted will not be changed.

34-2-5 RESERVED.

DIVISION II - PRELIMINARY PLAT REQUIREMENTS

34-2-6 REQUIREMENTS. Every Preliminary Plat shall be prepared by a land surveyor registered in the State of Illinois. The Preliminary Plat to be provided by the subdivider **shall meet and include** the following specifications and supporting data:

- (A) Proposed name of the subdivision and location.
- (B) Small key map showing the relation of the proposed subdivision to Section or U. S. Survey Lines and to platted subdivisions and dedicated streets within **three hundred (300) feet** of the proposed subdivision.
- (C) Names and addresses of the owner, subdivider, land planning consultant and the Illinois Registered Land Surveyor who prepared the Preliminary Plat.
- (D) Existing and proposed streets or alleys and rights-of-way on and adjoining the site of the proposed subdivision; showing the names and including street roadway and right-of-way widths, approximate gradients, types and widths of pavement, curbs, sidewalks, crosswalks, planting strips and other pertinent data, including classification of all streets as to function as established herein.
- (E) All lot lines adjacent to and abutting the subdivision.
- (F) Layout of lots, showing approximate dimensions, numbers, lot area, and zone district classifications.
- (G) Parcels of land, if any, proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes and use(s) of the area to be subdivided.
- (H) Easements, existing and proposed, showing locations, widths and purposes.
- (I) Building setback line and dimensions.
- (J) Location and size of existing public utilities and drainage ways or facilities within or adjoining the proposed subdivision and the location and size of nearest water trunk mains, interceptor sewer lines and other pertinent utilities.
- (K) Location, type and approximate size of utility improvements to be installed.
- (L) Tract boundary lines showing dimensions, bearings, angles and references to known land lines.
- (M) The gross area and net area acreage 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.
- (N) To understand the bearing of street grades, and the plan of public utilities and drainage ways, topography of the tract to be subdivided as indicated by **two (2) foot** contour data shall be shown.
- (O) Location of major water courses, ponding areas, natural drainage ways and flood hazard areas.

(P) The Preliminary Plat shall be drawn at a scale of not less than **one inch equals fifty feet (1" = 50')**. If the land proposed to be subdivided exceeds a standard paper size at that scale, an overall subdivision preliminary plat at a scale of **one inch equals one hundred feet (1" = 100')** may be submitted and the Preliminary Plat shall be divided into pieces so that each part of the Preliminary Plat may be included on a plat with a scale of not less than **one inch equals fifty feet (1" = 50')**.

(Q) North arrow and date.

(R) Preparation date and revision dates.

(S) Whenever a large tract is intended to be developed in stages, and only part of that tract is to be submitted for Final Plat approval, a Preliminary Plat for subdivision of the entire tract shall be submitted.

34-2-7 - 34-2-8 RESERVED.

DIVISION III - MINIMUM STANDARDS OF DESIGN

34-2-9 GENERAL STATEMENT. The subdivider shall conform to the following principles and standards of land subdivision in the design of each subdivision or portion thereof. No Preliminary Plat shall be approved unless it conforms to the following minimum standards of design.

34-2-10 STREETS AND ALLEYS.

(A) The street and alley arrangement shall be such as to not impose undue hardship upon the owners of adjoining property when they plat their own land and seek to provide for convenient access thereto. Reserve strips controlling access to streets are prohibited, except where their control is placed with the Village Board.

(B) The arrangement of rights-of-way in a subdivision shall provide for the continuation of the existing streets or rights-of-way in adjoining areas, unless the Plan Commission deems such continuation undesirable for reasons of topography or design. Where subdivision streets or rights-of-way are continuations or extensions of existing streets or rights-of-way, the width thereof shall be of the same or greater width as the existing street or right-of-way, except that in no case shall the street or right-of-way in the subdivision be of less width than hereinafter provided.

(C) Where, in the opinion of the Plan Commission, it is desirable to provide future street access to adjoining areas, the streets and rights-of-way in the subdivision shall be extended to the property line. If deemed necessary by the Plan Commission, any temporary dead-end street shall be provided with a temporary turnaround. In no case shall access be denied to any parcel or part of a parcel of ground by the subdividing of land.

(D) Streets shall intersect, as nearly as possible, at right angles.

(E) Local street curb intersections shall be rounded by radii of at least **fifteen (15) feet**; intersections involving collector or arterial streets shall have radii of not less than **twenty-five (25) feet**.

(F) Street jogs with center line offsets of less than **one hundred twenty-five (125) feet** are prohibited.

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(G) Unless topography indicates a need for a greater length, dead-end streets designed to be so permanently shall be no longer than **eight hundred (800) feet** and shall terminate in a circular open space having a radius at the outside of the pavement of at least **forty (40) feet** and a diameter at the outside of the right-of-way of at least **one hundred (100) feet. (Ord. No. 2001-29; 07-02-01)**

(H) Local streets shall be designed so as to discourage through traffic.

(I) No local street grade shall be in excess of **ten percent (10%)** and no collector street or arterial street grade shall be in excess of **seven percent (7%)**, except as otherwise approved by the Plan Commission due to adverse topographic conditions. For adequate drainage, the minimum grade of any new street shall not be less than **one-half of one percent (1/2%)**.

(J) The Plan Commission **shall not** approve streets which will be subject to frequent inundation or flooding.

(K) Alleys shall be avoided in single-family and two-family districts, except as required by this Section. Alleys may be required in multiple-family, commercial and industrial districts, unless adequate provision is made for service access and off-street loading.

(L) Dead-end alleys shall not be permitted, except where provided with adequate turnaround facilities at the dead-end, or where such dead-end alleys provide the only access to off-street parking.

(M) Alleys, where provided, shall have a right-of-way of not less than **twenty (20) feet**.

(N) The minimum right-of-way of local streets, minimum including marginal access streets and cul-de-sacs, shall be **fifty (50) feet**.

(O) The minimum right-of-way of secondary or collector streets shall be **sixty (60) feet**.

(P) The minimum right-of-way of arterial or primary streets shall be **eighty (80) feet**.

(Q) Intersections of more than **two (2) streets** at **one (1) point** shall be avoided.

(R) Where the subdivision abuts in or contains an existing or proposed arterial street, the Plan Commission may require that marginal access streets be provided in order that no lots front on such existing or proposed arterial street.

(S) Dedication of half-streets shall be prohibited except in instances where there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided, in which case the other half of the street or alley shall be platted unless the Board of Trustees shall waive this requirement showing good cause for their waiver.

34-2-11 DRAINAGE. No plat shall be approved for any subdivision which is subject to flooding unless:

(A) The plat conforms to the applicable requirements of **Chapter 32 "Stormwater Drainage and Detention, Soil Erosion and Sediment Control Code"**.

(B) The plat conforms to the applicable requirements of **Chapter 6, Article VII, "Flood Plain Code"**.

(C) No plat shall be recorded for any subdivision situated within **five hundred (500) feet** of any surface drain or watercourse serving a tributary area of **six hundred forty (640) acres** or more, until such plan or map has been reviewed by the Department of Transportation, either independently or in cooperation with Federal, State or

local agencies, for the purpose of determining, for the protection of persons and property, the flood hazards involved and a report thereon filed by that Department with the County Recorder. **(Ord. No. 2001-14; 03-02-01)**

34-2-12 EROSION AND SEDIMENT CONTROL. All standards found in the "Stormwater Drainage and Detention, Soil Erosion and Sediment Control Code" as found in Chapter 32, shall be applied in the subdivision and construction of all land areas. **(Ord. No. 2001-14; 03-02-01)**

34-2-13 EASEMENTS.

(A) Easements of not less than **ten (10) feet** in width shall be provided on each side of all rear lot lines, and alongside lot lines where necessary for storm and sanitary sewer gas, water, and other mains, and for electric and telephone lines or for other public utilities. Easements of greater width may be required along or across lots when necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement. A **two (2) foot easement** shall be required on **one (1) side** of and adjacent to an alley to accommodate pole lines. **(Ord. No. 90-15; 12-17-90)**

(B) Adequate easements for storm water drainage shall be established along any natural drainage channel and in such other locations as may be necessary to provide satisfactory disposal of storm water from streets, alleys, and all other portions of the subdivision. The location and minimum widths of such easements shall be determined by the Zoning Administrator.

(C) No tree, shrub or building shall be placed or erected in any easement for utility or drainage purposes or within the right-of-way of any street, except at the owner's risk as to all costs for demolition, removal or reconstruction, and the proper authorities may have free access to and use of the easements at any time.

34-2-14 BLOCKS - CROSSWALKS.

(A) No block shall be longer than **one thousand eight hundred (1,800) feet** or less than **five hundred (500) feet** in length, except where the continuity of the existing neighborhood would be disrupted.

(B) All blocks, whenever it is deemed essential to provide access to schools, playgrounds, shopping centers and other community facilities, shall have a crosswalk with a right-of-way of at least **ten (10) feet** in width near the center of the block. **[See Sec. 34-3-12(B)]**

(C) The length, width, and shapes of blocks shall be determined with due regard to building sites, land use, zoning requirements, access, safety, and convenience.

(D) Where a subdivision adjoins an arterial or collector street, the greater dimension of the block shall generally front or back upon such arterial or collector street to avoid unnecessary ingress or egress.

34-2-15 PARKS AND OTHER PUBLIC AREAS.

(A) Where any area is specifically designated on the Comprehensive Plan of the Village for a public park, playground, school or other public use, and is owned by the subdivider, such area shall be reserved for such use on all subdivision plans and plats; and the

acquisition of such area may then be secured by the Village Board or arrangements be made for its acquisition within a period not to exceed **one (1) year** from the date of approval of the final plan. The value of such lands shall be established by **three (3) qualified appraisers**; one of whom shall be appointed by the Plan Commission, one appointed by the subdivider, and one of whom shall be mutually agreed upon by the other two.

(B) Should the Village Board decide to take such premises, then, and in that case, it shall make arrangements to pay the subdivider the appraised value therefor as determined by the above described appraisers, or a sum that is mutually agreed upon. The Village Board may accept any donation of land as above described should the subdivider desire to contribute the same to the Village.

34-2-16 UTILITIES.

(A) Source of domestic water supply and type of sewage disposal.

(B) Storm water drainage.

(1) Complete storm sewer system, including pipe sizes, inlets and inverts.

(2) A proposed surface water drainage pattern for each individual lot, block, and street.

(C) All easements as required shall be indicated.

(D) **Protective Covenants.** An outline of all proposed protective covenants shall accompany the preliminary plan and shall include a protection against the obstruction of any surface water drainage easement.

34-2-17 LOTS.

(A) **Minimum Size.** All lots in a subdivision shall conform to the minimum lot area and dimensions requirements of the zoning district in which the subdivision is located; land that is under water or reserved for street improvements shall not be counted in determining compliance with requirements. **(See Zoning Code)**

(B) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.

(C) All side lines of lots shall be at right angles to straight street right-of-way lines and radial to curved street right-of-way lines, except where a variation of this rule will provide a better street and lot design.

(D) All remnants of lots below minimum lot area size left over after subdividing of a larger tract shall be added to adjacent lots, rather than allowing to remain as unusable land, except when designated for utility purposes or accepted for public space for park or other public uses.

(E) Lots which **cannot** be served by either a public or private sanitary sewer, and/or a public water system, shall comply with the applicable provisions of the applicable Zoning Code, or shall not be less than **one (1) acre** in size per lot or household unit, whichever is greater. Such lots shall have a width of not less than **one hundred twenty-five (125) feet** or a depth in excess of **three (3) times its width**, unless otherwise permitted and approved by the Plan Commission.

(F) Lots with double frontage should be avoided where possible. Corner lots and lots with double frontage shall have extra dimension sufficient to permit the establishment of front building setback lines on the adjoining streets.

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(G) The subdividing of the land shall be such as to provide each lot with satisfactory access to public streets; however, in no event shall access be less than **sixty (60) feet** at the building setback line. The Plan Commission may require additional reservation of land to insure adequate access to prevent land locking of the adjoining territory. **(Ord. No. 08-22; 12-01-08)**

34-2-18 **SIDEWALKS.** Sidewalks shall be provided along every new street and along every existing street adjacent to a proposed subdivision except for streets designated as Freeways or Principal Arterials on the Village's Official Map based on the following schedule:

Required Sidewalks

<u>Type of Street</u>	<u>Internal Streets</u>	<u>External Streets</u>
Minor Arterial	Both Sides	Subdivision Side
Collector	Both Sides	Subdivision Side
Subdivision Feeder	Both Sides	Subdivision Side
Local Street	One Side	Subdivision Side
Cul-de-sac (Not greater than 500 ft. in length)	Not Required	Not Required
Cul-de-sac (Greater than 500 ft. in length)	One Side and continuing around the perimeter of the turnaround	Not Required

(Ord. No. 2001-29; 07-02-01)

34-2-19 **ACCESS TO SUBDIVISIONS.** Newly platted subdivisions, or the aggregate of newly platted subdivision(s) along with adjacent previously platted subdivision(s), without intervening or bisecting collector or arterial streets, shall not exceed **forty-nine (49) lots** without having a single divided entrance or **two (2)** different points of direct access to a collector or arterial street. In addition to the first required direct access, an additional direct access point to a collector or arterial street shall be required for each **one hundred fifty (150) lots** in a single or aggregate subdivision setting. Local streets in newly platted subdivisions shall be designed so that all lots are served by all shared accesses to a collector or arterial street. Such accesses shall be located in such a way that traffic flows are distributed as evenly as is practical within the subdivision(s). Properties that front and therefore have individual access to a collector or arterial street shall be excluded for the purpose of determining subdivision access requirements. **(Ord. No. 2001-29; 07-02-01)**

DIVISION IV - APPROVAL OF PRELIMINARY PLAN

34-2-20 **CHECKLIST COMPLETED.** In order to qualify for approval, the Preliminary Plan shall be accompanied by a properly executed checklist as shown in **Section 34-6-1, Schedule "A"**.

SUBDIVISION CODE 34-2-21

34-2-21 **CHANGES OR REVISIONS.** The Plan Commission and/or Zoning Administrator may recommend, or the Village Board may require, such changes or revisions as are deemed necessary in the interests and needs of the community.

34-2-22 **APPROVAL - TENTATIVE.** The approval of a preliminary plan by the Plan Commission and the Village Board is tentative only, involving merely the general acceptability of the layout as submitted.

34-2-23 **CERTIFICATE.** Approval shall consist of a certificate to that effect on the preliminary plan signed by the Chairman of the Plan Commission and by the Mayor, with the advice and consent of the Village Board.

ARTICLE III - ENGINEERING PLANS

DIVISION I - PROCEDURE

34-3-1 **ENGINEERING PLAN PROCEDURE.** Within **one hundred twenty (120) days** of receiving Preliminary Plat approval by the Village Board of Trustees, the subdivider shall submit to the Zoning Administrator **four (4) paper copies** and **one (1)** electronic copy in PDF format of the engineering plans and specifications as required in **Division II** of this Article. The Zoning Administrator shall immediately refer **one (1) copy** to the Public Works Director, **one (1) copy** to the Village Consulting Engineer, and **one (1) copy** to the Mayor. Within **thirty (30) days** of receipt of the engineering plans and specifications, the Public Works Director and Village Consulting Engineer shall forward their review comments to the Zoning Administrator to be sent to the applicant. The subdivider shall then redraft the engineering plans and specifications and resubmit them to the Zoning Administrator for approval. The Zoning Administrator shall approve the engineering plans and specifications if they are prepared in conformance with the comments provided to the subdivider. The Zoning Administrator shall disapprove the engineering plans and specifications if they are not in conformance with the comments provided to the subdivider. If the engineering plans and specifications are disapproved by the Zoning Administrator, the subdivider may appeal this disapproval to the Village Board of Trustees. (**Ord. No. 2010-13; 07-06-10**)

34-3-2 - 34-3-3 **RESERVED.**

DIVISION II - MINIMUM STANDARDS OF IMPROVEMENT

34-3-4 **GENERAL STATEMENT.** Utility and street improvements shall be provided by the subdivider in each new subdivision in accordance with the standards and requirements described in the following section. The requirements set forth below shall be considered as minimum requirements and nothing contained herein shall be construed to mean that the subdivider cannot construct or provide improvements of a higher type.

34-3-5 **REFERENCE MONUMENTS.** Permanent monuments shall be of concrete, **four by four by thirty inches (4" x 4" x 30") with a half-inch (1/2")** iron pin cast in the center, set in such a manner that they will not be moved by frost and shall be placed in the field as required by the **Illinois Revised Statutes.**

All lot corners shall be marked by **one-half (1/2) inch** iron pins not less than **thirty (30) inches** in length and driven into the ground and shall not protrude above the ground surface more than **one and one-half (1 1/2) inches.**

These monuments must be placed at all corners, at the end of all curves, at the point where a curve changes its radius, at all angle points along a meander line, the points to be not less than **twenty (20) feet** back from the normal water elevation of a lake or from the bank of a stream, except that when such corners or points fall within a street or proposed future

street, the monuments must be placed in the right-of-way line of the street. All internal boundaries, corners and points must be monumented in the field by like monuments as defined above. **(See 765 ILCS Sec. 205/1)**

34-3-6 STREET IMPROVEMENTS. All streets shall be graded as provided in the following subsections:

34-3-6.1 NEW STREETS. All new streets, which are created and dedicated for use within a subdivision, shall be graded, drained and surfaced in accordance with the minimum requirements hereinbelow set forth and in a manner which will provide complete and adequate drainage of all the streets, alleys, and public grounds which may be necessary in order to provide adequate and satisfactory drainage along the side of any existing public street which lies adjacent to the subdivision.

In general, all such new streets within the subdivision and all work to be undertaken thereon shall be designed and constructed according to the specifications adopted by the **State of Illinois Department of Transportation**; as the same are in effect at the time the Preliminary Plat and plans for such improvement work are submitted for approval.

34-3-6.2 GRADING ROADWAY AND SIDE SLOPES. The roadway shall be considered to be that part of the improvement which lies between the right-of-way lines, and which roadway shall not be less than **fifty (50) feet** in width on local streets and **sixty (60) feet** on collector streets.

34-3-6.3 COMBINATION CONCRETE CURB AND GUTTER. Combination concrete curb and gutter shall be built in accordance with the detail shown on **Figure 3 of Portland Cement Concrete (3,500 lb. test)**. The minimum distance from back to back of curbs shall be **thirty (30) feet** on local streets and **thirty-seven (37) feet** on collector streets.

34-3-6.4 STREET CONSTRUCTION STANDARDS. All streets within the jurisdictional authority of the Village, other than State highways, shall be improved with pavements bounded by integral concrete curbs and gutter, in accordance with the following criteria:

(A)	<u>Specifications.</u>		
<u>STREET TYPE</u>	<u>DEDICATED STREET WIDTH</u>	<u>PAVEMENT WIDTH</u>	<u>PAVEMENT TYPE</u>
Arterial	80 feet	50 feet	Bituminous Surface Treatment or Concrete

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<u>STREET TYPE</u>	<u>DEDICATED STREET WIDTH</u>	<u>PAVEMENT WIDTH</u>	<u>PAVEMENT TYPE</u>
Collector	60 feet	37 feet (one-side parking)	Bituminous Surface Treatment or Concrete
Local (Minor)	50 feet	30 feet (one-side parking)	Bituminous Surface Treatment or Concrete
Cul-de-sac	50 feet (Radius)	40 feet (Radius)	Bituminous Surface Treatment or Concrete

(Ord. No. 90-15; 12-17-90)

(B)

Surface.

- (1) The traveled portion of local streets shall be constructed with **three (3) inches** of plant mix bituminous concrete, with the developer placing the bituminous concrete on the base in **two (2)** applications of **one and one-half (1 ½) inches** of compacted finish mix bituminous concrete. Both applications are to be made over **six (6) inches** of bituminous aggregate mixture (BAM) placed in **two (2)** separate applications not to exceed **four (4) inches** in thickness. At the option of the developer, the local street may be constructed of Portland Cement Concrete (3,500 lb. test) not less than **seven (7) inches** thick. In addition, in areas outside of the Village limits, local streets may be permitted to be constructed of oil and chip rather than Portland Cement or bituminous concrete if they meet all of the following criteria:
 - (a) The land within the proposed subdivision cannot be served by public sewers;
 - (b) The road is clearly a local street as defined by the Village's comprehensive plan;
 - (c) The curbs and gutters are constructed of concrete with the appropriate storm drainage approved by the Public Works Department.
- (2) The traveled portion of the residential collector street shall be constructed with **three (3) inches** of plant mix bituminous concrete finish mix made in separate applications of **one and one-half (1 1/2) inches** each over a base course of **seven (7) inches** of bituminous aggregate mixture (BAM) placed in **two (2)** separate applications, with each application to not exceed **four (4) inches** in thickness. At option of the developer, the residential collector street may be constructed of Portland Cement Concrete (3,500 lb test) not less than **eight (8) inches** thick.
- (3) All street improvements shall be done in accordance with drawings of plans and details of construction of typical catch basins, curbs and gutters and pavements, prepared by the Village Public Works Director and on file in the Public Works Department

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Office in the Village. Where streets exist which are not in conformity with minimum right-of-way widths or approved construction, no subdivision of the abutting land will be permitted until the additional land is dedicated for road right-of-way as previously set out under **Section 3** and until the developer has installed curb and gutter in conformity with other provisions of **this Section** and until such other standards are conformed with as established by the Village Public Works Director with the approval of the Village Board of Trustees.

- (4) The roadway portion of the arterial street shall be constructed with **three (3) inches** of plant mix bituminous concrete, **one and one-half (1 1/2) inches** of compacted binder mix bituminous concrete and **one and one-half (1 1/2) inches** of compacted finish mix bituminous concrete placed in separate applications over **eight (8) inches** of bituminous aggregate mixture (BAM), placed in separate applications, each application shall not exceed **four (4) inches** in thickness. At option of developer, the commercial street may be constructed of Portland Cement Concrete (3,500 lb test) not less than **ten (10) inches** thick. All street work shall be done with standards of material and workmanship, in accordance with the **"Standards Specifications for Road and Bridge Construction" by the Department of Public Works and Buildings, of the Illinois Department of Transportation.**
- (5) The subdivider shall be required to improve arterial or primary streets only to the width required by the current and immediate needs of his subdivision consistent to the standards and specifications herein contained. **(See Appendix)**

(C) All road construction shall comply with the Standard Specifications for Road and Bridge Construction prepared by Illinois Department of Transportation.

34-3-6.5 ALLEYS. All platted alleys shall be improved with at least **eight (8) inches** of crushed stone base course and **two (2) inches** bituminous concrete surface mix. **(Ord. No. 87-10; 08-03-87)**

34-3-6.6 UTILITY LINES. Underground utilities in streets or rights-of-way or in easements shall be installed prior to the construction of such streets and/or alleys. Wherever possible, utilities will be placed in rear lot easements with street placement permitted in only the most unusual circumstances.

34-3-7 STORM SEWERS AND OTHER DRAINAGE APPURTENANCES. In addition to the installation of curbs or gutters along the streets, as required by **Section 34-3-6(C)** of this Article, storm sewer systems shall be constructed throughout the entire subdivision in accordance with the applicable requirements of Chapter 32 "Stormwater Drainage and Detention, Soil Erosion and Sediment Control Code". **(Ord. No. 2001-14; 03-02-01)**

34-3-8 PUBLIC UTILITY ENGINEERING REQUIREMENTS. All proposed water and sanitary sewer facilities shall comply with the minimum requirements and recommendations of the **Illinois Environmental Protection Agency of the State of Illinois and the Zoning Administrator**. When a proposed subdivision is reasonably accessible to a public sewer system and/or distribution system, the subdivider shall provide the subdivision with a complete sanitary sewer system and/or water distribution system to be connected to the proper public system(s).

34-3-9 SANITARY SEWERS.

(A) All sewer plans and installations **shall conform** to the standards and specifications set forth in **"The Standard Specifications for Water and Sewer Main Construction in Illinois"**, as established by the **Illinois Society of Professional Engineers**.

(B) Sanitary sewer lines **shall be installed** to serve all properties in the subdivision except subdivisions where individual sewage disposal systems are permitted by the Village Board.

(C) Where sanitary sewer mains of larger capacity than necessary to serve the subdivision as delineated in the Preliminary Plan are required to serve the future growth in the vicinity of the subdivision, as determined by the Village Board, the Village shall then reimburse the subdivider for the difference in cost of the smaller size pipe and the larger size pipe. The larger size shall be determined by the Village Board.

(D) Each lot in the subdivision shall be provided at the property line with a connection to the public sanitary sewer system. The construction of the sewer system shall conform to the approved plans and specifications and all work should be properly inspected and approved by the Zoning Administrator.

(E) Sewer manhole covers outside the traveled portions of a street shall be of the lock or bolt-down type that will prevent vandalism such as a NEENAH R1916C or equivalent design and quality. **(Ord. No. 90-15; 12-17-90)**

(F) The anticipated sanitary flow from the proposed development, when completed, shall be provided to the Village.

34-3-10 WATER SYSTEM.

(A) All water main plans and installations, including all appurtenances thereto, shall conform to the most recent edition of **"The Standard Specifications for Water and Sewer Main Construction in Illinois"**, as established by the **Illinois Society of Professional Engineers**.

(B) Water distribution facilities, including all pipe, fittings, hydrants, valves, vaults, etc., shall be installed to serve all properties within the subdivision and approved by the Public Works Director.

(C) All new water mains shall be a minimum of **eight (8) inches** in diameter except water mains serving cul-de-sacs which may be a minimum of **six (6) inches** in diameter if approved by the Public Works Director. Where water mains of larger capacity (larger than **eight (8) inches** in diameter) are necessary to serve a subdivision or to serve the future growth in the vicinity of the subdivision as indicated by the Village's Master Water and Sewer Plan or as determined by the Village Board of Trustees, the Village shall then reimburse the difference in cost of the **eight (8) inch** diameter pipe and the larger required pipe. The

size of the larger pipe shall be determined by the Village Board of Trustees based on recommendations in the Master Water and Sewer Plan.

(D) The construction of the water system shall conform to the approved plans and specifications and all work shall be properly inspected and approved by the Village Engineer. Water service line **shall be extended** to each lot in the subdivision prior to the Village accepting the street(s) for maintenance.

(E) Fire hydrants shall be located and installed by the subdivider with the approval of the Fire Chief and the Public Works Director as part of the water distribution system. Installation of hydrants shall be accomplished in such a manner that each lot is within **five hundred (500) feet** of the fire hydrant when measured along the center line of the right-of-way. Hydrants installed shall be of the type approved by the Public Works Director.

34-3-11 **STREET NAMES AND SIGNS.** Street name signs shall be erected at all street intersections on the far right-hand side of the intersection. Signs indicating both streets should be erected at each location, mounted as close to the corner as practical, facing traffic on the cross street, with the nearest portion of each sign not less than **one (1) foot** no more than **ten (10) feet** back from curb lines. Street name signs shall be purchased by the Village and erected by the Public Works Department, with the cost of such materials and labor for such street signs to be paid by the developer; or the developer shall be responsible for the purchase and installation of such signs in accordance with prescribed standards established by the Public Works Department. **(Ord. No. 87-10; 08-03-87)**

34-3-12 **PUBLIC UTILITIES.** All utility lines for telephone and electric service shall be placed underground. Any electric lines which are approved by the Village to be above ground shall be placed in rear-line easements.

34-3-13 **SIDEWALKS.**

(A) Concrete sidewalks not less than **four (4) inches** in thickness and **four (4) feet** in width, shall be constructed and/or provided by the developer in accordance with the schedule found at **Section 34-2-18** of this Code. These sidewalks shall be constructed within the street right-of-way and adjacent to the property line.

(B) In the event a crosswalk is required in accordance with **Section 34-2-14**, a concrete sidewalk not less than **four (4) inches** in thickness and **four (4) feet** in width shall be constructed and at a grade no steeper than **fifteen percent (15%)** unless steps of adequate design are provided.

(C) Concrete sidewalks at driveway entrances shall not be less than **six (6) inches** in thickness and **four (4) feet** in width. **(Ord. No. 2002-32; 09-16-02)**

34-3-14 **RECREATIONAL AREAS.** Where the Village Board of Trustees deems it appropriate for the location of a park, playground or other similar facility in a subdivision, the Board of Trustees may require the developer to dedicate and reserve such an area within the proposed subdivision as the Board of Trustees deems reasonable to meet such requirement. Where a park is established by the Village Board, its maintenance shall be the responsibility of the Village. If a private agency is to maintain the park, such maintenance shall be prescribed and assured by the recording of proper instruments. **(Ord. No. 77-15; 06-06-77)**

34-3-15 **RESERVED.**

DIVISION III - APPROVAL OF DESIGN PLANS

34-3-16 **CHECKLIST.** In order to qualify for approval, the engineering plans shall be accompanied by a properly executed checklist as shown in **Section 34-6-2, Schedule "B"**.

34-3-17 **APPROVAL, TENTATIVE.** The Public Works Director may grant approval of the total required engineering plans by approval of plans covering only a portion of the land improvements (e.g., sanitary sewers and water) so as to facilitate immediate installations. This partial approval shall consist of a certificate on the plans covering each of the required improvements signed by the Public Works Director.

34-3-18 **LETTER OF APPROVAL.** Final approval of the complete set of engineering plans shall consist of a letter of approval from the Public Works Director, listing thereon:

- (A) Type of improvement(s) covered by the plan.
- (B) Name of designing engineer.
- (C) Date of preparation and revision, if any.

ARTICLE IV - FINAL PLATS

DIVISION I - PROCEDURE

34-4-1 SUBDIVIDER.

(A) Within **six (6) months** after receiving approval of the engineering plans and specifications by the Plan Commission, or a period of time beyond **six (6) months** that may be granted by the Village Board, there shall be submitted to the Zoning Administrator by the subdivider, the original drawing, **one (1) transparency print and twenty (20) paper copies**, and **one (1)** electronic copy in PDF format of the final plat, which shall also contain all required signed certifications other than signed certificates of approval by the Plan Commission, the Village Board and the Zoning Administrator. It shall contain the necessary documents as may be necessary concerning the form of guarantees or performance bond to be used. The final plat shall retain the overall characteristics of the Preliminary Plan and may include all or part of the area shown on the Preliminary Plan. The Zoning Administrator shall refer the **original drawing and two (2) copies** of the final plat to the Plan Commission, and **one (1) copy** of the final plat to the Public Works Director, at least **ten (10) days** prior to their next regularly scheduled meeting for recommendation as to final approval. In the event of a special problem, the Plan Commission shall notify the owner or subdivider as to the time and place of the Plan Commission meeting at which time he will be afforded an opportunity of being heard. **(Ord. No. 2010-13; 07-06-10)**

(B) **Plan Commission Action.** The Plan Commission shall review the Final Plat and plans and transmit their report of findings and recommendations to the Village Board within **thirty (30) days** of the filing date of the Final Plat. The action of the Plan Commission, whether approval or disapproval of the Final Plat, as well as the date of said action, shall be noted in writing and attached to the Final Plat. If the Final Plat is disapproved, the reasons why shall be so stated.

(C) **Village Board Action.** The Village Board shall take action on the Final Plat within **sixty (60) days** from the date of the subdivider's filing of the last required document or other paper or within **sixty (60) days** from the date of the subdivider's filing application for approval of the Final Plat, whichever date is later, unless such time is extended by written mutual consent.

(D) **Disapproval.** If the Final Plat is disapproved by the Village Board, the reasons for such action shall be noted in writing by resolution, stating the reasons for disapproval, specifying with particularity the aspects in which the Final Plat fails to conform with the Village's ordinances.

(E) **Posting Performance Bond.** If the Final Plat is approved by the Village Board, the Final Plat shall be held by the Village Clerk until such time the subdivider posts a performance guarantee bond as required by **Sections 34-4-11 and 34-4-12.**

Upon receipt of said performance guarantee or bond, the Mayor shall affix his signature to the Final Plat and attach thereto a notation that the Final Plat has received final approval of the Village Board; the Clerk shall attest the signature of the Mayor and affix the seal, and attach a certified copy of the Village Board's resolution of approval to the approved Final Plat. If such performance guarantee or bond is not posted by the subdivider within **sixty (60) days** from the date of approval of the Final Plat by the Village Board, approval of such Final Plat shall expire and become null and void.

34-4-2 - 34-4-3 RESERVED.

DIVISION II - FINAL PLAT REQUIREMENTS

34-4-4 REQUIREMENTS - SUBDIVIDER. The Final Plat to be provided by the subdivider shall meet the following specifications:

(A) The Final Plat may include **all or only a part** of the Preliminary Plat which has received approval.

(B) The Final Plat shall be drawn on new linen tracing cloth, mylar or a polyester-based film with waterproof black ink at a scale of not less than **one hundred (100) feet to one (1) inch. (Ord. No. 2006-17; 12-04-06)**

(C) **Four (4)** black or blue line prints shall be submitted with the original tracing of the Final Plat, or in order to conform to modern drafting and reproductive methods, **four (4)** black or blue line prints and reproducible cloth or film positives of the Final Plat shall be submitted.

Prints filed with the Village shall include: **One (1)** black or blue line print made after recording of the Final Plat and bearing the official stamp attesting the fact of the recording; and **one (1)** reproducible print or film positive of the Final Plat, as approved.

(D) All dimensions shall be shown in feet and decimals of a foot and/or meters.

(E) All surveys for a Final Plat shall be made under the active and personal direction of an **Illinois Registered Land Surveyor**, and the following basic information shall be shown:

- (1) 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 five thousand (5,000) feet.**
- (2) Accurate distances and directions to the nearest established official monument. Reference corners shall be accurately described on the Final Plat.
- (3) All elevations shall be referenced to the established datum and said reference shall be clearly stated on any plans or drawings showing such datum, provided that bench marks are located within a reasonable distance.
- (4) Accurate metes and bounds description of the boundary and the included area of the subdivision to the **nearest one-hundredth of an acre.**
- (5) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract, shown by heavy solid lines.
- (6) Right-of-way lines of streets, easements and other rights-of-way and property lines and areas of lots and other tracts, with accurate dimensions, bearings and curve data, including radii, arcs and chords, points of tangency, and central angles.
- (7) Name and right-of-way width for each street or other right-of-way with a copy of the letter of approval of the street name from the County's 9-1-1 Coordinator.
- (8) Location, dimensions and purposes of any easement, shown by light, dashed lines.
- (9) Consecutive numbering to identify each lot or site. **(Ord. No. 90-15; 12-17-90)**

SUBDIVISION CODE 34-4-5

- (10) Purpose for which sites, other than residential lots are dedicated or reserved.
- (11) Lot dimensions and areas of each lot and building setback lines and dimensions.
- (12) Location, type, material, and size of all monuments and lot markers.
- (13) Names of owners and mortgagees accepting said Plat with owner or owners personally signing all plans.
- (14) Names of owners of record of adjoining unplatted lands.
- (15) Reference to recorded subdivision plats within **three hundred (300) feet** of adjoining platted land by record name, date and number.
- (16) Restrictions of all types which will run with the land and become covenants in the deeds for lots. Restriction lines should be shown by medium, dashed lines.
- (17) Title or name of subdivision; Section, Township and Range numbers in which the subdivision is located; and north arrow, scale and date.
- (18) Certification as required by **Section 34-4-5**.

34-4-5 **APPROPRIATE CERTIFICATES.** The following shall be completed as required by this Code:

(A) **OWNER'S CERTIFICATE**

We, _____, the owners of _____, 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.

In addition, easements for right-of-way are reserved and established as shown on the plat for the construction, maintenance, and operation of utility service such as water, gas, electric power, telephone, and for sanitary sewers and storm drains and ditches. Such easements are not dedicated as public roadway or alley and the lot owner may make such use thereof that does not interfere with the installation and maintenance of the utilities, sewers, or drains or reasonable access thereto provided such easement strip shall be kept free and open at all times and no trees, buildings or other improvements of a permanent nature shall be placed thereon and the owner shall not change the established grade so as to alter or block the flow of surface water along such easement strip.

Dated this _____ day of _____, 20__.

_____(SEAL)

_____(SEAL)

(B) **NOTARY PUBLIC'S CERTIFICATE**

State of Illinois)
)
County of) ss

I, _____, Notary Public, in and for said County in the State aforesaid, do hereby certify that _____, personally known by me to be the same person(s) whose name(s) are subscribed to the foregoing instrument as such owner(s), appeared before me this day in person and acknowledged that they signed and delivered this plat as their own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this _____ day of _____, 20____, at _____.

NOTARY PUBLIC

(C) **SURVEYOR'S CERTIFICATE**

State of Illinois)
)
County of) ss

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

Illinois Land Surveyor

Registration Number

Date

(D) **COUNTY CLERK'S CERTIFICATE**

State of Illinois)
)
County of Madison) ss

I, _____, County Clerk of Madison County, Illinois, do hereby certify that there are no delinquent general taxes, no unpaid forfeited taxes and no redeemable tax sales against any of the land included in the attached plat.

I further certify that I have received all statutory fees in connection with the attached plat.

Given under my hand and seal at _____, this _____ day of _____, 20__.

County Clerk

Date

(E) **CERTIFICATE OF THE VILLAGE BOARD**

State of Illinois)
Village of Bethalto) ss
County of Madison)

I, _____, Mayor of the Village of Bethalto, Illinois do hereby certify that the Plat shown herein was duly presented to the Village Board and approved at a meeting of the same held on _____, 20__.
(Month) (Day)

MAYOR

VILLAGE CLERK

(F) **FLOOD HAZARD CERTIFICATE**

State of Illinois)
County of Madison) ss

We, the undersigned, do hereby certify that no part of this plat to be recorded is situated within **five hundred (500) feet** of any surface drain or watercourse serving a tributary area of **six hundred forty (640) acres or more, or**, if this plat is within **five hundred (500) feet** of any surface drain or watercourse, we do hereby certify that this plat has been reviewed by the Illinois Department of Transportation Division of Water Resources and their reports are on file with the Recorder of Deeds of Madison County.

BY: _____

Owner(s)

BY: _____

Illinois Land Surveyor

Registration Number

Date

(G) **PLAN COMMISSION CERTIFICATE**

State of Illinois)
)
County of Madison) ss

Approved this _ day of _____, 20__.

CHAIRMAN, PLAN COMMISSION

SECRETARY, PLAN COMMISSION

(H) **PUBLIC WORKS DIRECTOR**

State of Illinois)
)
County of Madison) ss

I, the Public Works Director, do hereby certify that the required improvements have been installed or the required guarantee bond has been posted for the completion of all land improvements.

PUBLIC WORKS DIRECTOR

Dated this ___ day of _____, 20__.

(I) **ILLINOIS DEPARTMENT OF TRANSPORTATION**

This plat has been approved by the Illinois Department of Transportation with respect to roadway access pursuant to **765 ILCS Sec. 205/2**. However, a highway permit for access is required by the owner of the property. A plan that meets requirements contained in the department's "**Policy On Permits For Access Driveways To State Highways**" will be required by the department.

DISTRICT ENGINEER

Dated this ___ day of _____, 20__.

34-4-6 - 34-4-7 RESERVED.

DIVISION III - APPROVAL OF FINAL PLAT

34-4-8 **REQUIREMENTS OF FINAL PLAT.** In order to qualify for approval, the Final Plat shall be accompanied by the following:

(A) A properly executed checklist as shown in **Section 34-6-3, Schedule "C"**.

(B) Detailed specifications for all required land improvements other than those specifications submitted and approved with the engineering plans.

(C) A copy of the **Illinois Environmental Protection Agency's** permit for the sanitary sewer installation.

(D) A copy of the **Illinois Environmental Protection Agency's** approval for the water main installation.

(E) An affidavit executed by the owner and/or subdivider accepting the responsibility for the installation of the improvements as shown on the approved engineering plans and covered by the specifications and permits required above. This affidavit shall include a stipulation by the subdivider of the installation of all land improvements in the presence of a registered engineer.

(F) A certified estimate of cost of all required land improvements prepared by a registered engineer.

(G) A description of the bond or guarantee collateral intended to be submitted as required in **Division IV**.

(H) Provided all required land improvements have been completed, the following are to be submitted:

(1) The submission of **four (4) paper copies** and **one (1)** electronic copy in PDF format of acceptable "as-built" drawings of all land improvements.

(2) An affidavit to the effect that:

(a) All materials, labor, and other costs of all land improvements have been paid, and

(b) A General Contractor's statement, identifying all supplying vendors, is attached along with corresponding lien waivers, and

(c) That the subdivider accepts responsibility for the maintenance and repair of all land improvements for **one (1) year** after the date of the acceptance resolution by the Village Board.

(3) Written conveyance of all right, title and interest in the land improvements installed to the Village.

(I) A development permit issued under the Stormwater Drainage and Detention, Soil Erosion and Sediment Control Code as referenced in **Chapter 32** herein. (**Ord. No. 2010-13; 07-06-10**)

34-4-9 **FILING FEE.** A filing fee of **two percent (2%)** of the estimated construction cost to cover the engineering inspection fees to be incurred by the Village.

34-4-10 **RESERVED.**

DIVISION IV - GUARANTEES

34-4-11 **GUARANTEES TO VILLAGE.** After the Village Board has approved the Final Plat with respect to the above qualifications, the subdivider shall be so notified by the Zoning Administrator. Final approval and signature by the Mayor and the Zoning Administrator shall be contingent upon the receipt by the Village of guarantee by the owner and/or subdivider to the Village for the completion of all land improvements yet remaining to be installed. Within **sixty (60) days** of the approval of the Final Plat, one of the following shall be completed:

(A) Deposit with the Village a subdivider's bond in the amount of the estimated cost of the land improvements; said bond need not exceed **one hundred ten percent (110%)** the estimated cost of the improvements remaining to be completed; or

(B) Deposit with the Village cash in the amount of the estimated cost of the land improvements; said amount of cash need not exceed **one hundred ten percent (110%)** the estimated cost of the improvements remaining to be completed. Subdivider shall execute **"an undertaking in lieu of a bond"** provided for in **Section 34-6-5** and an **"irrevocable commitment"** from a financial institution as provided for in **Section 34-6-5**; or

(C) Deposit with the Village a lien to be recorded in the County Recorder's Office on all property being subdivided, with the provision that partial release may be obtained when the loaning company executes with the Village an agreement to withhold **one hundred ten percent (110%)** the estimated cost of the land improvements yet remaining to be installed, in escrow, until such time as all land improvements have been completed and accepted by the Village. All expenses incurred in determining the amounts apportioned against the land and the cost of releasing each lot or tract shall be paid by the subdivider; or

(D) Deposit with the Village other collateral equivalent to **one hundred ten percent (110%)** the estimated cost of land improvements yet remaining to be installed, such collateral to be approved by the Village Board.

34-4-12 **CONSTRUCTION TIME CONSTRAINTS.**

(A) All required land improvements under the Subdivision Code, but for sidewalk construction, and under the Stormwater Drainage and Detention, Soil Erosion and Sediment Control Code shall be installed and completed within a period of **one (1) year** after the approval of the Final Plat. Failure of the subdivider to complete all of the improvements within this **one (1) year** period shall result in forfeiture of the guarantee collateral unless an extension of time is requested by the subdivider and granted by the Village Board. In the event of failure to complete the improvements in the required period, as stated above, the Village Board may direct that no further building permits be issued for property in such subdivision pending satisfaction of the Village Board in regard to the status of the required land improvements.

(B) All required sidewalk construction under the Subdivision Code shall be installed and completed in accordance with the following schedule:

SUBDIVISION CODE 34-4-13

Number of Lots in Platted Subdivision	Time Period Allowed
One (1) lot to forty-nine (49) lots	Eighteen (18) months after approval of final plat by Village Board of Trustees.
Fifty (50) lots to two hundred (200) lots	Thirty-six (36) months after approval of final plat by Village Board of Trustees.
Each additional increment of one hundred (100) lots	Thirty-six (36) months, plus six (6) months additional for each one hundred (100) lot increment after approval of final plat by Village Board of Trustees.

Upon request by the subdivider and after providing revised estimated costs of completion and extension of the subdivider's guarantee to the Village; the Administrator shall have authority and discretion to grant such extensions as he or she deems appropriate for completion of sidewalk construction only. **(Ord. No. 2010-13; 07-06-10)**

34-4-13 INSPECTION. All required land improvements to be installed under the provisions of this Chapter shall be checked during the course of construction, by or at the direction of the Zoning Administrator or his designated representative.

The cost of any re-inspection of any required land improvement found to be faulty or not in accordance with the approved plans and specifications shall be paid by the subdivider to the Village. The testing of any concrete, asphalt, soil, or other materials and workmanship shall be done at the direction of the Village and at the expense of the subdivider.

Subdivider shall arrange with the Zoning Administrator for a semi-final inspection of all land improvements installed under the provisions of this Chapter before conveyance of such improvements to the Village.

The Zoning Administrator or his designated representative will conduct a final inspection of all land improvements no later than **thirty (30) days** prior to the expiration of **one (1) year** after conveyance to the Village and acceptance by the Village. In the event of any deficiencies, the Zoning Administrator shall immediately advise subdivider of such deficiencies and request completion of remedial action before expiration of **one (1) year** guarantee. **(Ord. No. 90-15; 12-17-90)**

34-4-14 RELEASE OF BOND. The subdivider's bond or guarantee collateral shall be released only upon fulfillment of the following conditions:

- (A) The completion of all required land improvements.
- (B) The submission of **four (4) paper copies** and **one (1)** electronic copy in PDF format of acceptable **"as-built"** drawings of all land improvements.
- (C) An affidavit to the effect that:
 - (1) All materials, labor, and other costs of all land improvements have been paid, and
 - (2) A General Contractor's statement, identifying all supplying vendors, is attached along with corresponding lien waivers, and

- (3) That the subdivider accepts responsibility for the maintenance and repair of all land improvements for **one (1) year** after the date of the acceptance resolution by the Village Board.
- (D) Written conveyance of all right, title and interest in the land improvements installed to the Village.
- (E) Final Acceptance, by resolution of the Village Board of all land improvements. (**Ord. No. 2010-13; 07-06-10**)

DIVISION V - PRIVATE STREETS

34-4-15 PRIVATE STREETS. The purpose of this Division is to provide regulations and standards within the Village in which streets are established as private rather than dedicated to public use or to the Village. These regulations apply only to subdivisions which are subdivided into single family residential lots.

(A) The appropriate approval procedures for the preliminary plat, improvement plans, and final plat are obtained in accordance with the procedures in this Chapter.

(B) Whenever a parcel of land is subdivided and the subdivision plat shows **one (1)** or more lots having the potential for additional subdivision under the provisions herein, the Planning Commission, if appointed, may recommend and the Village Board may require that such parcel of land provide for the future opening of streets, water and sewer and other utility lines, or the ultimate extension of adjacent streets. Easements providing for the future opening and/or extensions of such streets, water and sewer and other utility lines may be made a condition of the final plat approval.

(C) **Variance.** Whenever a subdivider believes that regulations and standards provided herein create an undue hardship on the subdivision of land, the subdivider may petition for a variance. The Planning Commission, if appointed, shall review and report to the Village Board on the requested variance. The Village Board may vary or modify subdivision regulations and standards in such a manner that the subdivider is allowed to plan and develop his property and record a plat without unjust difficulties and expenses, but at the same time the public welfare and interest of the Village are fully protected and the general intent and spirit of the regulations are preserved.

(D) **Definitions.**

- (1) **"Common Land"** means that land set aside for open space or recreational uses for owners of the lots in a subdivision for the sole benefit, use and enjoyment of the lot owners, present and future.
- (2) **"Easement, Private Street"** means a designated access way for the service of individual lots.
- (3) **"Easement, Utility"** means a grant by a property owner to a public or private utility company for the purpose of installation, improvement, and maintenance of public or private utilities.
- (4) **"Private Street"**. (See "Easement, Private Streets").

(E) **Inspections.** The subdivider shall comply with those inspections as required in this Chapter.

(F) **Improvement Plans and Guarantee.** The subdivider shall conform to all requirements of **Division IV**, i.e. **Section 34-4-11** through **34-4-14**.

- (G) **Street Specifications.**
- (1) Streets shall be constructed in accordance with this Chapter, except as modified herein.
 - (2) If a street or any branch thereof is more than **one hundred fifty (150) feet** in length there shall be provided at its closed end a cul-de-sac. The cul-de-sac shall have the same design standards as stated in other sections of this ordinance.
 - (3) Street names for both private and public shall conform to existing streets or an extension thereof, and new streets shall be checked to preclude duplication of street extension thereof, and new streets shall be approved by the Village of Bethalto.
- (H) A street within a residential subdivision shall not connect with more than **one (1) public street.**
- (I) **Minimum Design Criteria.** (See Division II of Article III, i.e. **Sections 34-3-4 et seq.**)
- (J) Sidewalks, if any, shall conform to applicable paragraphs of this Chapter.
- (K) In calculating the area of a lot the following principal shall apply:
- (1) Private street easements for the servicing of the subdivision shall not be included as part of the area of the lot.
 - (2) Easements for providing common land for the benefit and use of lot owners within a subdivision shall not be calculated in the area of the lot.
- (L) Street signs, within the subdivision shall be installed by the developer. The sign shall bear the name of the street as designated on the final plat. The following specifications shall be as follows:
- (1) Signs shall consist of heavy gauge aluminum, approximately **six inches by twenty-four inches (6" x 24")**, the length depending upon the number of letters in the name, with a white reflectorized surface, and painted in **four (4) inch** black lettering.
 - (2) Signs shall be mounted on a **two (2) inch** galvanized pipe or substitute approved by the Village Board.
 - (3) Street signs shall be located as follows:
 - (a) At intersections within the subdivision.
 - (b) At the entrance of the subdivision.
- (M) Permanent signs identifying a subdivision may be erected as follows:
- (1) A maximum of **two (2) signs** per subdivision access;
 - (2) Each **one (1) place** on either side of the street right-of-way; and
 - (3) Each sign face does not exceed **sixteen (16) square feet.**
 - (4) Signs erected as part of an entrance way structure require Village Board approval and a building permit.
- (N) Street and parking area lighting shall conform to the requirements contained in the Village's ordinance regulating exterior lighting.
- (O) **Indenture of Restrictions.**
- (1) A trust indenture shall be required for all subdivisions under this Section.
 - (2) A trust indenture shall contain provisions for:
 - (a) Restrictions as to lot usage.
 - (b) Power of assessment of the property owners within the subdivision for the construction, maintenance and

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- reconstruction of land or common property to include but not be limited to such items as street paving, storm water facilities, turnaround islands, street lights, street signs, sidewalks, subdivision identification signs; enforcement; and amendment procedures.
- (c) The trust indentures shall also authorize the Village Board to enforce the Village's traffic and parking ordinances.
 - (d) The trust indenture shall provide for a system of garbage collection. This system shall be approved by the Village Board. The trust indentures may transfer this responsibility to the Village, in which case the Village Board will establish a fee for garbage collection. This fee may be chargeable to the subdivision as a whole or to each individual property owner.
 - (e) The trust indentures shall authorize all Village vehicles the right to have unlimited access on the private roadways within the subdivision.
 - (f) The trust indentures shall give the Village the authorization to enforce all Village codes and ordinances within the subdivision.
- (3) **Trustees.** Each subdivision shall have trustees who are responsible for the maintenance of the streets or other common areas. These trustees shall be selected in the following manner:
- (a) **One-third (1/3)** of the trustees shall be chosen by purchasers of recorded lots after **fifty percent (50%)** of the lots have been sold.
 - (b) **Two-thirds (2/3)** of the trustees shall be chosen by purchasers of recorded lots after **seventy-five percent (75%)** of the lots have been sold.
 - (c) All of the trustees shall be chosen by purchasers of recorded lots after all of the lots have been sold.
- (4) By **July 1st** of each year a list of the subdivision trustees must be submitted to the Village Clerk. Included on this list should be the name, address, and phone number of each trustee.
- (5) Provisions shall be made for the trustees to be vested with the power to dedicate the streets to a public body.
- (6) The amending procedure shall include the provisions that any amendment to the trust indenture shall not be effective or valid until the Village Board has approved the amendment.
- (7) Provision shall be made that prohibits the subdivider from assessing lot owners for items or matters that are within the required installation of the subdivision.

(Ord. No. 95-12; 07-17-95)

ARTICLE V - ADMINISTRATION

34-5-1 ENFORCEMENT OFFICER - DUTIES. The Zoning Administrator referred to herein as the "**Administrator**" 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 and final plats to the Plan Commission;
- (B) To transmit improvement plans to the Village Engineer for his review;
- (C) To issue stop work orders as necessary when the Village Engineer determines that approved improvements are being constructed in violation of this Code;
- (D) To pursue actions authorized in this Code when a developer fails to complete required improvements;
- (E) To evaluate and make decisions concerning proposed minor changes in approved final plats;
- (F) To review and forward applications for subdivision variances to the Plan Commission;
- (G) To periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on such matters to the Plan Commission as necessary;
- (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, final plats, variances, and amendments; and
- (I) To provide information to subdividers/developers and to the general public on matters related to this Code.

34-5-2 SUBDIVISION VARIANCES. Any subdivider/developer desiring a variance from the requirements of this Code shall file a written application therefor with the Zoning Administrator 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 Administrator shall prepare an advisory report on variance application and submit it, together with the completed application to the Plan Commission.

(A) **Review By Plan Commission.** The Plan Commission shall review the variance application and the Administrator's comments, and submit their advisory report to the Village Board, together with their recommendation on preliminary plat approval. The Plan Commission's advisory report shall be responsive to all the variance standards set forth in paragraph (B) below.

(B) **Action by Village Board - Variance Standards.** At the same meeting at which they take action on the application for preliminary plat approval, the Village Board 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 Village Board shall not grant any subdivision variance unless, based upon the information presented to them, they determine that:

- (1) the proposed variance is consistent with the general purposes of this Code; and

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- (2) strict application of the subdivision design and improvement requirements would result in great practical difficulties or hardship to the applicant, not a mere inconvenience; and
- (3) the proposed variance is the minimum deviation from the subdivision requirements that will alleviate the difficulties/hardship; and
- (4) the plight of the applicant is due to peculiar circumstances not of his own making; and
- (5) the peculiar circumstances engendering the variance request are not applicable to other tracts, and therefore, that a variance would be a more appropriate remedy than an amendment; and
- (6) the variance, if granted, will not substantially impair implementation of the Village Comprehensive Plan, including the Official Map.

34-5-3 **AMENDMENTS.** Amendments to this Code may be proposed by the Zoning Administrator, any member of the Village Board, any Plan Commission member, or any party in interest. Every amendment proposal shall be filed on a prescribed form in the Administrator's office. The Administrator shall promptly transmit each proposal, together with any comments or recommendations he may wish to make to the Plan Commission.

34-5-4 **ADVISORY REPORT - ACTION BY VILLAGE BOARD.** Within a reasonable time the Plan Commission shall submit an advisory report to the Village Board. The Village Board shall act on the proposed amendment at their next regularly scheduled meeting following submission of this report. The Village Board may either pass or reject the proposed amendment or may refer it back to the Plan Commission for further consideration.

34-5-5 **SCHEDULE OF FEES.** All fees indicated in tabular form below shall be paid to the Village Clerk. The 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	\$250.00
Filing improvement plans	\$250.00
Improvement inspection	two percent (2%) of engineer's estimate of development expenses
Filing final plat	\$250.00
Filing variance request	\$100.00
Filing amendment proposal	\$250.00

34-5-6 **RECORDING.** The Village Clerk shall not accept a Final Plat for filing with the County Recorder of Deeds unless the following conditions are met:

(A) The Final Plat conforms to all requirements specified by the Village Board as conditions of approval.

(B) The Final Plat meets the design standards and engineering specifications set forth herein.

(C) The Final Plat is accompanied by a Development Permit as issued under the requirements of **Chapter 32**, Stormwater Drainage and Detention, Soil Erosion and Sediment Control Code.

(D) The Final Plat meets all requirements of the laws of the State of Illinois.

(E) The subdivider or applicant establishes sufficient proof of his intent and ability to post a guarantee or performance bond or bonds with the Village as required by **Section 34-4-11** to the estimated construction cost of all improvements intended to be dedicated to the Village for maintenance and operation.

No subdivision Plat or Re-plat of land within the jurisdiction of the Village shall be filed for record or recorded in the Office of the County Recorder of Deeds, unless and until the approval of the Village Board is endorsed thereon by the Village Clerk.

No lot shall be sold for such subdivision Plat or Re-plat until it has been approved by the Village Board and filed for record in the Office of the County Recorder of Deeds as herein provided.

The developer shall file the approved Final Plat and ordinance with the County Recorder of Deeds not more than **thirty (30) days** from the date of posting of and not prior to the posting of the performance guarantee or bond as required by **Section 34-4-11 and 34-4-12; two (2) copies** of such Final Plat and ordinance shall be kept on file by the Village Clerk; **one (1) such copy** filed with the Zoning Administrator; and **one (1) copy** shall be returned to the subdivider.

The Village Board shall not permit any public improvements under its jurisdiction to be constructed or maintained within an area that has been subdivided after the adoption of this Code unless such subdivision has been approved in accordance with the requirements contained herein.

No Building and Zoning Occupancy Permit shall be issued by the Zoning Administrator, Village or County for the construction of any building, structure or improvement to the land or any lot within the subdivision as defined herein, until all requirements herein have been fully complied with. (**Ord. No. 2001-14; 03-02-01**)

34-5-7 VACATION OF PLATS. In accordance with State law, 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 the plat, the instrument shall reserve to the Village 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 Village Board in the same manner as plats of subdivision and shall also be approved by the County Superintendent of Highways, the Highway Commissioner of the appropriate township, and the public utilities involved. In the case of the platted tracts wherein any lots have been sold, the written vacation instrument must also be signed by all the owners of lots in said tracts. (**Ill. Rev. Stat., Ch. 109; Secs. 6, 7, and 9**)

34-5-8 MAINTENANCE OF IMPROVEMENTS.

(A) The subdivider/developer shall maintain all the improvements in the subdivision until they have been accepted by and dedicated to the Village or other appropriate entity.

(B) Prior to the dedication, the subdivider/developer shall post a maintenance bond with the Village Clerk. Such bond shall be in the form and amount determined by the Public Works Director and approved by the Village Board to be sufficient for guaranteeing the satisfactory condition of the required improvements for a period of **one (1) year** from the date of their acceptance and dedication. If at any time during the **one (1) year period**, the improvements are found to be defective, they shall be repaired/replaced at the subdivider's/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 Zoning Administrator, the Village shall use the maintenance bond to make the necessary repairs/replacements.

 If the cost of the repairs/replacements exceeds the bond amount, the subdivider/developer shall be liable for the excess. At the end of the **one (1) year period**, the maintenance bond shall be released.

ARTICLE VI - SCHEDULES AND BONDS

34-6-1 SCHEDULE "A" - CHECKLIST FOR PRELIMINARY PLAN.

_____ (Name of Subdivision)
_____ (Date of Submission)
_____ (Due Date of Recommendation--60 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. **Twenty (20) copies** of preliminary plat submitted.
- _____ 2. Plans conform to **Section 34-2-6.**
- _____ 3. Plan scale is not less than 1 inch to 50 feet.
- _____ 4. Minimum profile scale is 1 inch to 100 feet horizontal and 1 inch to 10 feet vertical.
- _____ 5. A title sheet is included with each set of preliminary plans.
- _____ 6. Name of proposed subdivision shown.
- _____ 7. Location given by township, 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 registered 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 inch to 1,000 feet.
 - _____ 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 is 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 feet or less outside the boundaries are shown:
 - _____ a. Previously platted streets and other rights-of-way with improvements, if any, indicating:
 - _____ 1. location
 - _____ 2. widths

_____17. (Continued)

- _____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, indicating:
 - _____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
- _____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

- _____17. (Continued)
 - _____3. width of easement
 - _____4. location of easement
 - _____m. Marshes, indicating:
 - _____1. location
 - _____2. dimensions
 - _____3. soil bearing capacity
 - _____n. Rock outcrops, indicating:
 - _____1. location
 - _____2. dimensions
 - _____o. 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 feet beyond, indicating:
 - _____a. Existing contours at vertical intervals of not more than 2 feet.
 - _____b. Proposed contours at vertical intervals of not more than 2 feet.
 - _____c. Bench mark, indicating:
 - _____1. location
 - _____2. description
 - _____3. elevation
- _____19. Soil bearing data is given, if required by the Superintendent of Streets, 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 feet or less outside of the boundaries, are shown:
 - _____a. Layout of streets, indicating:
 - _____1. Arterial (Primary) streets indicating:
 - _____a. 70 feet right-of-way width
 - _____b. 50 feet roadway width
 - _____2. Collector (secondary) streets, indicating:
 - _____a. 60 feet right-of-way width
 - _____b. 37 feet roadway width back-to-back
 - _____3. Local (minor) streets, indicating:
 - _____a. 50 feet right-of-way width
 - _____b. 30 feet roadway width back-to-back of curbs
 - _____4. Cul-de-sac streets, indicating:
 - _____a. 50 feet right-of-way width (Ord. No. 90-15)
 - _____b. 40 feet roadway width back-to-back of curbs. (Ord. No. 90-15)
 - _____c. The length does not exceed 500 feet unless there are less than 16 lots abutting the cul-de-sac street.

_____20. (Continued)

- _____d. Terminus is circular or nearly so, and right-of-way is at least 120 feet in diameter.
- _____e. Terminus roadway width is 80 feet in diameter.
- _____5. Through street shown extended to boundaries of subdivision.
- _____6. Storm water runoff pattern on paving.
- _____b. Names of streets:
 - _____1. Not duplicating the name of any street heretofore used in the Village 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 present standards of the Village.
- _____d. Utility easements:
 - _____1. Located at the rear of each lot and other necessary locations.
 - _____2. Not less than 10 feet 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 0.5 percent and not more than:
 - _____1. 5.0% on collector streets.
 - _____2. 7.0% on minor streets.
- _____f. Pedestrian ways, when required, indicating: **(Sec. 34-2-14)**
 - _____1. Location at approximately the center of the blocks in excess of 900 feet in length.
 - _____2. Width not less than 10 feet.
 - _____3. Shrub or tree hedge at side boundary lines.
- _____g. Block layout, indicating: **(Sec. 34-2-14)**
 - _____1. Blocks do not exceed 1,800 feet 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.

_____20. (Continued)

_____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. Consecutive numbering of all lots as shown in the preliminary plan **(Ord. No. 90-15)**
- _____6. Corner lots and double frontage 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 feet deeper than average.
 - _____d. a protective screen planting is indicated on one frontage.
- _____12. Lots abutting or traversed by a watercourse, drainageway, channel way, channel, or stream, indicating:
 - _____a. additional width and depth to provide an acceptable building site.
 - _____b. width of easement is at least 15 feet 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

- _____20. (Continued)
 - _____i. Areas intended to be dedicated for public use, indicating:
 - _____1. Plan conforms to Village Comprehensive Plan.
 - _____2. Purpose.
 - _____3. Acreage.
 - _____j. Source of domestic water supply, indicating:
 - _____1. Connection to existing water mains.
 - _____2. Location of site for community water plant.
 - _____k. Provision for sewage disposal, indicating:
 - _____1. Connection to existing sanitary sewer mains.
 - _____2. Location of site for community sewage disposal plant.
 - _____3. Anticipated sewage flow.
 - _____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 elevations at manholes.
 - _____4. Manhole locations.
 - _____o. Water main layout, indicating:
 - _____1. Location.
 - _____2. Size.
 - _____3. Looped pattern where practicable.
 - _____4. Fire hydrants, spaced apart not more than 1,000 feet.
 - _____p. Storm sewer layout, indicating:
 - _____1. Location.
 - _____2. Catch basins not more than 600 foot intervals.
 - _____3. Storm water is not carried across any intersection.
 - _____4. Surface water drainage pattern for individual lot and block.
- _____21. An outline of proposed restrictive 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)
_____(Date)

REVIEWED BY: _____(Zoning Administrator)
_____(Date)

34-6-2 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 ordinance 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 12 months of the date of approval, by the Village Board, of the Preliminary Plan.
- ____ 2. Four (4) copies of engineering plans have been submitted.
- ____ 3. Plans conform to **Section 34-4-4.**
- ____ 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 street.
 - ____ 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. Plan and profiles are on Federal Aid Sheets, Plate I or II, or equal.
 - ____ a. Horizontal scale is not less than 1 inch to 50 feet.
 - ____ b. Vertical scale is no less than 1 inch to 5 feet.
- ____ 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: **(See Chapter 38)**
 - _____ a. All properties in the subdivision are served and house service connections are provided.
 - _____ b. The minimum size main is 8 inch in diameter (I.D.).
 - _____ c. The plan conforms to the overall Water and Sewer Master Plan for any trunk sewers traversing the subdivision.
 - _____ d. The distance between manholes does not exceed 400 feet.
 - _____ 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 in the plans and in the estimates of quantities where the depth of installation exceeds 8 feet.
 - _____ h. Profile of existing and proposed ground surfaces
 - _____ i. Risers are shown for individual house service laterals where depths of main exceeds 12 feet.
 - _____ j. Pipe joints are of permitted type.
 - _____ 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 inches 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
 - _____ 4. Tracer wire installation **(See Exhibit "D") (Ord. No. 90-15)**

- _____14. Street plans, including storm sewers, are complete and conform to the codes applicable thereto and include all of 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 includes the following information:
 - _____1. Corner curb radius is not less than 16 feet.
 - _____2. Curve data for all horizontal curves.
 - _____3. Direction of flow along all curbs.
 - _____4. No surface water is carried across any street intersection, nor for a distance greater than 600 feet.
 - _____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 inches 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 standards of the municipality and include:
 - _____1. paving base materials
 - _____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, bolt down
 - _____7. Catch basin

- _____ 15. Parkway improvement specifications are complete and include provisions for:
 - _____ a. Removal of stumps and trees that cannot be saved, boulders and all other similar items.
 - _____ b. Grading, installation of topsoil and seeding or sodding.
- _____ 16. Street signs are shown to be installed at all street intersections not previously marked.

COMPLETED BY: _____(Name)
 _____(Address)
 _____(Date)
 REVIEWED BY: _____(Zoning Administrator)
 _____(Date)

34-6-3 SCHEDULE "C" - CHECKLIST FOR FINAL PLAT.

_____ (Name of Subdivision)
 _____ (Date of Submission)
 _____ (Due Date of Recommendations -- 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 6 months after the approval of the engineering plan.
- _____ 2. Plat has been submitted within 3 years after the approval of the Preliminary Plat [unless an extension of time has been requested of and granted by the Village Board].
- _____ 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. **Twenty (20) 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 inch equals 100 feet].
- _____ 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. Village Board Certificate.
 - _____ h. Superintendents of Water, Sewer and Streets Certificate.
- _____ 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 municipality.
 - _____ g. A development permit, if applicable, under the terms and provisions of the Stormwater Drainage and Detention, Soil Erosion and Sediment Control Code. **(Ord. No. 2001-14; 03-02-01)**

COMPLETED BY: _____(Name)
 _____(Address)
 _____(Date)

REVIEWED BY: _____(Zoning Administrator)
 _____(Date)

CONSIDERED BY PLAN COMMISSION ON: _____(Date)
 _____(Chairman)

34-6-4 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 this **Village of Bethalto**, in the penal sum of _____
 _____ 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) Optional
- Street lights) Optional
- Site improvements) Optional

all in accordance with the specifications and Codes of the Village and contained in plans and specifications prepared by _____(named engineer), and approved by the Village Board at the following location:

(DESCRIPTION OF PROPERTY)

'And has agreed to maintain such improvements constructed under this bond for a period of **one (1) year** from the date of acceptance of the same by the Village Board.

'NOW, THEREFORE, if the said principal shall well and truly perform in all respects in strict accordance with the requirements, and shall save the Village 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."

34-6-5 CASH BOND. The Board of Trustees or Plan Commission, if appointed, may permit a developer to file in lieu of the surety bond called for in **Article IV, Division IV**, a cash bond guaranteeing that the improvements will be completed as follows:

(A) **Undertaking in Lieu of Completion Bond.**

WHEREAS, that statutes of the State of Illinois grant to a municipal corporation the right to require that a developer construction 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 Village of Bethalto, 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 Village of Bethalto, 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 Village of Bethalto, 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, sanitary sewers, storm sewers, water lines, and where applicable sidewalks, street lights and common landscaping. In order to guarantee that such facilities shall be installed, the **OWNER** shall submit to the public works director such specifications and estimated engineering costs as shall be required to meet with his approval. In aiding the public works director in determining that 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 public works director, 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 reasonable estimate cost of completing the required improvements for which the **MUNICIPALITY** is requiring a completion guarantee.

4. The **OWNER** shall not be entitled to 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 Public Works Director.

5. **THAT** the written irrevocable financial commitment shall be furnished to the **MUNICIPALITY** from a banking or lending institution in for 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 **one (1) year** 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 _____, 19__.

(OWNER)

APPROVED by the _____ of _____ this ____ day of _____, 19__.

BY: _____
(MUNICIPALITY)

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

GENTLEMEN:

We hereby establish our irrevocable credit in favor of _____
[Developer] and **THE VILLAGE OF BETHALTO** 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 Village of Bethalto, Illinois:

streets, sanitary sewers, storm sewers, and water mains to become municipality-
owned; and if applicable, sidewalks, street lights, recreational facilities (including
a recreational building and a swimming pool and appurtenances thereto; 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 Public Works
Director, _____ (his name), that such work has been properly
completed, however, that we shall withhold from each payment made hereunder such sworn
statement(s) or order(s) an amount equal to **ten percent (10%)** thereof until all
improvements have been completed, which such shall be finally disbursed when the work has
been completed and the requirements of certification and lien waivers as has been hereinafter
set out have been met.

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 **one (1) year**, and shall remain in effect without regard to any default in payments of sums owned by 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 from 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.

(Ord. No. 2000-25; 08-07-00)