

## ARTICLE II. ADMINISTRATION AND ENFORCEMENT

### DIVISION 1. GENERALLY

#### Sec. 62-31 General Plat Review Procedure

The procedure described in this article applies to subdivision plat review in the County. The planning department shall be responsible for coordinating the process and reporting to the Planning and Regulations Committee on the results of staff review.

#### Sec. 62-32 Pre-application Conference

- a. Prior to filing a concept plan, the developer shall meet with the Plat Officer unless the pre-application conference has been waived by the Plat Officer. This step does not require formal application, fee payment or filing of plans. At the conference, the developer shall present a sketch plan and review with the Plat Officer the following issues as they relate to the proposed subdivision:
  - i. General plan and development policies of the County;
  - ii. Existing zoning and land use in the general area of the property in question;
  - iii. The County's procedures for subdivision of land;
  - iv. Other pertinent factors.
- b. After conducting the pre-application conference, the Plat Officer shall make a determination as to the classification of the subdivision as a major subdivision or a minor subdivision. At the discretion of the Plat Officer, a minor subdivision may be exempt from the concept plan and preliminary plat stages of review.

#### Sec. 62-33 Concept Plan

- a. *Generally:* Prior to submission of a preliminary plat for the subdivision of land within the unincorporated area of DeKalb County, the developer shall submit to the Planning Department a concept plan with allied documents, as set forth below, unless the concept plan stage for a minor subdivision has been waived by the Plat Officer.
- b. *Intent:* The intent of the concept plan stage is to provide information to help a prospective applicant appraise the feasibility of a subdivision concept according to development plans and policies. The concept plan stage encourages the discussion of

basic problems and questions related to the development proposal prior to the expenditure of funds for more detailed plans. The concept plan will be presented by the prospective applicant to the Planning and Highway Departments at a concept conference.

- c. *Filing:* At least fourteen (14) days prior to the concept conference, the applicant shall submit the following to the Plat Officer:
- i. A current aerial photograph at a scale of one inch equals four-hundred feet (1"=400'), showing existing features within one and one-half (1-1/2) miles of the proposed site. The photograph shall delineate and label school, forest preserve and fire protection district boundaries, municipal boundaries and planning jurisdiction limits, property lines, and sewer and water lines.
  - ii. Five (5) copies of a concept plan including sufficient spatial analysis to indicate the following (existing and/or proposed conditions within 100 feet of the tract):
    - (1) Topography, at a minimum ten-foot contour interval, with significant slopes designated.
    - (2) Wooded and natural areas.
    - (3) Wetlands, bodies of water and other conspicuous low areas subject to flooding.
    - (4) Drainage patterns with all high and low elevation sites designated.
    - (5) Existing interior adjacent roadways, or other public ways, railroad and utility rights-of-way, parks or other public open spaces within one hundred (100) feet adjacent to the proposed site.
    - (6) Buildings, barns, bridges, and other existing structures.
    - (7) Neighborhood land uses, political boundaries, known taxing districts, municipal planning boundaries, present zoning and planned uses according to local government plans.
    - (8) Names of adjacent subdivisions and the owners of adjacent subdivided and unsubdivided property as well as conditions of adjacent property which may affect the proposed development.

- (9) Proposed layout of roads, and land uses and general pedestrian circulation.
- (10) Proposed dedication and reservation, school sites, park sites, open space and natural areas, and stormwater control facilities.
- (11) The boundaries of each soil type and identification of soil types by their name and number according to the DeKalb County Soil Survey classification system provided by the U.S.D.A. Soil Conservation Service.
- (12) A legend of each soil type listed according to their limitations as set forth in the DeKalb County Soil Survey.
- (13) A north arrow and scale.

iii. The following additional information shall be submitted to the Plat Officer:

- (1) *Name of subdivision.* A subdivision shall not be valid nor entitled to be recorded if the record name, or part thereof, said subdivision is the same as, duplicates, closely approximates or is similar to or pronounced the same as the name of any previously approved subdivision within the County. A subdivision name or part thereof shall be considered as duplicating, closely approximating, similar to or pronounced the same as the name of an existing subdivision name if it contains a proper, historical, geographical, locational, mythological, famous, fictitious, or personal name or words, or combination thereof which is the same as, similar to or pronounced the same as a word in the name of any other previously approved subdivision within the County. If the committee determines that the subject subdivision name duplicates, closely approximates, is similar to or is pronounced the same as the name of an existing subdivision, then the committee shall require the subdivider or developer to propose an alternative name.
- (2) Site information which shall include, but is not limited to the total number of acres, the acreage in lots, acreage in rights-of-way, the acreage in open space and the existing and proposed zoning.
- (3) Location by township, range, section and parcel number.
- (4) A location map at a scale of not less than one inch equals one thousand

feet (1"=1000') showing the relationship of the subdivision to its surroundings within one-half (½) mile including section lines, collector roads and arterial roads.

- (5) Names, addresses and telephone numbers of the subdivider and owner.
  - (6) Names, addresses and telephone numbers of the site planner, designer, engineer or surveyor who prepared the subdivision layout.
  - (7) A general statement of the proposed method of stabilization to prevent soil erosion prior to and during construction.
  - (8) Copy of the application for a natural resources report filed by the developer with the DeKalb County Soil and Water Conservation District.
  - (9) Legal description of the land proposed to be subdivided.
  - (10) Certification of ownership of the land proposed to be subdivided. Where the subdivider does not own such land, written notarized permission from the owner shall be provided authorizing the development of such land under the provisions of this Chapter.
  - (11) A certified list of the names and addresses, as can be corroborated by the County tax collector, of all persons owning property located within 250 feet of a proposed subdivision.
- d. *Concept Conference:* After the Plat Officer examines the submittals in order to determine their adequacy for presentation at a concept conference, the applicant shall present the concept information, aerial photograph and concept plan at a staff conference in order to describe the existing conditions of the area and the conceptual development thereof. The applicant may be requested to submit additional data on existing conditions, the development concept, and the expected impacts in order to provide information for adequate review. Additional concept conferences (not to exceed three [3] unless mutually agreed upon) may be held to discuss basic questions prior to review by local agencies as provided for in this Section.
- e. *Concept Plan Distribution:* Following the concept conference, twenty-four (24) copies of the concept plan and other required allied documents folded to approximately nine inches by twelve inches (9" x 12"), and incorporating any revisions made at the concept conference shall be submitted to the Plat Officer for distribution by the County to the following parties, if applicable:

County Board Member in District;  
Township Supervisor;  
County Engineer;  
Township Highway Commissioner;  
Municipalities having jurisdiction;  
Public Works authorities;  
DeKalb County Soil and Water Conservation District;  
DeKalb County Health Department;  
School Districts;  
Park District;  
Fire Protection District;  
DeKalb County Clerk;  
DeKalb County Sheriff;  
Local Land Use Committee;  
Forest Preserve District;  
Adjacent property owners;  
Sanitary Districts;  
Others.

These agencies and individuals shall be requested to forward any comments and recommendations to the Plat Officer within thirty (30) days of receipt of the concept plan. This time period may be extended by mutual consent of the applicant and the agencies involved. The Plat Officer shall make available any comments or recommendations received from said agencies or individuals to the applicant, the staff and the Committee.

- f. *Staff Review:* Thirty (30) days after the agencies and individuals mentioned in subsection e. of this section have been sent the concept information, the concept plan shall be reviewed by the staff at the next available staff meeting date. In reviewing the subdivision concept, the staff shall review all comments and recommendations made by such agencies and individuals and may meet with the applicant and/or local review agencies. The review process shall include the following:
- i. On-site field investigations.
  - ii. Analysis of the site in relation to the surrounding areas.
  - iii. Analysis of the existing conditions on and adjacent to the site.
  - iv. Identification of potential problems of the proposed subdivision in relation to existing conditions of the area, local government plans, policies and ordinances,

and current planning and development activities.

- v. Application of the Land Evaluation and Site Assessment System, if applicable.

Sec. 62-34 Preliminary Plat

- a. *Intent:* The intent of the preliminary plat stage is to ensure that the subdivision is laid out in accordance with the land's suitability and limitations for development. At this stage, the applicant is required to provide design information which will demonstrate how the subdivision will function upon its development.
- b. *Format and Required Information:* The developer shall prepare and submit to the Department twenty-four (24) copies of a preliminary plat. Such preliminary plat shall be submitted after receipt of the Department's report on the concept plan, if a concept plan was submitted. The preliminary plat shall be any scale from one inch equals twenty feet (1"=20') through one inch equals one hundred feet (1"=100'), so long as the scale is an increment of ten feet (10'), shall be on 30" x 36" sheet, folded to approximately nine inches by twelve inches (9" x 12") and shall contain the following information:
  - i. All information required in Section 62-33, pertaining to the Concept Plan Stage, if no concept plan has been submitted.
  - ii. A key map showing the tract and its relation to the surrounding area. The boundaries of the plat must be surveyed and certified by an Illinois professional land surveyor.
  - iii. A north arrow and graphic scale.
  - iv. *Name of subdivision.* A subdivision shall not be valid or entitled to be recorded if the record name or part thereof said subdivision is the same as, duplicates, closely approximates or is similar to or pronounced the same as the name of any previously approved subdivision within the County. A subdivision name or part thereof shall be considered as duplicating, closely approximating, similar to or pronounced the same as the name of an existing subdivision name if it contains a proper, historical, geographical, locational, mythological, famous, fictitious, or personal name, words, or combination thereof which is the same as, similar to or pronounced the same as a word in the name of any other previously approved subdivision within the County. If the committee determines that the subject subdivision name duplicates, closely approximates, is similar to or is pronounced the same as the name of an existing subdivision, then the committee shall require the subdivider or developer to propose an alternative

name.

- v. *Names of Proposed Roads.* Road names shall not be used which will duplicate, or too closely approximate phonetically, the name of any other road or subdivision in the same township, fire protection district or post office district. Roads that are extensions of, or in obvious alignment with existing roads shall bear the name of said existing roads. The name of the primary collector road of a subdivision shall, if possible, be the same as or similar to the name of said subdivision. A separate name and/or directional designator may be required for each segment of a road that changes direction 45 degrees or more (as measured from the centerline of the right-of-way). The Planning and Regulations Committee shall have final authority to designate the name of the roads.
  
- vi. Names, addresses and telephone numbers of the owner, the subdivider, the person(s) preparing the plan and the engineer and land surveyor who will design improvements for and survey the tract or such part thereof as is proposed to be subdivided.
  
- vii. Existing conditions on and within one hundred (100) feet of the tract unless a greater distance is required for review as follows:
  - (1) Topographic data, including contours at vertical intervals of not more than two (2) feet with reference to U.S.G.S. datum or at a more frequent interval if required by the Plat Officer for land of unusual topography.
  
  - (2) Location, width and names of all existing platted roadways or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings or structures and section and municipal corporation lines.
  
  - (3) Location of all existing farm and storm drainage tiles, which shall be located by means of slit trenching and hand probing by persons qualified to do such work. A procedural guide to conducting the required tile investigation is found at Appendix D to this Chapter. All existing drain tile lines encountered during the investigation shall be repaired and/or upgraded to function properly. The developer shall provide the Plat Officer one (1) mylar and four (4) copies of a topographical boundary map showing the following:
    - (a) Location of each slit trench and each trench identified to correspond with the tile investigation reports;

- (b) Location of each drain tile with a flow direction arrow and tile size;
  - (c) A summary of the tile investigation report showing trench identification number, tile size, material and quality percentage of tile filled with water, percentage of restricted siltation, depth of ground cover and soil texture at grade;
  - (d) Name, address and telephone number of the person conducting tile location investigation.
- (4) Existing zoning classifications including delineation of Flood Plain Zoning District, if any, and planned land uses according to all official plans.
  - (5) Water courses including base flood elevations certified by either the Illinois State Water Survey, the Illinois Department of Transportation, U.S. Army Corps of Engineers or other such State or Federal Agency as may be required, natural and man made retention/ detention areas and any other areas within the tract subject to inundation by storm water.
  - (6) Wetlands, ponds and surface seeps.
  - (7) The results of any test made to ascertain subsurface rock and soil conditions and the water table.
  - (8) The location of the soil types as identified and classified in the concept plan or soil report. Specific details as to procedures and requirements of soils investigation are found in Appendix C of this Chapter.
- (a) Soil mapping based upon on-site determination of soil characteristics shall be conducted to determine soil suitability for septic systems or buildings with basements. Soil survey and mapping shall be conducted and prepared in accordance with Appendix C of this Chapter. The Plat Officer may require the Subdivider to provide written verification of professional standing and credentials relative to the position of soil classifier and soil scientist and corresponding definitions contained in this Chapter. To determine soil suitability for on-site waste disposal systems and/or buildings with basements, the following proce-

dure shall be utilized:

- (i) There shall be a sufficient number of soil borings throughout the proposed acreage for platting so as to allow intensive mapping of soil characteristics and limiting factors related to suitability for on-site waste disposal systems and/or basements. The mapping and overlay of such characteristics should be of sufficient detail to minimize the potential for inclusions and to determine the existence of at least ½ acre of suitable soils on each proposed lot. There shall be at least one boring on each acre of the proposed subdivision. The location of all borings shall be shown on the soil map overlay.
  - (ii) A two hundred foot (200') grid system will be established and one boring at each grid point shall be performed. In addition, sufficient additional borings shall be completed to adequately identify each soil mapping unit.
  - (iii) The DeKalb County Planning and Health Departments and the DeKalb County Soil and Water Conservation District shall be notified at least 48 hours before commencement of on-site boring so that these agencies may observe the boring and sampling procedures, if they so desire.
  - (iv) A map, report and logs of each soil series mapped on the site shall be prepared and included in the soil report.
  - (v) The date(s) of all field work and weather conditions for such dates shall be identified.
  - (vi) The entire subdivision area shall be mapped showing soil types present with boundaries of each defined considering areas of transition. This mapping shall be coordinated with site topography.
- (b) The map shall also depict areas of seasonal high groundwater as determined by the Classifier's or Scientist's observation of

the drainage characteristics of the soil; long-term monitoring of observation wells approved by the DeKalb County Health Department may be used to supplement this information. Boundaries of the following areas shall be defined:

- (i) Seasonal high groundwater or other limiting layer at less than 12".
  - (ii) Seasonal high groundwater or other limiting layer at 12" to 30".
  - (iii) Seasonal high groundwater or other limiting layer at 30" to 48".
  - (iv) Seasonal high groundwater or other limiting layer at 48" to 60".
  - (v) Seasonal high groundwater or other limiting layer greater than 60".
- (c) A detailed map showing the soils present and locations of borings shall be included.
  - (d) The Plat Officer may require in certain circumstances that the developer perform slit trench investigation at various locations within the boundaries of the proposed subdivision to further clarify soils information. Such investigation shall be conducted with the Plat Officer or his designee present.
  - (e) The signature of the Soil Classifier by whom the soil mapping was done and the report prepared, must be affixed to both the report and the preliminary plat.
- (9) Railroads, bridges, culverts, storm sewers, sanitary sewers, easements of record, existing buildings including uses or other identified improvements that are to remain, and significant natural features such as wooded areas, rock formations and scenic vistas.
  - (10) Locations and names of adjacent subdivisions and owners of adjoining parcels of land.

- (11) Historical and archaeological sites or structures as identified by the state historic preservation agency or directories found in the office of the County clerk, the Ralph Joiner History Room, or the Sandwich Historical Society.
- (12) Legal description of the land proposed to be subdivided and a site data information block which shall include, but not be limited to: the total acreage of the tract stated in tenths (0.1) of an acre, the acreage in lots, the acreage in rights-of-way, the acreage in open space and the proposed number of lots, the minimum lot size, the maximum lot size and the average lot size in square feet, and the existing and proposed zoning.
- (13) A statement shall be placed on the preliminary plat to indicate all municipalities which are within 1-1/2 miles of the proposed subdivision. The statement shall also indicate which municipality is exercising the statutory privilege of planning advice, if a planning boundary line has been negotiated, or which municipality is closest if such a boundary line has not been negotiated. If there are no municipalities within 1-1/2 miles, the statement shall so indicate.

viii. Proposed Conditions as follows:

- (1) Proposed zoning, if applicable.
- (2) Alignment, width, and typical cross-section of all roads and rights-of-way, sewer and water lines, and other public utilities where applicable.
- (3) Lots, including layout, number, dimensions and area in square feet.
- (4) Setback lines, including front, rear and side building setback lines and dimensions.
- (5) Proposed site grading plan including building pads; top of foundation elevations, when required; proposed roadway grades and surface water drainage patterns and stormwater management facilities in accordance with the applicable standards set forth in Chapter 30, Article 1 of the DeKalb County Code.
- (6) Any proposed alteration, adjustment, or change in the elevation or topography of any area in a Flood Plain Zoning District or shown on the

Federal Emergency Management Agency's (F.E.M.A.) flood boundary and floodway map or otherwise known to be within the 100 year floodplain. Any development of parcels within the Flood Plain shall require approval of a Flood Plain Study in accordance with Section 4.01 of the Zoning Ordinance, and/or Chapter 30 of the County Code.

- (7) Proposed utility infrastructure plans, including but not limited to sanitary sewer, water, storm water management, telephone, electric, and cable television.
- (8) Landscaping plan showing proposed plantings; location and description of landscaped entryway signs, if applicable, including height, size, setbacks and maintenance provisions; screening treatment on double frontage lots; landscaping of stormwater detention facilities and areas designated for restoration of disrupted site flora.
- (9) Sites intended to be reserved for public use and/or for use of property owners in the subdivision, including the purpose and conditions of reservation or dedication. Such proposed common land must meet the approval of the department as to its suitability in terms of terrain, dry groundcover, maintenance requirements, and number of persons or households benefitted by its establishment;
- (10) Text of proposed protective covenants, deed restrictions, homeowners association, contracts, easement provisions and other documents whereby the subdivider proposes to regulate land use in the subdivision, restrict the design, development and/or use of the property and otherwise protect special areas within the proposed development.
- (11) Wetland delineation report.
- (12) Any other information that may be requested by the Plat Officer.

c. *Review by soil and water conservation district.* Information concerning the proposed subdivision shall be submitted by the developer to the Soil and Water Conservation District for comments as to:

- i. Suitability of soils for building construction and an indication of problems that may arise if good engineering practices are not followed.
- ii. Suitability of soils for on-site waste disposal systems.

- iii. Best use of soils in the area in question.

All fees as required by this section shall be paid by the Subdivider directly to the DeKalb County Soil and Water Conservation District. The Soil and Water Conservation District shall issue a written opinion concerning the proposed subdivision within sixty (60) days from the time of receipt, to the Plat Officer. If no opinion is received within sixty (60) days, the subdivision shall be considered recommended by the Soil and Water Conservation District unless, prior to said sixty (60)-day period lapsing, a written request from the District for an extension of time not exceeding thirty (30) additional days has been received and approved by the Plat Officer.

- d. *Presentation to County staff, official filing date.* The applicant shall present the required information at a staff meeting in order to describe the proposed development. The preliminary plat shall be considered officially filed after it is found by the Plat Officer to:

- i. Be in substantial conformance with the concept plan.
- ii. Contain the information necessary for its proper review by staff, applicable agencies and the Planning and Regulations Committee.
- iii. Be submitted with applicable subdivision processing fees pursuant to section 62-40.

- e. *Review by other agencies.* The applicant may be required to submit to the Plat Officer additional copies of the application and preliminary plat, folded to approximately nine inches by twelve inches (9" x 12"), for distribution by the County to the following parties, if applicable:

- County Board Member in District;
- Township Supervisor;
- County Engineer;
- Township Highway Commissioner;
- Municipalities having jurisdiction;
- Appropriate Public Works Authority;
- DeKalb County Soil and Water Conservation District;
- DeKalb County Clerk;
- DeKalb County Sheriff;
- DeKalb County Health Department;
- Forest Preserve District;
- Illinois Department of Transportation;
- School Districts;

Park Districts;  
Fire Protection District;  
Local Land Use Committee;  
Sanitary Districts;  
Neighboring property owners (if requested);  
Others.

The applicant may be requested to submit additional data to these local agencies according to their review requirements. These agencies shall be requested to forward any information, comments and recommendations to the Plat Officer, or within forty-five (45) days of receipt of the last item of information requested from the applicant. This time period may be extended by mutual consent of the applicant and the agencies involved.

- f. *Approval by municipalities.* If the proposed subdivision lies within 1-1/2 miles of any municipalities, the preliminary plat must be approved by the Planning Commission of any municipality which will later be required to sign the final plat. A certificate shall be placed on the final plat to indicate such approval.
- g. *Approval by Illinois Department of Transportation.* If the proposed subdivision shows access to a State highway, the preliminary plat must be approved by the Illinois Department of Transportation. A certificate shall be placed on the Final Plat to indicate such approval.
- h. *Recommendations by Plat Officer.* All information, comments and recommendations concerning the preliminary plat shall be reviewed by the Plat Officer and staff. Within sixty (60) days after the information is forwarded to the local agencies, or within sixty (60) days upon receipt of the last item of information from the applicant, whichever date is later, the Plat Officer shall recommend to the Planning and Regulations Committee for its action: approval, approval with conditions, or rejection of the preliminary plat.
- i. *Revision of Plat.* If, during the review process, changes are made to the preliminary plat, which in the opinion of the Plat Officer require the submittal of a revised preliminary plat or other preliminary plat documents, the applicant shall submit such revised information as required. When submitting a revised preliminary plat, a minimum of six (6) copies of the revised plat shall be submitted.
- j. *Recommendation by Planning and Regulations Committee.* At its next regularly scheduled meeting following the formulation of the recommendations by the Plat Officer and staff, the Planning and Regulations Committee shall recommend approval, approval with conditions, or rejection of the preliminary plat. Such time may be extended by mutual consent of the applicant and committee.

- k. *Approval by County Board.* Following a recommendation for approval or approval with conditions by the Planning and Regulations Committee, the County Board shall pass an ordinance which establishes such approval, and which specifies any conditions which may be placed upon the subdivision. Approval by the County Board shall occur within one month of the recommendation by the Planning and Regulations Committee. Such time may be extended by mutual consent of the applicant and the Board. The applicant and owner shall be notified in writing of any conditions of approval or the reasons for rejection. Approval by the County Board of the preliminary plat constitutes neither final approval of the subdivision nor the acceptance of required improvements.
  
- l. *Effect of approval.* Approval of the preliminary plat by the County Board shall entitle the subdivider to final approval of the layout shown on such plan if the final plat:
  - i. Conforms substantially to the preliminary plat and improvement plan;
  - ii. Meets all conditions of approval;
  - iii. Complies with the approval ordinance as passed by the County Board, and with all applicable County plans, ordinances, and approved variances or exemptions.
  
- m. *Duration of approval.* The approval by the County Board of the preliminary plat shall be valid for a period of two (2) years from the date of approval or such longer period as the County Board may determine to be advisable if after review by the Department such longer period is necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage, schools, parks, playgrounds, or other public requirements. If no final plat of a subdivision of any part of the tract for which a preliminary plat has been approved is recorded within the two (2) year period, or such longer period as the Director shall permit, a re-submission and review thereof by the Committee and County Board may be required. The two year period may be extended by the Plat Officer for successive one-year periods not exceeding three successive periods.

Sec. 62-35 Improvement Plans

- a. *Intent:* The improvement plan stage is for the purpose of accurately showing how the improvements will be constructed in order to conform to the layout and design objectives of the preliminary plat. As such, the improvement plan process is an extension of the preliminary plat process. Where conditions so warrant, the Plat Officer may require that portions of improvement plans be submitted during the preliminary plat review process in order to determine the land's suitability for the preliminary plat design. Any required

off-site improvements and engineering studies shall be provided upon request. Where the subdivision is to be developed in phases, and where soil and/or topographical conditions so warrant, the Plat Officer may require that improvement plans for the entire phased area be submitted prior to the construction of improvements of Phase One.

- b. *Submission; Preparation; required information.* Prior to the submittal of the final plat, the applicant shall submit five (5) complete sets of plans and specifications of the construction. Improvement plans shall not be approved until after the site has been zoned according to the uses proposed in the approved preliminary plat.
- i. The plans, which detail the construction and types of materials to be used in conjunction with the development of the subdivision, shall be prepared by a registered professional engineer. Any alterations of the common land or improvement within the common land will require the submission of detailed improvement plans and will be considered a required improvement.
- ii. Improvement plans shall be prepared in an exhibit not to exceed twenty-four (24) inches by thirty-six (36) inches and shall contain the following information:
- (1) Title page, which shall include a key map showing the relationship of the area to be subdivided to the tract and which shall reflect areas of the tract previously subdivided plus adjacent streets. In addition, the name, address, and telephone number of the developer and engineering firm, as well as a registered professional engineer's seal, should be indicated.
  - (2) North arrow and graphic scale which shall be indicated on each plan sheet.
  - (3) One or more benchmarks, in or near the subdivision, to which the subdivision is referenced. The identity and elevation shall be based on U.S.G.S. datum.
  - (4) A list of the standards and specifications followed, citing volume, section, page, or other references.
  - (5) Typical cross sections of any proposed roads.
  - (6) Grading and paving details conforming to DeKalb County standard specifications and requirements.
  - (7) A summary of the quantities of all items necessary to construct all

streets (roads) shown on the plat.

- (8) Details of streets including location and width of all proposed public or private rights-of-way and private roadway easements, existing and proposed sanitary sewers, drainage channels, swales, storm sewers, including adequate natural discharge points, detention facilities, and silt control measures.
  - (9) Plans and profiles and cross sections at every one-hundred feet (100') of streets and storm sewers, with a scale not less than one inch equals fifty feet (1"=50') horizontal and one inch equals five feet (1"=5') vertical.
  - (10) Plans, profiles and cross sections at every one-hundred feet (100') of water and sanitary sewers, with a scale not less than one inch equals fifty feet (1"=50') horizontal and one inch equals five feet (1"=5') vertical.
- iii. Topographic and profile studies and stormwater management facilities shall conform with applicable standards and regulations set forth in Chapter 30 of the DeKalb County Code, and must have on their face the signed statement of a Registered Professional Engineer, and the owner of the land or his duly authorized attorney, to the effect that to the best of their knowledge and belief the drainage of surface waters will not be changed by the construction of the proposed development, or, that if such surface water drainage will be changed, reasonable provision has been made for collection and diversion of such surface water into public areas, or drains which the developer has the right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjacent property because of the construction of the development.
- c. *Duration of approval.* Approval of the improvement plans by the County Plat Officer and County Engineer shall be valid for a period of two (2) years from the date of approval, or for such longer period as the Director may determine to be advisable if after review by the Department such longer period is necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage, schools, parks, playgrounds, or other public requirements. If the construction of the improvements has not been completed within the two (2) year period, a re-submission and review thereof by the Committee may be required. The two-year period may be extended by the Plat Officer for successive one-year periods not exceeding three successive one-year periods.

Sec. 62-36 Guarantee of Construction of Improvements

- a. *Generally.* In lieu of constructing the planned improvements, and prior to approval of the subject final plat, the developer must present to the Plat Officer a construction guarantee in the amount of one hundred twenty (120) percent of the estimated cost of the required improvements. The cost for each improvement shall be itemized in a list prepared, signed, and sealed by the design engineer on his letterhead stationary and approved by the Plat Officer. Such guarantee is to:
  - i. Ensure the satisfactory installation of said improvements in accordance with the approved plans and specifications and according to good engineering and construction practices.
  - ii. Ensure the satisfactory completion of said improvements within the prescribed time limit.
- b. *Form.* Such guarantee shall be in one of the following formats and the form, amount and type subject to approval by the Plat Officer:
  - i. A certificate of deposit with, or an escrow account at, a federally insured bank or savings and loan association;
  - ii. An undertaking by the subdivider guaranteeing completion of the land improvements remaining to be completed, as secured by an irrevocable letter of credit certifying that adequate funds are and will be available at a sound and reputable banking or financial institution as federally insured and authorized to do business in the State of Illinois. Such irrevocable letter of credit shall be in effect for a period of two and one-half (2-1/2) years from the date of recording of the final plat, shall run in favor of the County and shall indicate there are sufficient funds available for one hundred twenty (120%) percent of the estimated cost of all the land improvements remaining to be completed, and that such funds are held for such purpose only and for no other purposes. Such undertaking and irrevocable letter of credit shall be in a form to allow the County to procure the funds to complete the land improvements if construction of said improvements is not completed in accordance with the provisions hereof, and shall otherwise be in a form acceptable to the County.
  - iii. Other good and sufficient security as approved by the appropriate legal authority of the County to guarantee the proper installation of land improvements.
- c. *Reduction; default.* A construction guarantee shall be reduced only by authorization of

the Plat Officer upon application for payout by the subdivider in amounts such that funds remaining will always equal one hundred twenty (120%) percent of the value of the uncompleted work, as determined by the Plat Officer after consultation with the County Engineer and other staff. No more than ninety (90%) percent of the construction guarantee shall be released prior to one year after the satisfactory completion of the required improvements. Where the required improvements have not been installed in accordance with the Chapter, the County may then declare the construction guarantee to be in default and may draw from the guarantee amount for use in matters related to insuring the satisfactory construction of said improvements, including attorney's fees and court costs encumbered in the enforcement of the provisions of this Section.

- d. *Release.* The Plat Officer shall not release a construction guarantee prior to the satisfactory installation of all required improvements, as determined:
  - i. One year after the completion of all improvements required for the approved final plat;
  - ii. After submission of the project engineer's certification, if improvements include either a system for community water distribution or sanitary sewer system, or both, or as otherwise required by the Plat Officer, or written verification from the County Engineer when such project engineer's certification is not required, that the project installation has been observed in the field and completed in substantial compliance with the plans and specifications and with all applicable ordinances and laws;
  - iii. After the submission of one (1) reproducible print and four (4) copies of record drawings which shall be drawings prepared by the project engineer, who shall show improvements, and shall clearly designate any and all changes from the approved plans and specifications;
  - iv. After the Plat Officer's acceptance of the improvements.
  - v. After the County Engineers acceptance of the improvements.
- e. *Maintenance of Improvements.* The applicant shall be responsible for the maintenance of all improvements until the release of the construction guarantee. Capital improvements include but are not limited to streets, storm sewers and other drainage appurtenances, sanitary sewage systems and facilities, water supply and distribution systems, street lighting equipment unless otherwise excepted herein, sidewalks, guardrails and landscaping. Public improvements specifically excluded from maintenance responsibilities of the applicant pursuant to this Chapter, upon acceptance by the County engineer, are the replacement of lightbulbs, electricity charges for public street

lighting, snow removal and mowing of grass within a public right-of-way.

Sec. 62-37 Final Plat

a. *Intent; approval.*

- i. The final plat is a record of the subdivision as surveyed in the field. It shows shapes and dimensions of the tract being subdivided and the parcels created thereby important to the public benefit to facilitate relocation of roadway lines, easements, building setbacks, open space, etc.
- ii. The final plat shall be accompanied by all plans and such other documents as may be necessary concerning the performance bond or letter of credit to be used.
- iii. The Planning and Regulations Committee shall take action on the final plat within sixty (60) days from the date of the subdivider's filing of the last required document or other paper or within sixty (60) days from the date of the subdivider's filing an application for approval of the final plat, whichever date is later unless such time is extended by written mutual consent.
- iv. The Committee shall not approve the final plat unless, in addition to the other requirements of this Article, the plat has been approved in writing by the Authority of any municipality with corporate boundaries within one and one-half (1-1/2) miles of the platted area, by the Illinois Department of Transportation with respect to roadway access, where such access is to a State highway; by the relevant local highway authority with respect to all other roadway access; and by the County Health Department with respect to sewage disposal systems if any part of the platted land will not be served by a public sewer system.
- v. If the final plat is disapproved by the Committee, the reasons for such action shall be noted in writing stating the reasons for disapproval, specifying the aspects in which the final plat fails to conform with the land subdivision regulations.
- vi. If the final plat is approved by the Committee, the final plat shall be held by the Plat Officer until such time as the subdivider posts a performance bond or letter of credit as required by sections 62-36 of this Article and provides verification of payment of the school land and/or recreation area dedication fees.
- vii. Upon receipt of said performance bond or letter of credit and fees, the Plat Officer

shall affix his signature and seal to the final plat. If such performance bond or letter of credit or fees are not posted by the subdivider within sixty (60) days from the date of approval of the final plat by the Committee, approval of the final plat shall expire. Final plats not requiring a performance bond or letter of credit shall be recorded with the County Recorder of Deeds within sixty (60) days after final approval of the Committee, or approval shall expire. Final plats requiring a performance bond or letter of credit shall be recorded with the County Recorder of Deeds within ninety (90) days after approval of the Committee, or approval shall expire.

- b. *Submission Requirements* The plat to be provided by the subdivider shall meet the following specifications:
- i. The final plat may include all or only part of the preliminary plat which has received approval.
  - ii. The plat shall be drawn to scale of one hundred (100) feet to one (1) inch, unless a different scale is more practicable and is approved by the Plat Officer.
  - iii. The plat shall be drawn with waterproof, non-fading black ink on mylar or equivalent drafting material no more than thirty-six (36) inches by thirty (30) inches. The original, plus five (5) copies of the final plat and any accompanying documents, shall be filed with the County Recorder of Deeds.
  - iv. When more than one sheet is used for any plat, each sheet shall be numbered consecutively. A small scale drawing of the entire subdivision shall be shown on the first sheet, identifying portions of the subdivision according to its respective page number. Plats shall be drawn so as to be on a minimum number of sheets.
  - v. All dimensions shall be shown in feet and decimals of a foot.
  - vi. All surveys for a final plat shall be made under the active and personal direction of a registered land surveyor of Illinois, and shall include a legal description of the land to be subdivided. Positions of all lot corners, beginnings and ends of curves and all angle points shall be marked in the field. The material of which all markers are made shall be noted. The applicant shall conform with the following requirements concerning monuments.
    - (1) All federal, state, County or official benchmarks, monuments, or triangulation stations in or adjacent to the subdivision shall be preserved. When a proposed improvement in a subdivision makes necessary the moving of

bench marks, monuments, or triangulation stations, the authority having jurisdiction shall be notified and given sufficient time to take appropriate action.

- (2) Types, placement and type based on placement requirements shall be in accordance with Section 62-115.
- vii. The exact length and relative direction of all exterior boundary lines, shall be shown with reference to the boundary controlling system most prevalent in the area of the land being subdivided. All distances shown on the final plat shall be expressed on one-hundredths of one foot and angles shall be expressed in degrees, minutes and seconds (if necessary). Sufficient geometrical data shall be given for all lots to enable retracement and restoration of all corner positions in the field. The Plat Officer may require the surveyor to submit rectangular coordinates of all positions represented on the final plat.
- viii. The exact width and extent of all easements (shown by dashed lines), and purpose of such easements, shall be shown.
- ix. All lots shall be consecutively numbered. In subdivisions that are improved in units or phases, the lot numbering of the next unit or phase shall begin at the next number where the previous unit or phase ended.
- x. All portions of curving linear roads shall be tangent to adjoining elements of said roads unless noted otherwise. Curve data shall consist of radius, degree of curve, tangent length, and central angle.
- xi. If the subdivision borders on a lake or stream, the distances and directions of a meander-line established not less than twenty (20) feet back from the average high water mark of the lake or stream, shall be shown as determined from flood hazard maps or other data, with such distance noted.
- xii. The locations and widths of all existing and proposed roads, alleys, and common drives shall be indicated by heavy solid lines, showing the dedication of all rights-of-way required in accordance with the preliminary plat.
- xiii. Names of proposed roads shall be indicated. Road names shall not be used which will duplicate, or too closely approximate phonetically, the name of any other road or subdivision in the same township, fire protection district and post office district. Roads that are extensions of, or obvious alignment with, existing roads shall bear the name of said existing road. The name of the primary collector road of a

subdivision shall, if possible, be the same as or similar to the name of each subdivision. A separate name and/or directional designator may be required for each segment of a road that changes direction 45 degrees or more (as measured from the center line of the right-of-way). The Planning and Regulations Committee shall have final authority to designate the name of the roads.

- xiv. Abutting highway and road right-of-way lines and adjacent subdivisions shall be shown in their proper location.
- xv. Grantees of all lands dedicated to public use, except for roads, shall be clearly noted.
- xvi. Where provisions are made for access from any subdivision to any lake or stream, the plat shall show the area over which the access is provided to the lake or stream, together with a small scale drawing clearly indicating the location of the subdivision in relation to the lake or stream, and the location of the area over which access is provided.
- xvii. All restrictions which will run with the land and covenants, or references to covenants, where declared separately, shall be indicated.
- xviii. Certificates and easements shall be included as required.
- xix. The Scale and north arrow shall be indicated.
- xx. Certification by owner and, if required, by any mortgage holder of record, of the plat and dedication of streets and other public areas shall be included.
- xxi. Certification by the DeKalb County Clerk that all taxes and special assessments have been paid to date shall be included.
- xxii. Subdivision processing fees shall be submitted.
- xxiii. Any special study or engineering calculations required shall be included.
- xxiv. Homeowner's association contracts, trust indenture and warranty deed for common land conveyance, shall be included accompanied by a letter of compliance from an attorney.
- xxv. Letter from sanitary sewer company certifying connection fees have been paid shall be included.

- xxvi. Certificate of city/village/township within one and one-half (1-1/2) mile indicating approval of the plat, as set forth in Section 62-34 shall be included.
  - xxvii. Certificate of the Illinois Department of Transportation indicating approval of the plat, as set forth in Section 62-34 shall be included.
  - xxviii. Seal and signature of the Illinois professional land surveyor under whose direct supervision and control the subdivision survey was prepared shall be included.
- c. *Time limit for submission; prerequisites for review.* Within two (2) years after approval of the preliminary plan, the applicant shall submit seven (7) copies of the final plat to the Plat Officer. Where the subdivision is to be improved in units or phases, the final plat for each phase shall be filed at two (2) year intervals, providing however, that the final plats for the entire tract be filed within six (6) years from the date of preliminary plat approval. Prior to the review of the final plat, the applicant must have complied with the following items:
- i. The submittal and approval of the improvement plans.
  - ii. The submittal and approval of cost estimates for all required improvements.
  - iii. The installation of all required improvements or the posting of a construction guarantee.
  - iv. Dedication or payment of any required land/cash contribution.
  - v. Payment of plat review and approval fee as determined by the Zoning Ordinance, and
  - vi. Rezoning to appropriate classification, if necessary.
- d. Amendments to Final Plat
- i. Permitted Minor Amendments: Minor changes in the location, siting and height of buildings and structures, or minor lot line adjustments, may be authorized by the Planning and Regulations Committee without additional public hearing if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this paragraph may cause any of the following:
    - (1) A change in the use or character of the development;
    - (2) An increase by more than five (5) percent in the lot coverage;

- (3) An increase in the density or intensity of use;
- (4) A reduction of more than one (1) percent in approved open space area;
- (5) The creation of a non-conforming lot.

ii. Major Amendments

Changes to the final development plan that exceed the limitations in Section 62-37d.i above shall result in the entire subdivision, or phase of the subdivision in which the changes are proposed, to be resubmitted as a new subdivision subject to all the procedures contained in Article II.

Sec. 62-38 Review of Plans and Inspection of Construction by Outside Consultants

- a. During the plan review process and during installation and acceptance of the required improvements, the Plat Officer may engage professional assistance other than the County staff, in order to properly review or observe the improvement proposed by the applicant. The applicant shall be notified in writing that such professional assistance will be engaged. Prior to such review or observation, the applicant may meet with the Plat Officer in order to discuss the activity. In addition, the applicant and the County shall enter into an agreement whereby the applicant shall reimburse the County for costs associated with such professional review assistance.

Sec. 62-39 Trust Indentures for Supervision and Maintenance of Common Lands and Improvements; Owners' Associations

- a. In any case where the developer proposes establishment of common land, including pedestrian walkways and cul-de-sacs islands, private streets, private street lighting, drainage facilities such as detention basins and drainage pipe and ditches, private sanitary sewage treatment, private water distribution system, or any other improvement that requires continuous maintenance, a Trust Indenture shall be established and recorded simultaneously with the final plat. The indenture shall provide for proper maintenance and supervision by the Trustees who are selected to act in accordance with the terms of such indenture and the applicable provisions of this Chapter. For single lot developments and developments with no common ground, the Department may accept script certifying the means of maintenance on the final plat. Common land shall be conveyed by the owner in fee simple absolute title by warranty deed to trustees whose trust indentures shall provide that the common land be used for the benefit, use and enjoyment of the lot owners, present and future, and shall be the maintenance responsibility of the trustees of the subdivision and that no lot owner shall have the right to convey his interest in the common land except as an incident of the ownership of a regularly platted lot.

- i. Any trust indenture required to be recorded, or recorded for the purpose of compliance with provisions of this Chapter, or the Zoning Ordinance, shall provide for not less than the following representation of purchasers of developed lots among the trustees; one-third of the trustees shall be chosen by purchasers of developed lots after fifty (50) percent of the lots have been sold; two-thirds of the trustees shall be chosen by purchasers of developed lots after ninety-five (95) percent of the lots have been sold; all of the trustees shall be chosen by purchasers of developed lots after all of the lots have been sold.
  - ii. Where the provisions of such a trust indenture cannot be fulfilled by reason of unfilled vacancies among the trustees, the Committee may, upon the petition of any concerned resident or property owner of the subdivision, appoint one or more trustees to fill vacancies until such time as trustees are selected in accordance with the trust indenture. Any person so appointed who is not a resident or property owner within the subdivision shall be allowed a reasonable fee for his services by the order of appointment, which fee shall be levied as a special assessment against the property in the subdivision, and which shall not be subject to any limitation on special assessments contained in the trust indenture or elsewhere.
  - iii. Term of indentures for all types of subdivisions, including planned districts and special procedures, shall be for the duration of the subdivision or planned development. If the subdivision is vacated, fee simple title shall vest in the then lot or unit owners as tenants in common. The rights of the tenants shall only be exercisable appurtenant to and in conjunction with their lot or unit ownership. Any conveyance or change of ownership of any lot or unit shall convey with its ownership in the common land, and no interest in the common land shall be conveyed by a lot or unit owner except in conjunction with the sale of a lot or unit. The sale of any lot or unit shall carry with it all the incidents of ownership of the common land although such is not expressly mentioned in the deed; provided, however, that no right or power conferred upon the trustees shall be abrogated.
- b. In the case of a condominium development, a unit owners' association shall be established in accordance with 765 ILCS 605/1 et seq. A formal declaration (condominium bylaws), establishing covenants, conditions, restrictions, easements, etc., shall be filed simultaneously with the final plat in addition to the trust indentures

Sec. 62-40 Fees

Fees relating to subdivisions are set forth in Ordinance No. 92-12, as amended.

Secs. 62-41 – 62-60. Reserved.

DIVISION 2. VIOLATIONS AND PENALTIES

Sec. 62-61 Violations

- a. Whenever it shall come to the attention of the recorder of deeds or any officer or employee of the County that any of the provisions of this Chapter have been violated, it shall be his duty to file a complaint against the person or parties offending and the County state's attorney shall prosecute such violation to final judgement.

Sec. 62-62 Penalty

- a. Whoever shall be convicted of violating any of the provisions of this Chapter shall be fined not less than \$25.00 and not more than \$200.00 for each violation, and each separate day or part thereof that such violations continue shall be deemed to be a separate offense.

Secs. 62-63 – 62-80. Reserved.