

## CHAPTER 23

### VILLAGE SUBDIVISION CODES

#### ARTICLE I: GENERAL

##### Sec. 23-0. GENERAL - APPLICABILITY.

The provisions of this Chapter shall apply to all persons residing in or visiting the Village of Orangeville, present and future, who have any stated, implied or incurred jurisdiction, liability or responsibility regarding the implementation, enforcement, and compliance with any and all of the articles of this Chapter.

##### Sec. 23-1. GENERAL - PURPOSE.

A. The purpose of this Chapter is to establish reasonable, comprehensive, and functional subdivision Codes and policies for the Village regarding general and specific subdivision guidelines, procedures for approval, preliminary plats, final plats, design standards, administration and enforcement, and penalties.

B. It is intended that these regulations shall help protect and preserve the character of the Village with a consideration toward conserving the community's public health, safety, and welfare, while providing the best possible wholesome community environment.

##### Sec. 23-2. GENERAL - TERMS and DEFINITIONS.

In interpreting this Chapter, the rules and definitions set forth in this section shall be observed and applied except when the context clearly indicates otherwise. Words used in the present tense shall include the future and words used in the singular number shall include the plural number and the plural the singular. The word SHALL is mandatory and not discretionary. The word MAY is permissive. The masculine gender includes the feminine and neuter.

**ALLEY.** The term "Alley," when used herein, shall mean a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

**BLOCK.** The term "Block," when used herein, shall mean a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways or boundary lines of the Village.

**BUILDING.** The term "Building," when used herein, shall mean any structure built for the support, shelter, or enclosure of persons, animals, chattels or movable property of any kind and which is permanently affixed to the land.

**BUILDING SETBACK LINE.** The term “Building Setback Line,” when used herein, shall mean a line within a lot or other parcel of land so designated on the recorded plat, between which line and the adjacent boundary of the street the erection of a building is prohibited.

**COLLECTOR RESIDENTIAL STREET.** The term “Collector Residential Street,” when used herein, shall mean a street which carries traffic from minor streets to the primary street system, including the principal entrance streets of residence development.

**CUL-DE-SAC.** The term “Cul-de-Sac,” when used herein, shall mean a local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**EASEMENT.** The term “Easement,” when used herein, shall mean a grant by a property owner for the use of a strip of land by the general public, a corporation, or a certain person or persons for a specific purpose or purposes.

**FINAL PLAT.** The term “Final Plat,” when used herein, shall mean a map and any accompanying material prepared by the subdivider and approved by the Village in accordance with the provisions of this Chapter to be recorded as a subdivision.

**FRONTAGE.** The term “Frontage,” when used herein, shall mean the length of the front property line of the lot, lots or tract of land abutting a public street, road, highway, or rural right-of-way.

**GRADE.** The term “Grade,” when used herein, shall mean the slope of road, street, or other public way, specified in percent (%) and shown on street profile plans as required herein.

**IMPROVEMENT, PUBLIC.** The term “Improvement, Public,” when used herein, shall mean any sanitary sewer or facility, storm sewer or facility, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian way, bike way, planting strip, off-street parking area, park or other facility for which the Village may ultimately assume the responsibility for maintenance and operation.

**LIMITED ACCESS HIGHWAY.** The term “Limited Access Highway,” when used herein, shall mean a state route with access control under the authority of the Illinois Department of Transportation.

**LOT.** The term “Lot,” when used herein, shall mean a portion of a subdivision or other parcel of land with access to the public street intended for transfer or ownership or for building development.

**MINOR RESIDENTIAL STREET.** The term “Minor Residential Street,” when used herein, shall mean a street intended primarily as access to abutting properties.

**OWNER.** The term “Owner,” when used herein, shall mean any person, group or persons, firm or firms, corporation or corporations or any other legal entity having legal title to the land sought to be subdivided under this Chapter.

**PEDESTRIAN PATH.** The term “Pedestrian Path,” when used herein, shall mean a two inch thick bituminous surface no less than six feet wide with a six-inch base.

**PRELIMINARY PLAT.** The term “Preliminary Plat,” when used herein, shall mean the drawings and documents presented for tentative approval. A PRELIMINARY PLAT may be either for a planned unit development or a subdivision.

**RIGHT-OF-WAY.** The term “Right-of-Way,” when used herein, shall mean a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term RIGHT-OF-WAY for land platting purposes in the Village shall mean that every right-of-way is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included with the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

**ROADWAY.** The term “Roadway,” when used herein, shall mean a surfaced portion of the street available for vehicular traffic.

**SEWAGE DISPOSAL SYSTEM, INDIVIDUAL.** The term “Sewage Disposal System, Individual,” when used herein, shall mean a septic tank seepage tile, sewage disposal system or any other sewage treatment devise approved by the Village’s contracted engineer as being in accordance with the rules of the Stephenson County Health Department.

**SIDEWALK.** The term “Sidewalk,” when used herein, shall mean that portion of a street or crosswalkway, paved or otherwise surfaced, and for pedestrian use only.

**STREET.** The term “Street,” when used herein, shall mean a public right-of-way which affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, land throughway or however otherwise designated, but excepting an alley or driveway to buildings.

**STREET, HALF.** The term “Street, Half,” when used herein, shall mean a street bordering one or more property lines of a tract of land in which the subdivider has only allocated a part of the ultimate right-of-way width and is not permitted by this Chapter.

SUBDIVIDER. The term "Subdivider," when used herein, shall mean any person or corporation or duly authorized agent who undertakes the subdivision of land as defined herein. A Subdivider also includes a developer of commercial property where applicable.

ZONING ORDINANCE. The term "Zoning Ordinance," when used herein, shall mean the Village zoning ordinance, and subsequent amendments thereto.

Sec. 23-4 through 23-8. RESERVED

## ARTICLE II: SPECIFIC

Sec. 23-9. SPECIFIC - JURISDICTION.

A. Whenever land is subdivided within the incorporated limits of the Village or within territory not more than one and one-half miles beyond the corporate limits of the Village, the subdivider shall submit both a preliminary and a final subdivision plat to the Village Zoning Board of Appeals (ZBA) for approval. The subdivision plats and all procedures relating thereto shall in all respects comply with these regulations.

B. Until plats and plans for the subdivision are approved: **(1)** no land shall be subdivided, nor any street laid out, nor any improvements made to the natural land; **(2)** no lot, tract or parcel of land within any subdivision shall be offered for sale nor shall any sale contract for sale or option be made or given; **(3)** no improvements to land, such as sidewalks, water lines or facilities, storm water drainage, sanitary sewerage facilities, gas service, electrical service, lighting, grading, paving, or surfacing of the street shall be made by an owner or his or her agent or by any public service corporation at the request of an owner; **(4)** lots subject to flooding and lots deemed by the ZBA to be uninhabitable shall not be platted for residential occupancy or any other use which may increase the danger to health, life, safety of property or which increases to potential of flooding. Such land within the plat shall be set aside for uses which are not incompatible with periodic or occasional inundation or shall not produce unsatisfactory living conditions; **(5)** all offerings or dedications of land to the Village for use as streets, alleys, highways, schools, parks, playgrounds, or other public use shall be referred to the ZBA for review and recommendation before being accepted by the Village Board; **(6)** where a tract of land proposed for subdivision is part of a larger, logical subdivision unit in relation to the Village as a whole, the ZBA may, before approval, require a plan for the entire area or neighborhood, such plan to be used by the ZBA as an aid to evaluate the merit and the impact of the proposed plat. The ZBA shall have authority to require adjustments in the plat or plan which are deemed to be in the best interests of the Village and the impact of the subdivision on Village facilities and infrastructure; **(7)** the provisions of this Chapter and rules and regulations promulgated pursuant to this Chapter shall be held to be the minimum requirements which a subdivision shall meet; and **(8)** this Chapter, wherever possible, shall be construed consistent with ILCS Ch. 765, Act 205, §§ 1 *et seq.* (a/k/a the "Plat Act"). In case of conflict, the Plat Act shall take precedence.

Sec. 23-10. SPECIFIC - INTERPRETATION.

Persons desiring and/or needing to apply the provisions of this Chapter to the development of a subdivision plat, should begin with the standards set forth in this Section. They are: **(1)** the provisions of this Chapter shall be the minimum requirements for the promotion of the public health, safety and general welfare; **(2)** the conditions imposed by any provisions of this Chapter upon the subdivision of land are either more restrictive or less restrictive than comparable conditions imposed by any other applicable law, ordinance, resolution, rule or regulation of any kind, the provisions which impose higher standards or requirements shall govern; **(3)** this Chapter shall not be construed to abrogate any easement, covenant, or any other private agreement which is not inconsistent with this Chapter; however, where the regulations of this Chapter are more restrictive or impose higher standards or regulations than such easements, covenants, or other private agreements, the requirements of this Chapter shall govern; and **(4)** no subdivision of land which was unlawful or not in compliance with prior Village requirements at the time this Chapter was adopted shall be made lawful by adoption of this Chapter, and to the extent that any subdivision of land is in conflict with the requirements of this Chapter, the respective subdivision of land remains unlawful hereunder, unless it was in compliance with prior Village regulations which applied at the time of its adoption.

Sec. 23-11. SPECIFIC - SEVERABILITY.

A. If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provision of this Chapter not specifically included in the judgment, and the Village Board expressly states that it would have approved this Chapter, even without the provision adjudged to be invalid.

B. If any court of competent jurisdiction shall adjudge or invalidate the application of any provision of this Chapter to a particular subdivision of land, such judgment shall not affect the application of that provision to any other subdivision of land not specifically included in said judgment.

Sec. 23-12. SPECIFIC - ZONING BOARD OF APPEALS (ZBA) REQUIREMENTS.

A. The ZBA, in its examination of subdivision plats for approval and in applying this Chapter, shall take into consideration the Village's best interests and the best use of the land being subdivided. The ZBA shall give particular attention to the width and location of streets, suitable sanitary utilities, surface drainage, lot sizes and arrangements, and local requirements, such as parks or playgrounds, schools and recreation sites, and other public uses. The ZBA shall require special dedications of land for open spaces or cash contributions in lieu thereof.

B. The ZBA shall require that all subdivisions conform in general to the provisions and

conditions of the official plan for future development of the Village. Plat approval shall be withheld if a subdivision is not in conformity with provisions of the official plan, also known as the Village's Comprehensive Land Use Plan.

C. The ZBA shall require that all subdivisions conform in general to the provisions and conditions of the official plan for future development of the Village. Plat approval shall be withheld if a subdivision is not in conformity with provisions of the official plan, also known as the Village's Comprehensive Land Use Plan.

D. In all subdivisions, due regard shall be given to the preservation of natural features such as large trees, watercourses, historical and similar features.

E. In all subdivisions, due regard shall be given to the variation of design of homes to be located in the subdivision, and appropriate lot size for the type of subdivision to be platted. Approval shall not be given for subdivisions incorporating a uniform design for all homes to be located therein or for the location of identical or nearly identical homes within the same block.

F. The ZBA shall not recommend for approval to the Village Board any plat of a subdivision which does not make adequate provisions for municipal water and sewer service and the facilities needed to accommodate the impact of the subdivision on the Village's infrastructure.

G. The ZBA shall not recommend for approval to the Village Board any plat of subdivision which does not make adequate provision for the impact of the subdivision on the Village's infrastructure, including but not limited to, transportation, traffic flow, parking, curbs and gutters, and sidewalks.

H. The ZBA shall not recommend for approval to the Village Board any plat of a subdivision which does not make adequate provisions for the transportation of excess stormwaters.

**Sec. 23-13. SPECIFIC - REVIEW OF SUBDIVISION WITHIN THE EXTRATERRITORIAL JURISDICTION OF VILLAGE.**

The ZBA shall make use of all extraterritorial jurisdiction granted by Illinois law and shall examine all subdivision plats within the extraterritorial jurisdiction of the Village. Such examination shall assure that subdivisions located in the extraterritorial jurisdiction of the Village conform to current Village standards for subdivision of lands. However, failure of the ZBA to review an extraterritorial development shall not preclude the Village Board from initiating action to enforce Village requirements should the ZBA fail to act.

Sec. 23-14. SPECIFIC - UNSUITABLE LAND.

No land shall be subdivided for residential use which is held by the ZBA, after investigation by the Village's contracted engineer firm to be unsuitable for such use by reason of flooding, or insufficient drainage, adverse earth or rock formation or topography, or any other feature likely to prove harmful to the health, safety, or welfare of the future residents in the proposed subdivision or of the community; however, the subdivision of land which is subject to stream overflow may be permitted if such approval does not violate state or federal law, the requirements of this Chapter are met, and the Village's contracted engineer firm gives their approval to the prospective plan of improvement. The subdivider shall be responsible for any adverse impact on the surrounding area should the proposed plan of improvement prove insufficient to mitigate drainage problems.

Sec. 23-15. SPECIFIC - DEDICATION OF LAND FOR PUBLIC USE.

A. When a final plat of a subdivision has been approved by the Village Board and ZBA and all other required approvals are obtained and the plat is recorded, that approval shall constitute acceptance for the purpose designated on the plat of all lands shown on the plat as dedicated to the public, including street dedication.

B. Whenever a preliminary plat includes a proposed dedication of land to public use and the ZBA finds that such land is not required and not suitable for public use, the ZBA may either refuse to approve such dedication or require the rearrangement of lots in the proposed subdivision to include such land.

Sec. 23-16. SPECIFIC - RESERVATION OF PUBLIC SPACES AND SITES.

A. Preliminary plat to accommodate planned public spaces: Whenever a tract to be subdivided includes a proposed street, highway or parkway or proposed site for a playground, school, or other public use as indicated on the official map of the Village, such space shall be suitably incorporated by the subdivider into his subdivision plat after proper determination of its necessity by the ZBA and/or other public agency involved in the acquisition and use of each site.

B. Requirements for flood plain areas: The Village Board may, when it deems it necessary for the health, safety or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit subdivision of any portion of the property which lies within the floodplain of any stream or drainage course. Such floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste materials or stumps.

C. Acquisition of land for public use: The ZBA shall consider all preliminary plats and adopted or proposed studies related thereto to determine the need for acquisition for public

use of any of the land included in the preliminary plat. Land may be acquired for public school site park, playgrounds or other public recreation areas or other public purposes available for acquisition as provided by law in the following manner: **(1)** Referral to public body: The ZBA shall refer the plat to the public body concerned with acquisition for its consideration and report. The ZBA may propose alternate areas for such acquisition and shall allow the public body or agency thirty (30) days to reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition; **(2)** Notice to property owner: Upon receipt of an affirmative report the ZBA shall notify the property owner and shall designate on preliminary and final plats that area proposed to be acquired and an estimate of the time required to complete the acquisition; and **(3)** Duration of land reservation: The acquisition of land reserved by a public agency on the preliminary or final plat shall be initiated within twelve (12) months of notification in writing from the owner that he intends to develop the land. Such letter of intent shall be accompanied by a sketch plan of the proposed development and a tentative schedule of construction. Failure on the part of the public agency to initiate acquisition within the prescribed twelve (12) months shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development.

#### Sec. 23-17. SPECIFIC - VACATION OF A PLAT OF SUBDIVISION.

A. Any plat or any part of a plat may be vacated by the owner of the premises at any time before the sale of any lot therein, by means of a written instrument to which a copy of the plat has been attached declaring the same to be vacated.

B. Such an instrument of vacation shall be approved by the Village Board in like manner as plats of subdivisions. The Village Board may reject any instrument which abridges or destroys any public rights in any of its streets or alleys. Such an instrument shall be executed, acknowledged or approved and recorded or filed in the like manner as plats of subdivision and, being duly recorded or filed, shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

C. When lots have been sold, the plat may be vacated in the manner herein provided by all owners of lots in such plat joining in the execution of such writing. The provisions of ILCS Ch. 765, Act 205, §§ 1 *et seq.* shall also apply.

#### Sec. 23-18. SPECIFIC - LAND SUBDIVISIONS.

A. Consistent with the Plat Act, this Chapter shall apply to any division of lands into two or more parts, any of which is less than five acres in area, the plat of which includes new public streets or easements or the widening of existing public streets or easements for access or utility purposes.

B. However, the following shall not be considered a subdivision and shall be exempt from the requirements herein: **(1)** the division or subdivision of land into parcels or tracts of five acres or more in size which do not involve any new streets or easements of access; **(2)** the division of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access, provided further that the width of the lot at the building setback line will not be less than that of other recorded lots fronting on the same streets within the same block; **(3)** the sale or exchange of parcels of land between owners of adjoining and contiguous land; **(4)** the conveyance of parcels of land or interests therein for use of right-of-way for railroads or other public utility facilities which does not involve any new streets or easements of access; **(5)** the conveyance of land owned by railroad or other public utility which does not involve any new streets or easements of access; **(6)** 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; and **(7)** conveyances made to correct descriptions in prior conveyances.

Sec. 23-19. SPECIFIC - SANITARY SEWERS AND WATER MAINS.

A. Where public facilities are available, sanitary sewers, water mains and all required appurtenances shall be installed in all subdivisions. Sanitary sewers shall meet or exceed all requirements of a contracted engineer firm or the Village's Maintenance Superintendent and the Standard Specifications for Water and Sewer Construction in Illinois, latest edition. Interceptors, force mains, lift stations, booster pumps, wells and water main pumps shall be installed in all new subdivisions where required by a contracted engineer firm or the Village's Maintenance Superintendent.

B. Where public facilities are not available, sanitary sewers, water mains and all appurtenances necessary to extend and provide effective, efficient, safe and potable public water and sewer service to the development as determined by a contracted engineer firm or the Village's Maintenance Superintendent, shall be installed at the cost of the subdivider.

Sec. 23-20. SPECIFIC - EXCEPTIONS, VARIATIONS AND WAIVERS.

In the event the ZBA finds that the application of the provisions of procedure of this Chapter to a particular land division might create an unreasonable hardship or involve peculiar difficulties, including but not limited to prohibitive cost, the ZBA may consider exception, variation or waiver in accordance with the following procedures:

A. All exceptions, variations or waivers must be initiated by the subdivider and submitted to the ZBA in writing and shall include reasons, data and justification.

B. All exceptions, variations or waivers recommended for approval or denial by the ZBA shall be accompanied by finding of the facts and transmitted to the Village Board with the subject plat.

Sec. 23-21. SPECIFIC - REQUIRED IMPROVEMENTS.

The subdivider, at his own expense, shall provide all improvements required by this Chapter in the manner prescribed by this section, pursuant to the recording of any lots or the sale of any lots or property within the platted subdivision.

A. The subdivider shall install street and utility improvements, and other improvements indicated on the plat as required improvements, as hereinafter provided. If such improvements are not installed as required at the time the final plat is submitted for approval, the subdivider shall, before the recording of his plat, enter into a contract with the Village agreeing to install the required improvements. The subdivider shall file with said contract a bond or irrevocable letter of credit meeting the approval of a contracted attorney and/or a certified check in an amount equal to the estimate of cost prepared by the subdivider's engineer and approved by a contracted engineer firm or the Village's Maintenance Superintendent, or the contract bid price as submitted to the subdivider by a reputable contractor. Such bond or irrevocable letter of credit or check shall constitute a guarantee that such improvements will be completed by the subdivider or his subcontractors no later than one (1) year from the date of recording of the plat, and that repairs necessitated by defects in material or workmanship will be made during the period not to exceed two (2) years from and after completion of such improvements.

B. If the improvements are not completed or repairs are not made within the specified time periods, the Village Board may: **(1)** use all or any portion of the check, bond or irrevocable letter of credit to complete or repair same. However, the Village Board may, upon proof of difficulty, extend the time for performance; and **(2)** upon completion of the required improvements guaranteed by the bond, irrevocable letter of credit or certified check, and to ensure that such improvements have been installed in accordance with the approved final plat, a detailed "as-built" survey plat of the subdivision, indicating location, dimensions, construction materials, or other information required by a contracted engineer firm or the Village's Maintenance Superintendent, shall be submitted to the Village Board or its designee by the subdivider of the subdivision.

C. Private water and sewage disposal systems shall comply with all requirements of the Stephenson County Health Department.

D. Where a public storm sewer is accessible, the subdivider shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the approval and inspection by the Village's contracted engineer firm.

E. The subdivider shall furnish drawings which indicate the existing and proposed grades of streets shown on the plat, and shall grade or cause to be graded the full width of the right-of-way of the streets proposed to be dedicated. The bed for the roadways in the

street right-of-way shall be graded to sub-grade. A contracted engineer firm or the Village's Maintenance Superintendent shall approve the plans prior to the time the ZBA recommends approval of the final plat.

F. The subdivider shall construct: **(1)** curbs and gutters and shall surface, or cause to be surfaced, roadways to the widths prescribed in this Code. Said surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Adequate provision shall also be made for culverts, drains, and bridges. Dedicated sidewalks shall be provided by the subdivider; and **(2)** such work shall be done in accordance with plans prepared by the subdivider and approved by a contracted engineer firm or the Village's Maintenance Superintendent, who shall also inspect such work.

G. The subdivider shall place permanent reference monuments in the subdivision as required herein and as approved by a contracted engineer firm or the Village's Maintenance Superintendent as follows: **(1)** the external boundaries of a subdivision shall be monumented in the field by iron pins at least thirty-six (36) inches long and five-eighths-inch (5/8") in diameter; **(2)** all lot corners, internal boundaries, block corners, and each end of all curves shall be monumented in the field by monuments as described above; **(3)** all such monuments shall be set in such manner that they will not be removed by frost; **(4)** in each platted subdivision, there shall be set a minimum of two concrete monuments not less than thirty-six-inches (36") in length, not less than four-inches (4") square and five-inches (5") in diameter, and marked on top with a cross brass plug, iron rod, or other durable material securely embedded. These monuments shall be placed near opposite ends of the subdivision; and **(5)** all monuments shall be properly set in the ground by a Registered Illinois Professional Land Surveyor.

H. Street trees having a trunk diameter (measured twelve-inches (12") above the ground level) of not less than two-inches (2") may be planted along all residential streets. Only oak, honey locust, hard maples, ginkgo, or other long-lived shade trees acceptable to the Village Board shall be planted.

I. Provision for other improvements such as electric lines, gas mains, and other such facilities in the subdivision shall be required before the plat is approved.

J. Topsoil shall not be removed from the residential lots or used as spoil, but shall be redistributed so as to provide at least six-inches (6") of cover between sidewalks and curbs, and shall be stabilized by seeding or planting.

K. Provisions and installation shall be made for adequate lighting and name markers of public streets within the proposed subdivision at the subdivider's expense, in accordance with the standards and requirements established by the governing authorities. The street marking signs will be furnished and erected by the village. The subdivider will be responsible for all costs incurred by the Village in performing this work.

Sec. 23-22 through 23-27. RESERVED

### ARTICLE III: PROCEDURE FOR APPROVAL (POA)

Sec. 23-28. POA - PROCEDURE ESTABLISHED.

In planning and developing a subdivision within the corporate limits of the Village, the subdivider shall, prior to the submission of any preliminary plat of any proposed subdivision, make known his intention to submit said preliminary plat to the ZBA and a contracted engineer firm or the Village's Maintenance Superintendent. During this pre-application stage, the following actions shall be taken:

A. The subdivider shall meet informally with a contracted engineer firm or the Village's Maintenance Superintendent for the purpose of presenting a general outline of his or her proposal, including but not limited to: **(1)** written notification of "letter of intent" from the subdivider to the Village ZBA establishing the subdivider's intentions as to the development of the land; **(2)** sketch plans and ideas regarding land use, street and lot arrangement, and tentative lot size; **(3)** tentative proposals regarding water supply, sewage disposal, surface drainage, and street improvement; and **(4)** evidence of consultation with and tentative approval of public utility companies concerned.

B. A contracted engineer firm or the Village's Maintenance Superintendent shall discuss the proposed subdivision with the subdivider and advise him or her of procedural steps, design and improvement standards, and general plat requirements, after which a contracted engineer firm or the Village's Maintenance Superintendent shall proceed with the following investigations: **(1)** advise the developer of existing Village plans which might affect the proposed subdivision; **(2)** verify the existing zoning of the tract and make recommendations regarding whether a zoning change is necessary or desirable; **(3)** determine the adequacy of existing or proposed schools, parks and other public spaces; **(4)** inspect the site or otherwise determine its relationship to major streets, utility systems and adjacent land uses, and determine any unusual problems in regard to topography, utilities, traffic, flooding, drainage, contour, water and sewer connections, and the like; and **(5)** consult with a contracted engineer firm or the Village's Maintenance Superintendent regarding improvements and standards.

C. Upon receipt of the letter of intent and official acknowledgment of the same, and upon certification by the Village's contracted engineer firm that the consultations and investigations set forth in division (B) of this section have been completed, the ZBA shall authorize the subdivider in writing to prepare and submit a preliminary plat.

Sec. 23-29. POA - FILING OF PRELIMINARY PLAT.

The subdivider shall prepare a preliminary plat of the proposed subdivision in accordance

with the requirements herein of this Chapter, and shall file with a contracted engineer firm or the Village's Maintenance Superintendent an application in writing for the tentative approval of said plat accompanied by a reproducible subdivision drawing and five black and white prints or other acceptable reproductions at least thirty (30) days prior to the meeting of the ZBA at which action is desired.

A. A contracted engineer firm or the Village's Maintenance Superintendent shall transmit copies of the preliminary plat to a contracted attorney and such other Village officials and agencies as deemed necessary by the ZBA for review and recommendation, together with the scheduled date for ZBA review of the preliminary plat. The recommendations of the foregoing officials and agencies with respect to the preliminary plat shall be submitted to the ZBA not later than five (5) days before the meeting at which the preliminary plat will be reviewed.

B. Upon receiving a preliminary plat, the ZBA shall: **(1)** review the said plat to determine its conformity to this Chapter, the official plan, and all other ordinances and regulations in force which affect subdivisions; **(2)** the ZBA shall, within forty-five (45) days of the receipt of an application for the approval of a preliminary plat, approve or disapprove the plat or approve it with modifications noting thereon any changes that will be required if agreed to by the subdivider. The time may be extended for no more than thirty (30) days, after which one copy shall be returned to the subdivider with the date of approval or disapproval and the reason therefore accompanying the plat; and **(3)** if the preliminary plat as originally submitted, or as changed or modified as required by the ZBA, meets the requirements of this Chapter, the ZBA shall give its approval and it shall then be referred to the Village Board for tentative approval. Within thirty (30) days of receipt of the preliminary plat, the Village Board shall approve or disapprove the plat. If the preliminary plat is disapproved, objections to it shall be noted and it shall be returned to the ZBA, if it is approved, the Village Clerk shall affix his/her signature to it with the notation that it shall then be returned to the subdivider for compliance with final approval requirements.

C. Preliminary approval by the Village Board of the preliminary plat shall give the applicant the following rights for a twelve (12) month period from the date of approval: **(1)** that the Village will not change the general terms and conditions under which the preliminary approval was granted; and **(2)** that the applicant may submit the whole or parts of the preliminary approved plat for final approval on or before the expiration date.

#### Sec. 23-30. POA - FINAL PLAT.

After approval of the preliminary plat, the subdivider may prepare and submit to the ZBA the final plat incorporating all required modifications to the preliminary plan. During this phase, the following actions shall be taken:

A. After he has entered into a contract with the Village Board, guaranteed by a bond, by

which he agrees to provide utilities and improvements to the satisfaction of the Village's contracted engineer firm, an attorney and ZBA, the subdivider shall file with the person or firm serving as the Plats Officer, within twelve (12) months of the date of approval or conditional approval of the preliminary plat (unless such period is extended by the ZBA), the final plat and three reproductions thereof which shall conform to the requirements herein; and three copies of documents, plans, specifications, and a drainage report also meeting the requirements herein shall accompany said plat. The person or firm serving as the Plats Officer shall forthwith transmit all copies of the final plat to the ZBA.

B. Upon receipt of a final plat, the ZBA shall: **(1)** examine the final plat and all necessary certificates to determine its conformance to the preliminary plat, the recommendations of a contracted engineer firm or the Village's Maintenance Superintendent, a contracted attorney's review, and the requirements established in this Chapter; **(2)** after completion of its review within thirty (30) days of its submission, unless the time is extended by the Village Board in agreement with the subdivider, the ZBA shall either approve or disapprove said final plat; and **(3)** after the ZBA reviews the final plat, such review and the date thereof shall be noted on the plat over the signature of a contracted engineer firm or the Village's Maintenance Superintendent, and the plat with recommendation shall be transmitted to the Village Board for the necessary action with the plat and on any proposed dedications.

C. The Village Board shall: **(1)** approve or disapprove the final plat and accept or reject the areas preserved for or dedicated to the public within sixty (60) days of its submission to the ZBA, unless the subdivider is notified of objections to the plat or the time is extended by agreement with the subdivider; and **(2)** after the final plat has been approved by the Village Board, a contracted engineer firm or the Village's Maintenance Superintendent and Village Clerk shall sign and return it to the subdivider. Copies of the plat shall also be transmitted to the ZBA, the contracted attorney, and the Village Clerk for their files.

D. Upon receipt of the final plat approval by the Village Board, the subdivider shall record the plat with the Stephenson County Recorder's Office within ninety (90) days of the date of the Board action. Failure to record the final plat within ninety (90) days will void the Board's action and necessitate reinstatement of the final plat procedure in accordance with the provisions of this Chapter.

Sec. 23-31 through 23-37. RESERVED.

#### **ARTICLE IV: PRELIMINARY PLATS (PP)**

Sec. 23-38. PP - SUBMISSION TO ZONING BOARD OF APPEALS.

A. Every proposed subdivision shall be submitted to the ZBA for tentative or conditional approval in the form of a preliminary plat prior to the submission of a final record plat. The preliminary plat is not intended to be a final record plat and must be prepared in such form

as not to be confused with a final record plat. Its purpose shall be to show graphically all facts needed to enable the ZBA and other public bodies to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The preliminary plat shall be prepared by a registered professional engineer.

B. The graphic and descriptive items are normally required to be shown on the preliminary plat and the accompanying application for approval. The lack of information under any item specified herein or inaccurate information supplied by the applicant, shall be cause for disapproval of a preliminary plat.

Sec. 23-39. PP - APPLICATION FOR APPROVAL.

The owner or his agent shall file a "Declaration of Intent to Subdivide" on forms furnished by the ZBA and this shall be accompanied by the preliminary plat which contains the following information:

A. Declaration of Intent: The Declaration of Intent to Subdivide shall take the following form:

I, \_\_\_\_\_, (owner, sponsor, optionee) of a parcel of land described as follows:

(General description, subdivision name, location by section, township and range, reference to roads.)

Hereby formally announce my intention to subdivide said property and to submit a preliminary plat of the subdivision to the ZBA within six months of this date.

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signature.

B. **(1)** name of subdivision if property is within an existing subdivision; or **(2)** the proposed name if not within a previously platted subdivision; or **(3)** the name of property if no subdivision name has been chosen (this is commonly the name by which the property is locally known).

C. Location and description of property. Location of property by government lot, section, township, range and county.

D. Basic facts and proposals pertaining to the property: **(1)** size of tract in gross and net acres, and existing lots, if any, in square feet; **(2)** existing zoning classification of property and any rezoning proposed to be requested; **(3)** number of lots proposed in the subdivision; **(4)** Area of lots proposed, minimum, average, and maximum; **(5)** lineal feet of streets in the

subdivision; **(6)** proposed type of water and sewer facilities; and **(7)** any other proposals, such as parcels of land intended to be dedicated, conveyed, or reserved for public use, and the conditions proposed for such disposal and use.

E. Information as to ownership, preparation of plat, and the submission thereof shall include: **(1)** the name and address, including telephone number, of legal owner or agent of property and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference; **(2)** citation of any existing legal rights-of-way or easement affecting the property; **(3)** existing covenants on the property, if any; and **(4)** the name and address including telephone number of the registered professional engineer of Illinois responsible for the design of the subdivision and the public improvements, as well as the registered professional Illinois land surveyor responsible for surveys shown on preliminary plat as submitted.

#### Sec. 23-40. PP - THE DRAWING.

Five (5) copies and one (1) reproducible copy of the preliminary plat shall be submitted to the ZBA. These may be blue-line or black-line prints at a scale of not more than one-hundred-feet (100') to the inch, and shall show correctly on its face the following information: **(1)** date, scale and north point; **(2)** the proposed subdivision name (must be same as that specified on the application); **(3)** the name and address of the owner, the subdivider, and the surveyor responsible for the surveys; **(4)** the location of the subdivision by government lot, quarter section, section, township, range and county; **(5)** a vicinity sketch or small scale drawing of the section or area within which the subdivision lies, with the location of the subdivision indicated thereon; **(6)** the exact length and bearing of the exterior boundaries of the subdivision. Dimensions shall be expressed in feet and decimals of a foot; **(7)** location and names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land; **(8)** zoning on and adjacent to the subdivision; **(9)** location, width, and names of all existing and platted streets, alleys, and other public ways and easements, railroad and utility right-of-ways, parks, cemeteries, watercourses, drainage ditches, permanent buildings, bridges, and other pertinent data as determined by the ZBA; **(10)** the water elevations of adjoining lakes or streams at the date of the survey and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to the USGS datum plane; **(11)** if the subdivision borders a lake, river or stream, the distances and bearings of a meander line established not less than twenty-feet (20') back from the ordinary high-water mark of such waterway; **(12)** if a major water course lies adjacent to or transverses the property, it shall be necessary for the registered engineer to submit cross-section, drainage easements, building setback lines and supporting calculations based upon one-hundred (100) year flood history; **(13)** layout, width, grades and proposed names of all new streets and right-of-ways, including alleys, highways, easements for sewers and water mains, and other public utilities; **(14)** existing sewers, water mains, culverts, and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sanitary and storm

sewers are to be indicated in a general way upon the preliminary plat; **(15)** plans of proposed utility layouts (water, sewers, and storm drains) showing connections to any existing or proposed utility systems; **(16)** approximate dimensions and area of lots. All lots over one acre in size shall have the area marked within the lot; **(16)** proposed building setback lines; **(17)** approximate radii of all curves, length of tangents and central angles on all streets; **(18)** approximate location and area of all property proposed to be dedicated or reserved for public use or to be reserved by deed covenant for use of all property owners in the subdivision, with the conditions, if any, of such dedication or reservation; and **(19)** contours at vertical intervals of not more than two feet.

Sec 23-41 through 23-46. RESERVED.

#### **ARTICLE V: FINAL PLATS (FP)**

Sec. 23-47. FP - FINAL PLAT MAY CONSTITUTE ALL OR A PORTION OF THE APPROVED PRELIMINARY PLAT.

A final plat may constitute only a portion of the area contained in the approved preliminary plat provided that the public improvements constructed in the area covered by the plat are sufficient by and of themselves to accomplish a proper development and to provide adequately for the health, safety, and convenience of the proposed residents therein and for adequate access to contiguous areas.

Sec. 23-48. FP - APPLICATION FOR APPROVAL.

Written application by the owner or his agent for approval, on forms furnished by the ZBA, shall accompany each final plat and contain the following information: **(1)** name of subdivision (which is subject to approval by the Village Board and should be cleared with the ZBA prior to submission of the plat) and description of blocks and lots included on plat; **(2)** location of subdivision by government lot, section, township, range, and county; **(3)** name, date of approval, and file number of the preliminary plat upon which the final plat is based; **(4)** zoning classification of the property; **(5)** total number of lots and/or parcels included on the plat; **(6)** total area (gross area) shown on the plat including streets, and total area dedicated to public use, if any; **(7)** existing or proposed covenants, if any. Reference shall be made to any private restrictions, and plats shall contain proper acknowledgments of owners and mortgages accepting said platting and restrictions; and **(8)** names and addresses, including telephone number, of the owner or his agent and the surveyor responsible for the survey.

Sec. 23-49. FP - FINAL PLAT CONTENTS.

The final plat shall be drawn with the waterproof non-fading black ink, at a scale of not more than 100 feet to the inch, on Mylar or its equivalent seventy-one-inches (71") wide by

twenty-three-inches (23") long. When more than one sheet is used for any plat, each sheet shall be numbered consecutively and shall contain a notation giving the total number of sheets in the plat and showing the subdivision. Each plat shall show correctly on its face the following information:

A. Map and engineering information to include: **(1)** date, scale and north point; **(2)** the exterior boundaries of the land surveyed and divided; **(3)** all monuments erected, corners and other points established in the field in their proper places. The material of which the monuments, corners or other points are made shall be noted at the representation thereof or by legend, except that lot corner need not be shown. The legend for metal monuments shall indicate the diameter and length of the monuments; **(4)** the exact length and bearing of the exterior boundaries, the boundary lines of all blocks, public grounds, streets and alleys, and all lot lines, except that when the lines in any tier of lots are parallel, it shall be sufficient to make the bearings of the outer lines on one tier thereof. Easements shall be shown by centerline and width when lines are parallel to the boundary, otherwise boundary bearings and distances shall be shown. Where the exterior boundary lines show bearings or lengths which vary from those recorded in abutting plats or certified surveys, there shall be the following note placed along such lines, "recorded as (show recorded bearing or length or both);" **(5)** blocks, if designated, shall be consecutively numbered, or lettered in alphabetical order. The blocks in numbered additions to subdivision bearing the same name shall be numbered or lettered consecutively through the several additions; **(6)** all lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order. If blocks are numbered or lettered, outlots shall be lettered in alphabetical order within each block; **(7)** the length of boundary lines of all streets, alleys, blocks, lots, parcels, public grounds, easements, and rights-of-way or enough information so that the length of these lines can be derived by simple calculations. Where a boundary line is an arc of a circle, the length of the chord shall be shown; **(8)** the widths of all streets, alleys, easements and rights-of-way; **(9)** graphic presentation of the minimum building setback lines on all lots and parcels and a notation of the distance between such lines and the street right-of-way line; **(10)** the area of each lot or parcel containing an area of one acre or more; **(11)** the words "Private Road" clearly marked on all streets shown on the plat which are not dedicated to public use; **(12)** abutting street lines of adjoining subdivisions, shown in their correct locations by dashed lines; **(13)** the exact width of all easements, streets and alleys; **(14)** all lake or stream shore meander lines established by the surveyor in accordance with this Chapter, the distance and bearings thereof and the distance between the point of intersection of such meander lines with lot lines and the ordinary high-water mark; **(15)** the number of degrees and minutes in all exterior boundary and block angles. When such angles are between a curve and its tangent, the angle shown shall be that between the tangent and the main chord of the curve. When between curves of different radii, the angle between the main chord; and **(16)** when strict compliance with a provision of this section will entail undue or unnecessary difficulty or tend to render the plat more difficult to read and when the information on the plat is sufficient for the exact retracement of the measurements and bearings or other necessary dimensions, the ZBA,

upon the recommendations of the Village's contracted engineer firm, may waive such strict compliance.

B. The name of the subdivision shall be printed on the plat in prominent letters, and the following information relating to the position and location of the subdivision shall be shown thereof: **(1)** the location of the subdivision by government lot recorded private claim, quarter section, section, township, range, and county noted immediately under the name given the subdivision; **(2)** the exact location of the subdivision, indicated by distances and bearings with reference to a corner or corners established in the U.S. public land survey; **(3)** the names of adjoining streets, state highways and subdivisions shown in their proper location underscored by a dotted line; and **(4)** abutting street and state highway lines of adjoining plats shown in their proper location by dotted lines. The width of these streets and highways shall be given also.

C. Additional attributes that shall also be included on the plat are: **(1)** the name of each road or street in the subdivision printed thereon in prominent letters; **(2)** all lands dedicated to public use except roads and streets shall be clearly marked "Dedicated to the Public;" **(3)** all roads or streets shown which are not dedicated to public use shall be clearly marked "Private Road," or "Private Street," or "Private Way;" and **(4)** each lot depicted on the plat must have access to a public or private street unless otherwise provide by local ordinance.

D. Site conditions and topography that are to be included on the plat include: **(1)** all existing buildings; **(2)** all watercourse, drainage ditches, and other existing features pertinent to proper subdivision; and **(3)** the water elevations of adjoining lakes, rivers, or streams at the date of the survey and the approximate high and low water elevations of such lakes, rivers, and streams. All elevations shall be referred to the USGS mean sea level datum plane.

#### Sec. 23-50. FP - RECORDING OF FINAL PLAT.

A. To entitle a final plat to be entered in the proper record books in the Office of the County Recorder of Stephenson County, the following certificates together with the Certificate of Approval of the Village Board shall accompany it. These certificates shall be lettered and printed legibly on the face of the final plat.

B. The following certificates and affidavits shall appear on the final plat. They must be duly signed by the appropriate person before the plat is entitled to record.

(1) Certification by surveyor.

I, \_\_\_\_\_, a Professional Land Surveyor in the State of Illinois, hereby certify that, at the request of \_\_\_\_\_, I have caused an accurate survey to be made of the property

described above as \_\_\_\_\_. I further certify that a 5/8 inch reinforcing bar has been placed at each lot corner, at each block corner and points of curve in the street, and that concrete monuments have been set or found at the locations indicated on the plat. I further certify that the accompanying plat is a true and correct representation of said survey, and the dimensions shown are given in feet and decimals of a foot upon said plat. I hereby further certify that \_\_\_\_\_ is located in the Special Flood Hazard Zone \_\_\_\_\_ identified for the Village of Orangeville, Illinois, by the Federal Emergency Management Agency on the Flood Insurance Rate Map, Panel.

No. \_\_\_\_\_, dated \_\_\_\_\_.

Signed at \_\_\_\_\_, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Illinois Professional Land Surveyor No. \_\_\_\_\_

(2) Certification of dedication by the owner of the land.

As owner, I hereby certify that I have caused the land described in the foregoing affidavit of the surveyor, to be surveyed, divided, and mapped as presented on this Plat. All streets, alleys, walkways, parks, playgrounds and school sites shown on this plat are hereby dedicated to the public for public purposes, and all easements shown are subject to the Easement Provisions hereon.

Owner

Village of Orangeville, Illinois

(3) Certification by notary public.

I, \_\_\_\_\_, a Notary Public in and for the County of Stephenson, in the State of Illinois, do hereby certify that \_\_\_\_\_ personally known to me to be the same person(s) whose name(s) is (are) subscribed to the foregoing instrument, appeared before me this day in person and (several) acknowledge that he (they) signed, sealed and delivered said instrument as his (their) free and voluntary act for the uses and purposes therein set forth.

Given under my hand and Notarial Seal, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(4) Certification by the County Clerk.

I, \_\_\_\_\_, County Clerk of Stephenson County in the State of Illinois, do hereby certify that I find no delinquent general taxes, unpaid current general taxes, delinquent special assessments or unpaid current special assessments against the lands embraced within the tract of land described and platted in the accompanying plat.

In witness whereof, I have hereunto set my hand and seal of the County of Stephenson, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(5) Easement provision.

An easement is hereby reserved for and granted governmental bodies and other public utilities and their respective successors and assigns within the area as shown by dotted lines on the plat and marked "Easement," to install, lay, construct, renew, operate and maintain storm and sanitary sewers, pipes, conduits, cables, poles and wires, overhead and underground, with all necessary braces, guys, anchors and other equipment for the purpose of serving the subdivision and other property with telephone, electric, cable television and other utility service; also is hereby granted the right to use the streets for said purpose, the right to overhang lots with aerial service wires to service adjacent lots, the right to enter upon the lots at all times to install, lay, construct, renew, operate and maintain within the said easement area said storm and sanitary sewers, pipes, conduits, cables, poles, wires, braces, guys, anchors, and other equipment, and finally the right is hereby granted to cut down and remove or trim and keep trimmed any trees, shrubs or saplings that interfere or threaten to interfere with any of the said public utility equipment installed on said easement but same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or the rights therein granted. If the grade of subdivided property must be so altered or if storm and sanitary sewer facilities require that the underground utility be moved or otherwise altered, the owners, their respective successors and assigns, shall reimburse the utility company for the necessary expense involved.

(6) Certification by the Village's contracted engineer firm.

All required improvements including streets, sidewalks, sanitary sewers, storm sewers, water mains and drainage

structures have been built or required, or have been provided for by bond contact or irrevocable letter of credit to my approval.

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_.

(7) Certification by ZBA Chairman.

This is to certify that the ZBA of the Village of Orangeville did, at its meeting on the \_\_\_ day of \_\_\_\_\_, 20\_\_ approve the plat and forwarded it to the Village Board.

Zoning Board of Appeals Chairman.

(8) Certification by Village Clerk.

This is to certify that the Village Board of the Village of Orangeville did, at its meeting on the \_\_\_ day of \_\_\_\_\_, 20\_\_, approve the Plat and authorize it to be recorded.

In witness whereof, I \_\_\_\_\_, Village Clerk of the Village of Orangeville, hereunto set my hand and affixed the said of said Village of Orangeville, this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Village Clerk

(9) Form of certification of recording official.

Filed for record this \_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_:\_\_\_ o'clock, \_\_.M., recorded in Book of Plats, page \_\_\_ and examined.

County Recorder

Document Number

(10) Certification of road access.

This plat has been approved with respect to roadway access pursuant to Ch. 765, Act 205, § 2, as amended.

Village President

Sec. 23-51 through 23-56. RESERVED.

## ARTICLE VI: DESIGN STANDARDS (DS)

### Sec. 23-57. DS - CONFORMANCE TO APPLICABLE RULES AND REGULATIONS.

In addition to the design standards established herein, all subdivision plats shall comply with the following laws, ordinances, rules and regulations: **(1)** the provisions of Chapter 65 of the Illinois Compiled Statutes; **(2)** the Village zoning ordinance and all other applicable ordinances of the appropriate jurisdictions; **(3)** the requirements of the Stephenson County Health Department and the Illinois State Department of the Public Health in relation to lot size and lot elevation if the subdivision is not served by public water or by a public sewer and provision for one or both of these services has not been made; and **(4)** the rules of the Illinois Department of Transportation relating to safety of access of the preservation of the public interest and investment in the street if the subdivision or any lot contained therein abuts a state trunk highway or connecting street.

### Sec. 23-58. DS - STREET AND ALLEYS.

A. Streets in general shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety, and in appropriate relation to the proposed uses of land to be served by such streets.

B. All streets shall be: **(1)** properly integrated with the existing and proposed systems of thoroughfares and dedicated rights-of-way as established on the official map of the Village; **(2)** all thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers, to population densities and to the pattern of existing and proposed land uses; **(3)** streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems and require the minimum number of streets necessary to provide convenient safe access to property; **(4)** the rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged where such use will result in a more desirable layout; **(5)** proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the ZBA, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous further development of adjacent tracts; and **(6)** in business and industrial developments, the street and other access ways shall be planned in connection with the group of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, fire protection and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

C. Railroad rights-of-way and limited access highways where so located as to effect the

subdivision of adjoining lands shall be treated as follows: **(1)** in residential districts, a buffer strip at least twenty-five-feet (25') in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for the planting of trees and shrubs by the owner. The placement of structures hereon is prohibited;" **(2)** in districts zoned for business, commercial or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites; and **(3)** streets parallel to the railroad when intersecting a street which crosses the railroad at grade, shall, to the extent practicable, be at a distance of at least one-hundred, fifty-feet (150') from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

D. Where a subdivision borders on or contains an existing or proposed major street, the ZBA may require that access to such streets be limited to the number of residential streets entering a major street be kept to a minimum.

E. The following minimum standards shall apply to the design of residential streets:

	<b>Minor Residential</b>	<b>Collector Residential</b>
Right-of-way	60'	70'
Pavement width	31'	36'
Type of curb	*	*
Sidewalk width	5'	5'
Sidewalk distance from R-O-W	1'	1'
Minimum center line rad.	250'	350'
Design speed (MPH)	30	30

\* Combination concrete curb and gutter IDOT Standard M-6.18.

F. The grade of major streets shall not exceed five-percent (5%) unless necessitated by exceptional topography and approved by the ZBA. The grade of all other streets shall not exceed six-percent (6%). The minimum grade of all streets shall be four-tenths (0.4) of one-percent (1%). Curb ramps at intersections shall conform to IDOT Standard 2356-2 (Curb Ramps Accessible to the Disabled).

G. A tangent at least one-hundred-feet (100') in length shall be introduced between reverse curves on major arterials and collector streets.

H. Cul-de-sacs, dead-end streets, stub street are permissible under the following guidelines: **(1)** a cul-de-sac shall not be longer than six-hundred-feet (600') in a residential

subdivision, as measured from the center of the intersection to the center point of the cul-de-sac; **(2)** the diameter of a cul-de-sac turnaround (measured at the outside right-of-way) shall be not less than one-hundred, twenty-feet (120') with a pavement diameter (measured at the back of the curb) of not less than one-hundred-feet (100'); and **(3)** all dead-end streets or stub streets shall be improved to the limits of the subdivision plat and terminated by a barricade improvement recommended by a contracted engineer firm or the Village's Maintenance Superintendent, approved by the Village Board, and installed by the subdivider at his own expense.

I. Street systems in new subdivisions shall be laid out so as to eliminate or avoid half-streets. Where a new subdivision abuts an existing street of inadequate right-of-way width, additional right-of-way width may be required to be dedicated by the subdivider to meet the requirements of this section.

J. Street intersections shall be planned and laid out so as to: **(1)** intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 70° shall not be acceptable. Not more than two streets shall intersect at any one point unless specifically approved by the ZBA, such as a traffic circle or round-about; **(2)** proposed neck intersections along one side of an existing street shall, wherever practicable, coincide with an existing intersection on the opposite side of such street. Street jogs with centerline offsets of less than one-hundred, twenty-five-feet (125') shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be continuous; **(3)** minimum curb radius shall be twenty-five feet (25'). In any case, where more dedication is deemed necessary to provide safe sight distance for traffic channelization, the ZBA may specify a greater cutoff than the normal cited above. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement; **(4)** where the grade of any street at the approach of an intersection exceeds five-percent (5%), a leveling area shall be provided having not greater than four-percent (4%) grade a distance of twenty-five-feet (25'), measured from the nearest right-of-way line of intersecting street; **(5)** intersections shall be designed with a flat grade wherever practical. In no case shall the vertical alignment within the intersection exceed four-percent (4%); and **(6)** where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the subdivider shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

K. All street names are to be approved by the Village ZBA and the post office prior to final map approval. No street names shall be used which will duplicate or be confused with the names of existing streets. New streets which are extensions of or obviously in alignment with existing streets, shall bear the name of the existing streets.

L. Street paving or surfacing shall consist of a bituminous surface plant mix or equivalent bituminous mat of a minimum of two (2) inch thickness constructed on a ten-inch (10") minimum compacted gravel or crushed stone base. Designated surface treatments shall meet the specifications of the Illinois Department of Transportation.

M. Alleys shall not be approved in residential areas.

N. Storm water drainage systems shall be separate and independent of any sanitary sewer system and developed as follows: **(1)** storm sewer design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection in the gutter. Surface water drainage patterns shall be shown for each and every lot and block; and **(2)** a stormwater drainage report shall be submitted showing stormwater calculations based on the Soil Conservation Service Technical Release 55 or Rationale Method. The stormwater release rate after development shall not exceed the release rate prior to development. The stormwater runoff shall be computed using a one-hundred (100) year, twenty-five (25) year and five (5) year frequency storm. Stormwater detention shall be provided where determined necessary to meet these requirements.

#### Sec. 23-59. DS - EASEMENTS.

In all new residential subdivisions, all utilities, community action cables, electrical and telephone distribution systems, and/or any other commercial service be laid underground, including storm, water, gas, drainage and sewer shall comply with the following: **(1)** easements for electrical and telephone services shall be a minimum of ten-feet (10") wide and are to be established where practicable at the rear of each lot and along other such lot lines as to provide continuity of alignment from block-to-block to be installed underground within easements of dedicated public ways. Underground street light supply lines shall be designated on the plat and necessary easements provided to furnish access to such positions. Easement provisions as set forth herein should appear on the face of each final plat; **(2)** utility easements not less than five-feet (5') wide should be provided on each side of all rear lot lines and where necessary, along side lot lines. An easement provision as set forth herein shall appear on the face of each final plat; and **(3)** where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and of such width or construction or both as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

#### Sec. 23-60. DS - BLOCKS.

A. When residential blocks are planned, they shall be done so as follows: **(1)** blocks shall have sufficient width to provide of two tiers of lots of appropriate depths. Exceptions of this

prescribed block width shall be permitted in blocks adjacent to major streets, railroads or waterways; and **(2)** the lengths, widths, and shapes of blocks shall be such as are appropriate for the locality; and the type of development contemplated, but block length in residential areas shall not exceed one-thousand, five-hundred-feet (1,500') nor be less than four-hundred-feet (400') in length.

B. When blocks are to be designed for business, commercial or industrial uses, they shall be of such length and width as may be determined suitable by the ZBA for their prospective use.

Sec. 23-61. DS - LOTS.

When lots are planned for a subdivision, they shall be done so under the following guidelines: **(1)** in general, the size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lot diameters shall conform to the requirements of the Village zoning ordinance and in no case, in a residential district, shall a lot contain less than ten-thousand-feet (10,000') square of area or be less than eighty-feet (80') wide, measured at the set back line. However, in any residential district, on a lot of record on the effective date of this Chapter, a single-family dwelling may be established regardless of the size of the lot, provided all the requirements of this Chapter are complied with; **(2)** depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Village zoning ordinance; **(3)** every lot shall front on or about a public street. Lots with access only to private drives or streets shall be permitted only with the approval of the ZBA; **(4)** lots shall be laid out so as to provide positive drainage way from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots; **(5)** side lot lines shall be approximately at right angles or radial to street lines; and **(6)** corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.

Sec. 23-62 through 23-67. RESERVED.

**ARTICLE VII: ADMINISTRATION AND ENFORCEMENT (AE)**

Sec. 23-68. AE - ORGANIZATION.

This Article shall be administered according to the following provisions:

A. The Village Board reserves to itself the following functions: **(1)** approval or disapproval of all preliminary and final plats referred to the Village Board by the ZBA; **(2)** approval or disapproval of all variations and exceptions recommended by the ZBA; **(3)** amendment of

this Chapter when necessary and desirable, as hereinafter provided; **(4)** enforcement of this Chapter's provisions; and **(5)** administration of this Chapter's provisions until the Village ZBA and Plats Officer are appointed.

B. The Village ZBA shall: **(1)** administer the provisions of this Chapter by: **(a)** receiving and filing all preliminary plats (together with applications); **(b)** forwarding copies of the preliminary plat to appropriate officers and agencies for their recommendations, evaluations and reports; **(c)** receiving all final plats, and verifying compliance with the preliminary plat, together with any changes to the preliminary plat; **(d)** forwarding all preliminary and final plats with recommendations to the Village Board; **(e)** making all determinations required by the regulations set forth herein or promulgated pursuant thereto, and establishing permanent files for all preliminary and final plats; and **(f)** maintaining records of all applications, proceedings and determinations; and **(2)** the Village Board shall be vested with the powers of the Village ZBA until the ZBA is appointed and operational.

C. A contracted engineer firm or a person appointed by the Village President and subject to the approval of the Village Board to be the Village's Plat Officer, shall have the following responsibilities: **(1)** advise engineers, subdividers, and the public regarding local procedures, standards and actions of the Village Board and/or ZBA regarding plat review and requirements; **(2)** act as technical administrator and coordinator to the ZBA and Village Board and as a liaison to the Village's contracted engineer firm if he is not with the firm; **(3)** notify the Village Board whenever any provisions of this Chapter have been violated; and **(4)** collect all plat fees due the Village and transfer said fees to the Village Clerk for deposit in the General Fund.

D. A contracted engineer firm may perform the duties of a Plats Officer until said officer is appointed and assumes his or her duties. A contracted engineer firm shall also review all preliminary and final subdivision plats and make determinations regarding design standards and engineering specifications, as set forth herein. Their determinations and recommendations shall be forwarded in writing to the ZBA and to the Village's contracted attorney prior to consideration of any preliminary or final plat approval. The contracted engineer firm shall also monitor the installation of improvements as set forth herein.

#### Sec. 23-69. AE - ENFORCEMENT.

A. Whenever it shall come to the knowledge of a person or firm serving as a Plats Officer or an employee of the Village that any of the provisions of this Article have been violated, it shall be the duty of that officer or employee to notify the Village Board.

B. The Village shall defer permit requests for improvements on property until such time as the plat for such property has been approved and recorded in the manner provided by this Chapter. No building permit shall be granted except for improvements on land for which a plat has been approved and recorded according to the requirements of this Chapter or

on those parcels of property platted or recorded as separate parcels of property prior to the effective date of this Chapter.

Sec. 23-70. AE - VARIATIONS AND EXCEPTIONS.

A. Where the ZBA finds that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, it may recommend to the Village Board variations or exceptions to the regulations, provided that such variations or exceptions shall not have the effect of nullifying the intent and purpose of this Chapter, and further provided that the ZBA shall not recommend variations or exceptions to the regulations of this Chapter unless it shall make findings based upon evidence that: **(1)** the granting of the variation will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located; **(2)** the conditions upon which the request for the variation is based are unique to the property for which the variation is sought, and are not applicable, generally, to other property; **(3)** because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out; **(4)** cost to the subdivider of strict or literal compliance with the regulations shall not be the sole reason for granting a variation or exception; and **(5)** the granting of a variance shall not set a precedent which may be utilized by others or subdividers to seek variances from the provisions of this Chapter.

B. In recommending variations and exceptions, the ZBA may require such conditions as will, in their judgment, secure substantially the objective of the standards or requirements of this Chapter.

C. A petition for any such variation shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the ZBA. The petition shall fully detail the grounds for the application and all of the facts taken into consideration by the petitioner.

D. Such variations and exceptions as may be recommended by the ZBA shall be forwarded to the Village Board in writing, substantiating the recommended variations and/or exceptions. The Village Board may approve such variations or exceptions from the requirements of this Chapter in specific cases as listed on the final plat, which in its opinion do not adversely affect the intent and purpose of this Chapter.

Sec. 23-71. AE - AMENDMENTS.

For the purpose of promoting the public health, safety and general welfare, the Village Board may from time-to-time amend the regulations imposed by this Chapter. Public hearings on all proposed amendments shall be held by either the Village Board or the ZBA in the manner prescribed by law.

Sec. 23-72. AE - FEES.

To help cover the cost of supervisory personnel, plat examination, filing, recording and other expenses incidental to the approval of a subdivision, the subdivider shall: A. Pay a fee at the time of application for approval of a preliminary plat. Such fee shall be based on the projected number of lots to be created, with a minimum fee of one-hundred, fifty-dollars (\$150.00) for each application for a subdivision. At the time of application for approval of the final plat or the last portion thereof, the required fee will be recalculated on the basis of the actual number of lots created and an adjustment of the fee will be made, the subdivider to pay an additional amount or to receive a refund. There shall be no refund of any portion of the fee if the subdivider fails to apply for final approval of the subdivision or if the preliminary plat expires. In addition, the subdivider shall be responsible for the fees incurred by the Village for the services of the contracted engineer firm in connection with the plats prepared by the subdivider and for the contracted engineer firm's document review of the subdivider's documents.

B. The fee collected by the contracted engineer firm or the person contracted to be the Plats Officer shall be paid by check or money order and made payable to the Village. There shall be a minimum two-hundred, fifty-dollars (\$250.00) application fee for each subdivision application. The fees shall be calculated as follows:

<b>Number of Lots</b>	<b>Fee</b>
From 1 to 10	\$20 per lot
For every lot over 10	\$1 per additional lot

Sec. 23-73. AE - FIELD INSPECTION.

A. All public improvements to be made under the provisions of this Chapter shall be inspected on a regular basis by the subdivider's engineer. The frequency and duration of such inspections shall be adequate to insure that all improvements are constructed in strict accordance with the plans and specifications approved by the Village. The subdivider's engineer shall provide written certification that all improvements have been properly installed.

B. The Village's designated officer or employee in charge of public works and the contracted engineer firm shall be notified whenever construction is being done so that they may conduct independent inspections as deemed necessary.

C. The subdivider shall provide three copies of construction record drawings of all improvements completed to the Village. These drawings shall be accurately dimensioned. Sanitary sewer manhole rims and invert elevations, water main locations, water service and sanitary sewer service locations shall be shown on the construction record drawings.

D. The construction record drawings shall be a condition of final acceptance of the improvements and release of the surety bond or letter of credit.

Sec. 23-74 through 23-98. RESERVED.

**ARTICLE VIII: PENALTIES**

Sec. 23-99. PENALTIES - BY ARTICLE AS INDICATED.

A. All penalties addressed by this article are applicable only upon conviction of the referenced violation in the appropriate legal forum. Upon conviction, the Village shall also be entitled to reasonable fees and costs for its part in the adjudication.

B. Whoever shall lay out, locate, open, widen or extend, or alter the location of any highway, road, street, alley, public ground, toll road, railroad or canal and refuses or neglects to cause a plat thereof, showing the width, courses and extent thereof, and making such reference to known and established corners or monuments that the location thereof may be ascertained to be made, and recorded in the office of the Recorder of Deeds, six months after such highways, road, street, alley, public ground, toll road, railroad or canal is laid out, located, opened, widened or extended or the location thereof altered, shall forfeit two-thousand, five-hundred-dollars (\$2,500.00) and the like sum for every day he shall continue in such refusal or neglect after conviction, together with court costs.

C. Whenever in this Chapter or in any Section of this Chapter an act is prohibited or is made or declared to be unlawful or a misdemeanor or a violation of this Chapter, or whenever in such statute the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor or a violation therefor except that described in "B" above, the violation of any such provision of this Chapter or any statute herein shall be punishable by a fine of not less than ten-dollars (\$10.00), nor more than seven-hundred, fifty-dollars (\$750.00). Each day any violation of any provision of the Chapter or any statute of the Chapter continues, consecutive or not, each day shall constitute a separate offense. Regardless of the number of total days of violation, any fine shall not exceed three-thousand-dollars (\$3,000.00).