

CHAPTER 22
SUBDIVISIONS
ARTICLE I
GENEAL PROVISIONS

SECTION 22-1: TITLE

This chapter shall hereafter be known, cited and referred to as “The Village of Lena Subdivision Ordinance.”

SECTION 22-2: PURPOSE

(A) The purpose of this chapter shall be the protection of the public health, safety, welfare and the accomplishment of a permanently wholesome community environment, adequate municipal services and safe streets.

(B) These regulations are established with reasonable consideration for the existing character of the Village with a view toward conserving the value of buildings upon the land and providing the best possible environment for human habitation. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and development contained in the building codes, zoning ordinances, and all elements thereon.

SECTION 22-3: 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 Planning and Zoning Board 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 Planning and Zoning Board 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 Planning and Zoning Board 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 Planning and Zoning Board may before approval, require a plan for the entire area or neighborhood such plan to be used by the Planning and Zoning Board as an aid to evaluate the merit and the impact of the proposed plat. The Planning and Zoning Board 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.

(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.

SECTION 22-4: 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" 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" 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" 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" 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" A street which carries traffic from minor streets to the primary street system, including the principal entrance streets of residence development.

"CUL-DE-SAC" A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

"EASEMENT" 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 person's for a specific purpose or purposes.

"FINAL PLAT" 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 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 slope of road, street, or other public way, specified in percent (%) and shown on street profile plans as required herein.

“IMPROVEMENT, PUBLIC” 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” A state route with access control under the authority of the Illinois Department of Transportation.

“LOT” 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” A street intended primarily as access to abutting properties.

“OWNER” 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” A two inch thick bituminous surface no less than six feet wide with a six-inch base.

“PLANNING & ZONING BOARD” Planning & Zoning Board, as used in this Chapter shall mean the Planning & Zoning Committee of the Village Board of Trustees. (added 02/13/06)

“PRELIMINARY PLAT” 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” 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 *Rights-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” A surfaced portion of the street available for vehicular traffic.

“SEWAGE DISPOSAL SYSTEM, INDIVIDUAL” A septic tank seepage tile, sewage disposal system or any other sewage treatment device approved by the Village Engineer as being in accordance with the rules of the Stephenson County Health Department.

“SIDEWALK” That portion of a street or crosswalk way, paved or otherwise surfaced, and for pedestrian use only.

“STREET” 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” 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” 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 Village zoning ordinance, and subsequent amendments thereto.

SECTION 22-5: INTERPRETATION

(A) The provisions of this chapter shall be the minimum requirements for the promotion of the public health, safety and general welfare.

(B) Where 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.

(C) 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.

(D) 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.

SECTION 22-6: 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.

SECTION 22-7: PLANNING AND ZONING BOARD REQUIREMENTS

(A) The Planning and Zoning Board, 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 Planning and Zoning Board 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 Planning and Zoning Board shall recommend to the Village Board dedications of land for open spaces or cash contributions in lieu thereof. (Amended 02/13/06 & 03/13/06)

(B) The Planning and Zoning Board 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 Planning and Zoning Board 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, the 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 an 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 Planning and Zoning Board shall not recommend for approval to the Village Board of Trustees any plat of 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 Planning and Zoning Board shall not recommend for approval to the Village Board of Trustees 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 Planning and Zoning Board shall not recommend for approval to the Village Board of Trustees any plat of subdivision which does not make adequate provisions for the transportation of excess stormwaters.

SECTION 22-8: REVIEW OF SUBDIVISION WITHIN THE EXTRATERRITORIAL JURISDICTION OF VILLAGE

The Planning and Zoning Board 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 Planning and Zoning Board to review an extraterritorial development shall not preclude the Village Board from initiating action to enforce Village requirements should the Planning and Zoning Board fail to act.

SECTION 22-9: UNSUITABLE LAND

No land shall be subdivided for residential use which is held by the Planning and Zoning Board, after investigation by the Village Engineer 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 Engineer gives his approval to the prospective plan of improvement. However, 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.

SECTION 22-10: DEDICATION OF LAND FOR PUBLIC USE

(A) When a final plat of a subdivision has been approved by the Village Board of Trustees and Planning and Zoning Board 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 Planning and Zoning Board finds that such land is not required and not suitable for public use, the chairman of Planning and Zoning Board may recommend to the Village Board to either refuse to approve such dedication or require the rearrangement of lots in the proposed subdivision to include such land. (Amended 02/13/06 & 03/13/06)

SECTION 22-11: 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 Planning and Zoning Board and/of other public agency involved in the acquisition and use of each site.

(B) *Requirements for flood plain areas.* The Board of Trustees 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 Planning and Zoning Board 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.

(1) *Referral to public body.* The Planning and Zoning Board shall refer the plat to the public body concerned with acquisition for its consideration and report. The Planning and Zoning Board may propose alternate areas for such acquisition and shall allow the public body or agency 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 Planning and Zoning Board 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.

(3) *Duration of land reservation.* The acquisition of land reserved by a public agency on the preliminary or final plat shall be initiated within 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 12 months shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development.

SECTION 22-12: 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 Board of Trustees in like manner as plats of subdivisions. The Board of Trustees 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.

SECTION 22-13: 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;

(7) Conveyances made to correct descriptions in prior conveyances.

SECTION 22-14: SANITARY SEWERS AND WATER MAINS

(A) *Where public facilities are available.* Where public facilities are available, sanitary sewers, water mains and all required appurtenances shall be installed in all subdivision. Sanitary sewers shall meet or exceed all requirements of the Village Engineer 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 the Village Engineer.

(B) *Where public facilities are not available.* 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 the Village Engineer, shall be installed at the cost of the subdivider.

SECTION 22-15: EXCEPTIONS, VARIATIONS AND WAIVERS

In the event the Planning and Zoning Board 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 Planning and Zoning Board may consider exception, variation or waiver in accordance with the following procedure:

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

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

SECTION 22-16: 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) *Required improvements.* The subdivider shall install street and utility improvements, and other improvements indicated on the plat, 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 the Village Attorney and/or a certified check in an amount equal to the estimate of cost prepared by the subdivider's engineer and approved by the Village Engineer 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 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 years from and after completion of such improvements.

(1) If the improvements are not completed or repairs are not made within the specified time periods, the Village Board may use all or any portion of the check, bond or irrevocable letter of credit to complete or repair same. However, the Village Board of Trustees may, upon proof of difficulty, extend the time for performance.

(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 the Village Engineer, shall be submitted to the Board of Trustees or its designee by the subdivider of the subdivision.

(B) *Water and sewer facilities.* Private water and disposal systems shall comply with all requirements of the Stephenson County Health Department.

(C) *Storm water.* 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 of the Village Engineer.

(D) *Street grading.* 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. The Village Engineer shall approve the plans prior to the time the Planning and Zoning Board recommends approval of the final plat.

(E) *Street and sidewalk surfacing.*

(1) The subdivider shall construct 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.

(2) Such work shall be done in accordance with plans prepared by the subdivider and approved by the Village Engineer. The work shall be inspected by the Village Engineer.

(F) *Monuments.* The subdivider shall place permanent reference monuments in the subdivision as required herein and as approved by the Village Engineer.

(1) The external boundaries of a subdivision shall be monumented in the field by iron pins at least 36 inches long and five-eighths inch 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 36 inches in length, not less than four inches square and five inches 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.

(5) All monuments shall be properly set in the ground by a Registered Illinois Professional Land Surveyor.

(G) *Street trees.* Street trees having a trunk diameter (measured 12 inches above the ground level) of not less than two inches 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 of Trustees shall be planted.

(H) *Other improvements.* 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.

(I) *Topsoil.* 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 of cover between sidewalks and curbs, and shall be stabilized by seeding or planting.

(J) *Street lighting and marking.* 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.

**ARTICLE II
PROCEDURE FOR APPROVAL**

SECTION 22-17: PROCEDURE ESTABLISHED

In planning and developing a subdivision within the corporate limits of the Village, the subdivider shall comply with the following procedure.

SECTION 22-18: PRELIMINARY CONSULTATION

Prior to the submission of a preliminary plat of any proposed subdivision within the Village's jurisdiction, the subdivider shall make known his intention to submit a preliminary plat to the Planning and Zoning Board and Plats Officer. During this pre-application stage, the following actions shall be taken:

(A) *Action by the subdivider.* The subdivider shall meet informally with the Plats Officer 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 Planning and Zoning Board 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.
- (4) Evidence of consultation with and tentative approval of public utility companies concerned.

(B) *Action by the Plats Officer.* The Plats Officer 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 the Plats Officer 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.
- (5) Consult with the Village Engineer regarding improvements and standards.

(C) *Action by the Village and Zoning Planning Board.* Upon receipt of the letter of intent and official acknowledgment of the same, and upon certification by the Plats Officer that the consultations and investigations set forth in division (B) of this section have been completed, the Planning and Zoning Board shall authorize the subdivider in writing to prepare and submit a preliminary plat.

SECTION 22-19: FILING OF PRELIMINARY PLAT

The subdivider shall prepare a preliminary plat of the proposed subdivision in accordance with the requirements of Section 22-21 of this chapter, and shall file with the Plats Officer 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 30 days prior to the meeting of the Planning and Zoning Board at which action is desired.

(A) *Plats Officer transmittal.* The Plats Officer shall transmit copies of the preliminary plat to the Village Engineer, the Village Attorney and such other Village officials and agencies as deemed necessary by the Planning and Zoning Board for review and recommendation together with the scheduled date for Planning and Zoning Board review of the preliminary plat. The recommendations of the foregoing officials and agencies with respect to the preliminary plat shall be submitted to the Planning and Zoning Board not later than five days before the meeting at which the preliminary plat will be reviewed.

(B) *Zoning Board action.*

(1) The Planning and Zoning Board shall review the preliminary plat to determine its conformity to this chapter the official plan and all other ordinances and regulations in force which affect subdivisions.

(2) The Planning and Zoning Board shall within 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 30 days after which one copy shall be returned to the subdivider with the date of the approval or disapproval and the reason therefore accompanying the plat.

(3) If the preliminary plat as originally submitted or as changed or modified as required by the Planning and Zoning Board meets the requirements of this chapter the Planning and Zoning Board shall give it approval and it shall then be referred to the Village Board for tentative approval. Within 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 Planning and Zoning Board, 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.* Preliminary approval by the Village Board of the preliminary plat shall give the application the following rights for a 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.

(2) That the applicant may submit the whole or parts of the preliminary approved plat for final approval on or before the expiration date.

SECTION 22-20: FINAL PLAT

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

(A) *Filing of final plat.* 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 Engineer, the Village Attorney and Planning and Zoning Board, the subdivider shall file with the Plats Officer, within 12 months of the date of approval or conditional approval of the preliminary plat (unless

such period is extended by the Planning and Zoning board), the final plat and three reproductions thereof which shall conform to the requirements of Sections 22-24 *et seq.* of this chapter and three copies of documents, plans and specifications meeting the requirements of Section 22-16. A drainage report conforming to Section 22-29 shall accompany said plat. The Plats Officer shall forthwith transmit all copies of the final plat to the Planning and Zoning Board.

(B) *Zoning Board action.*

(1) Upon receipt thereof, the Planning and Zoning Board shall examine the final plat and all necessary certificates to determine its conformance to the preliminary plat, the recommendations of the Village Engineer, the Village Attorney's review, and the requirements established in this chapter. The Planning and Zoning Board shall complete its review within 30 days of its submission, unless the time is extended by the Board of Trustees in agreement with the subdivider, and either approve or disapprove said final plat.

(2) After the Planning and Zoning Board reviews the final plat, such review and the date thereof shall be noted on the plat over the signature of the Plats Officer and the plat shall be transmitted to the Village Board of Trustees for the necessary action on the final approval of the plat and on any proposed dedications.

(C) *Village Board of Trustees' action.*

(1) The Board of Trustees shall approve or disapprove the final plat and accept or reject the areas preserved for or dedicated to the public within 60 days of its submission to the Planning and Zoning Board unless the subdivider is notified of objections to the plat or the time is extended by agreement with the subdivider.

(2) After the final plat has been approved by the Board of Trustees, both the Village Engineer and Village Clerk shall sign and return it to the subdivider. Copies of the plat shall also be transmitted to the Planning and Zoning Board, Village Attorney, Village Engineer and Village Clerk for their files.

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

ARTICLE III PRELIMINARY PLATS

SECTION 22-21: SUBMISSION TO PLANNING AND ZONING BOARD

(A) Every proposed subdivision shall be submitted to the Planning and Zoning Board 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 Planning and Zoning Board 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.

SECTION 22-22: APPLICATION FOR APPROVAL

The owner or his agent shall file a "Declaration of Intent to Subdivide" on forms furnished by the Planning and Zoning Board 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 Planning and Zoning Board within six months of this date.

Signed this ____ day of _____, 20__.

Signature.

(B) *Name for file identification.*

(1) Name of subdivision if property is within an existing subdivision.

(2) Proposed name if not within a previously platted subdivision.

(3) 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. 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 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.

(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 submission thereof.*

(1) 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.

(4) Name and address including telephone number of the registered professional engineer of Illinois responsible for the design of the subdivision and the public improvements, and the registered professional land surveyor of Illinois responsible for surveys shown on preliminary plat as submitted.

SECTION 22-23: THE DRAWING

Five copies and one reproducible copy of the preliminary plat shall be submitted to the Planning and Zoning Board. These may be blue-line or black-line prints at a scale of not more than 100 feet to the inch, and shall show correctly on its face the following information:

(A) Date, scale and north point.

(B) The proposed subdivision name (must be same as that specified on the application).

(C) The name and address of the owner, the subdivider, and the surveyor responsible for the surveys.

(D) Location of the subdivision by government lot, quarter section, section, township, range and county.

(E) 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.

(F) The exact length and bearing of the exterior boundaries of the subdivision. Dimensions shall be expressed in feet and decimals of a foot.

(G) Location and names of adjacent subdivisions and owners of adjoining parcels of un-subdivided land.

(H) Zoning on and adjacent to the subdivision.

(I) 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 Planning and Zoning Board.

(J) 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.

(K) If the subdivision borders a lake, river or stream the distances and bearings of a meander line established not less than 20 feet back from the ordinary high-water mark of such waterway.

(L) 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 100-year flood history.

(M) 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.

(N) 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.

(O) Plans of proposed utility layouts (water sewers and storm drains) showing connections to any existing or proposed utility systems.

(P) Approximate dimensions and area of lots. All lots over one acre in size shall have the area marked within the lot.

(Q) Proposed building setback lines.

(R) Approximate radii of all curves, length of tangents and central angles on all streets.

(S) 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.

(T) Contours at vertical intervals of not more than two feet.

ARTICLE IV FINAL PLATS

SECTION 22-24: 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.

SECTION 22-25: APPLICATION FOR APPROVAL

Written application by the owner or his agent for approval, on forms furnished by the Planning and Zoning Board, shall accompany each final plat and contain the following information:

(A) Name of subdivision (which is subject to approval by the Village Board of Trustees and should be cleared with the Planning and Zoning Board prior to submission of the plat) and description of blocks and lots included on plat.

(B) Location of subdivision by government lot, section, township, range, and county.

(C) Name, date of approval, and file number of the preliminary plat upon which the final plat is based.

(D) Zoning classification of the property.

(E) Total number of lots and/or parcels included on the plat.

(F) Total area (gross area) shown on the plate including streets, and total area dedicated to public use, if any.

(G) 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.

(H) Name and address, including telephone number, of the owner or his agent and the surveyor responsible for the survey.

SECTION 22-26: FINAL PLAT CONTENTS

The final plat shall be drawn with the waterproof nonfading black ink, at a scale of not more than 100 feet to the inch, on Mylar or its equivalent 71 inches wide by 22 inches 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.

- (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.

(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 Planning and Zoning Board upon the recommendations of the Village Engineer, may waive such strict compliance.

(B) *Name, location and position.* 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.

(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) *Roads and public spaces.*

(1) The name of each road or street in the plat shall be printed therein 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 on the plat which are not dedicated to public use shall be clearly marked "Private Road," or "Private Street," or "Private Way."

(4) Each lot within the plat must have access to a public or private street unless otherwise provide by local ordinance.

(D) *Site conditions and topography.*

(1) All existing buildings.

(2) All watercourse, drainage ditches, and other existing features pertinent to proper subdivision.

(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.
(Ord. 95-47, passed 10/09/95)

SECTION 22-27: 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 Board of Trustees 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 Lena, 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 Lena, 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 Engineer.

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 Planning and Zoning Board Chairman.

This is to certify that the Planning and Zoning Board of the Village of Lena did, at its meeting on the ___ day of _____, 20__ AD approve the plat and forwarded it to the Village Board of Trustees.

Planning and Zoning Board Chairman.

(8) Certification by Village Clerk.

This is to certify that the Village Board of the Village of Lena 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 Lena, hereunto set my hand and affixed the said of said Village of Lena, 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

**ARTICLE V
DESIGN STANDARDS**

SECTION 22-28: 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.

(A) The provisions of Chapter 65 of the Illinois Compiled Statutes.

(B) The Village Zoning Ordinance and all other applicable ordinances of the appropriate jurisdictions.

(C) The requirements of the 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.

(D) 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.

SECTION 22-29: STREET AND ALLEYS

(A) *Generally.* Streets 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) *Arrangement.*

(1) All streets shall be 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 Planning and Zoning Board, 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.

(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 and highways.* 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 25 feet 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 there from to ensure suitable depth for commercial or industrial sites.

(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 150 feet 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) *Access to major streets.* Where a subdivision borders on or contains an existing or proposed major street, the Planning and Zoning Board 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) *Street (residential).* The following minimum standards shall apply to the design of residential streets:

	Minor Residential	Collector Residential
Right-of-way	60'	70'
Pavement width	31'	36'
Type of curb	*	*
Sidewalk width	4'	4'
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) *Street grades.* The grade of major streets shall not exceed five percent unless necessitated by exceptional topography and approved by the Planning and Zoning Board. The grade of all other streets shall exceed six percent. The minimum grade of all streets shall be four-tenths (0.4) of one percent. Curb ramps at intersections shall conform to IDOT Standard 2356-2 (Curb Ramps Accessible to the Disabled).

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

(H) *Cul-de-sacs, dead-end streets, stub street.*

(1) A cul-de-sac shall not be longer than 600 feet 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 120 feet with a pavement diameter (measured at the back of the curb) of not less than 100 feet.

(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 the Village Engineer, approved by the Village Board of Trustees and installed by the subdivider at his own expense.

(I) *Half-streets.* 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.*

(1) Streets shall be laid out so as to 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 anyone point unless specifically approved by the Planning and Zoning Board.

(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 125 feet 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 25 feet. In any case, where more dedication is deemed necessary to provide safe sight distance for traffic channelization, the Planning and Zoning Board 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, a leveling area shall be provided having not greater than four percent grade a distance of 25 feet, 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.

(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) *Street names.* All street names are to be approved by the Village Planning and Zoning Board 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.* Surfacing shall consist of a bituminous surface plant mix or equivalent bituminous mat of a minimum of two inch thickness constructed on a ten inch minimum compacted gravel or crushed stone base. Designated surface treatments shall meet the specifications of the Illinois Department of Transportation.

(M) *Alleys.* Alleys shall not be approved in residential areas.

(N) *Storm water drainage system.*

(1) The storm water drainage system shall be separate and independent of any sanitary sewer system. 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.

(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 100 year, 25 year and five year frequency storm. Stormwater detention shall be provided where determined necessary to meet these requirements.

SECTION 22-30: EASEMENTS

In all new residential subdivisions, all utilities, community action cables, electrical and telephone distribution systems, or any other commercial service be laid underground, including storm, water, gas, drainage and sewer.

(A) Easements for electrical and telephone services shall be a minimum of ten feet wide and to be established where practicable at the rear of each lot and along other such lot lines as provided 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 in § 22-26 should appear on the face of each final plat.

(B) Utility easements not less than five feet 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 in § 22-26 shall appear on the face of each final plat.

(C) 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.

SECTION 22-31: BLOCKS

(A) *Residential blocks.*

(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.

(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 1,500 feet nor be less than 400 feet in length.

(B) *Non-residential blocks.* Blocks designed for business, commercial or industrial uses shall be of such length and width as may be determined suitable by the Planning and Zoning Board for the prospective use.

SECTION 22-32: LOTS

(A) 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 10,000 square feet of area or be less than 80 feet 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.

(B) 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.

(C) 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 Planning and Zoning Board.

(D) Lots shall be laid out so as to provide positive drainageway 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.

(E) Side lot lines shall be approximately at right angles or radial to street lines.

(F) Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.

ARTICLE VI ADMINISTRATION & ENFORCEMENT

SECTION 22-33: ORGANIZATION

This chapter shall be administered according to the following provisions:

(A) *The Board of Trustees.* The Village Board reserves to itself the following functions:

(1) Approval or disapproval of all preliminary and final plats referred to the Board of Trustees by the Planning and Zoning Board.

(2) Approval or disapproval of all variations and exceptions recommended by the Planning and Zoning Board.

(3) Amendment of this chapter when necessary and desirable, as hereinafter provided.

(4) Enforcement of this chapter's provisions.

(5) Administration of this chapter's provisions until the Village Planning and Zoning Board Plats Officer are appointed.

(B) *The Village Planning and Zoning Board.*

(1) The Village Planning and Zoning Board shall administer the provisions of this chapter, and shall:

(a) Receive and file all preliminary plats (together with applications);

(b) Forward copies of the preliminary plat to appropriate officers and agencies for their recommendations, evaluations and reports;

(c) Receive all final plats, and verify compliance with the preliminary plat, together with any changes to the preliminary plat;

(d) Forward all preliminary and final plats with recommendations to the Board of Trustees;

(e) Make all determinations required by the regulations set forth herein or promulgated pursuant thereto, and establish permanent files for all preliminary and final plats; and

(f) Maintain records of all applications, proceedings and determinations.

(2) The Village Board shall be vested with the powers of the Village Planning and Zoning Board until the Planning and Zoning Board is appointed and operational.

(C) *Plats Officer*

(1) A Plats Officer shall be appointed by the Village President subject to the approval of the Board of Trustees. The Plats Officer shall have the following responsibilities:

(a) Advise engineer's, subdividers, and the public regarding local procedures, standards and actions of the Board of Trustees and/or Planning and Zoning Board regarding plat review and requirements.

(b) Act as technical administrator and coordinator to the Planning and Zoning Board and Board of Trustees and a liaison to the Village Engineer.

(c) Notify the Village Board of Trustees whenever any provisions of this chapter have been violated.

(d) Collect all plat fees due the Village and transfer said fees to the Village Clerk for deposit in the General Fund.

(2) The Village Engineer shall serve as Plats Officer until that officer is appointed and assumes his or her duties.

(D) *The Village Engineer.* The Village Engineer shall review all preliminary and final subdivision plats and make determinations regarding design standards and engineering specifications, as set forth herein. His determinations and recommendations shall be forwarded in writing to the Planning and Zoning Board and to the Village Attorney prior to consideration of any preliminary or final plat approval. The Village Engineer shall also monitor the installation of improvements as set forth in § 22-38 of this chapter.

SECTION 22-34: ENFORCEMENT

(A) Whenever it shall come to the knowledge of the Plats Officer or an employee of the Village that any of the provisions of this chapter have been violated, it shall be the duty of that officer or employee to notify the Village Board of Trustees.

(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.

SECTION 22-35: VARIATIONS AND EXCEPTIONS

(A) *General requirements.* Where the Planning and Zoning Board finds that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, it may recommend to the Board of Trustees 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 Planning and Zoning Board 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.

(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) *Conditions.* In recommending variations and exceptions, the Commission may require such conditions as will, in their judgment, secure substantially the objective of the standards or requirements of this chapter.

(C) *Procedure for a variation.* 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 Planning and Zoning Board. The petition shall fully detail the grounds for the application and all of the facts taken into consideration by the petitioner.

(D) *Recommendation and approval.* Such variations and exceptions as may be recommended by the Planning and Zoning Board shall be forwarded to the Village Board of Trustees in writing, substantiating the recommended variations and/or exceptions. The Board of Trustees 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.

SECTION 22-36: 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 Planning and Zoning Board in the manner prescribed by law.

SECTION 22-37: 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 pay a fee at the time of application for approval of a preliminary plat. Such fee shall be \$150 for each application for a subdivision. 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 \$100 per lot of the fees incurred by the Village for the services of the Village Engineer in connection with the detailed phase plats prepared by the subdivider and for the Village Engineer's document review of the subdivider's documents. (Passed 02/14/05)

SECTION 22-38: 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 Village Engineer 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.

SECTION 22-99: PENALTY

(A) Any person who violates any provision of this chapter for which no penalty is otherwise provided shall be subject to the penalty provided in § 1-99.

(B) Whoever sells, offers for sale, improves by construction of building, or leases for any time exceeding five years, any lot, block, parcel, part or division of land in the Village before all the requirements of this chapter have been complied with shall be fined \$25 a day for each lot, block, parcel, division or part thereof so disposed of, offered for sale, improved or leased.

(C) 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 \$2,500 and the like sum for ever day he shall continue in such refusal or neglect after conviction, together with court costs.
(Ord. 95-47, Passed 10/09/95)