

Chapter 52 - SUBDIVISIONS

Sec. 52-A STRUCTURE

Sec. 52-A-1 Title

This chapter shall be known, referred to and cited as the Land Subdivision Regulations of DeKalb County, Illinois.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-A-2 Scope of Chapter

For the purpose of present and future development of the County, and for the promotion of the public health, safety, comfort, morals and welfare of persons living within the area of jurisdiction of the County, this chapter prescribes procedures for the subdivision or resubdivision of land within the area of jurisdiction of the County and contains the procedures, requirements, standards and specifications with respect thereto.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-A-3 Intent and Purpose of Chapter

- A. This chapter is intended for the purpose of providing adequate service and utilities, safe, convenient access, a desirable and attractive living environment through good subdivision design, and utilizing development standards directed toward reasonable costs for initial development and continuing maintenance including the following:
1. The proper location and width of streets, building setback lines, open spaces, recreational areas and public lands;
 2. The avoidance of conditions which lead to the creation of blighted areas;
 3. The avoidance of overcrowding of population and congestion of vehicular traffic;
 4. The manner in which streets are to be graded and improved, and the extent to which water, sewer, stormwater and other utility services are to be provided;
 5. The provision of adequate space for traffic; for utility facilities; access of emergency apparatus; for the control of the number, spacing, type and design of access points to existing or future streets; for minimum width, depth and area of lots; for light and air; and for a proper distribution of population.
- B. It is intended that this chapter shall supplement and facilitate the enforcement of the provisions and development standards contained in the building codes, zoning ordinance and the comprehensive plan, and such documents and/or policies in their application to land subdivision procedures.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-A-4 Interpretation of Chapter

- A. In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion and effectuation of the purposes set forth in this chapter. Nothing in this chapter shall preclude the subdivider/developer from exceeding any such minimum requirement.

- B. Nothing in this chapter shall repeal, abrogate, annul, or in any way interfere with any provision of law, or any rules or regulations other than subdivision regulations adopted or issued pursuant to law relating to subdivision or development of land. Where this chapter imposes greater restrictions or requirements than are imposed or required by other provisions of law, rules, regulations, covenants or agreements, the provisions of this chapter shall control, but nothing in this chapter shall interfere with, abrogate or annul any easements, covenants, deed restrictions or agreements between parties which impose restrictions greater than those imposed by this chapter.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-A-5 Recording of Plat Required Prior to Sale of Lots

No lot in a subdivision, as defined in this chapter, may be conveyed unless a final plat of the property has been approved according to the requirements and provisions of this chapter, and recorded in the Office of the County Recorder of Deeds.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-A-6 Suitability of Land for Subdivision Development

Land unsuitable for subdivision development due to drainage, flood hazard areas, topography or other conditions constituting a danger to health, life or property shall not be approved for subdivision development unless the subdivider presents evidence or data satisfactory to the planning and regulations committee, establishing that the methods proposed to meet any such conditions are adequate to avoid any danger to health, life or property.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-A-7 Administrative Officers

In the County, two officers are concerned with the administration of this chapter. They are as follows:

1. *Plat officer.* The County Planning Director is designated as the plat officer. The plat officer shall have overall responsibility for the administration of this chapter. The plat officer shall retain copies of plats, documents, correspondence, plans, specifications and other data as permanent public records.
2. *County Engineer.* The County Engineer (formerly the superintendent of the County Highway Department) shall review all subdivision plans concerning street and drainage design standards and engineering specifications as stipulated in this chapter and forward recommendations to the plat officer. When the County Engineer desires additional technical data or professional assistance in completing his review, he may, with concurrence of the plat officer, take whatever measures are reasonably necessary to obtain such information or services. The costs of such data and assistance will be borne by the developer.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-A-8 Review of Development in Proposed Planned Development Zoning Districts

- A. The review of a property development proposed for County Board approval of a planned development zoning district may be exempt in part from the requirements set forth in this chapter provided such development:
1. Meets the conditions for approval of and involves only permissible land uses set forth in the zoning ordinance; and
 2. Promotes the public health, safety, morals, comfort and general welfare and conserves the values of property.

- B. Requirements that may be waived for a planned development zoning district may include, but are not limited to the standards contained in article IV and article V.
- C. The submission and review of preliminary planned development plans may be done concurrently with preliminary plats. The submission and review of final planned development plans may be done concurrently with final plats.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-A-9 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley. A secondary means of ingress or egress serving more than one tract of land and used primarily for vehicular service, and which may be used for public utility purposes.

Base flood. The flood having a one percent chance of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood.

Base flood elevation. The elevation in relation to mean sea level of the crest of the base flood.

Basement. A story partly or wholly underground. Where a basement is used for business or dwelling purposes or where more than one-half of its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for purposes of height measurement.

Benchmark. A definite point of known elevation and location and of more or less permanent character. The identity and elevation shall be based on United States Geological Survey (USGS) datum.

Block. An area of land surrounded by public highways, streets, streams, railroad rights-of-way, recreation areas, rural land, drainage channels, or other similar areas or facilities.

Block face. Property having frontage on one side of a street and lying between the two nearest intersecting streets or nearest intersection or intercepting street and railroad right-of-way, waterway, or other barrier.

Board and County Board. The governing body of the County.

Bond. A good and sufficient security meeting the requirements of this chapter.

Cable television (CATV) company. A company which has obtained a franchise from the appropriate unit of local government to provide television signals for public use via permanently installed coaxial cable.

Commercial letter of credit. See *Irrevocable commercial letter of credit.*

Committee. See *Planning and regulations committee.*

Common land. The land set aside for open space, including stormwater, retention lakes, ponding, or recreational use for the owners of lots in a subdivision, which land is conveyed in trust for the benefit, use and enjoyment of the lot owners.

Comprehensive plan. A plan for the County, including graphic and written elements, indicating the long-range physical development of the County or any of its parts, including any part of such plan separately adopted, any amendment to such plan and parts thereof, and any binding plan agreements with other jurisdictions adopted by the County Board.

Concept plan. A graphic exhibit which shows basic resource features, proposed land uses, roadway layout, general drainage features, including high and low elevation points, and other such data of a proposed subdivision. The purpose of the concept plan is to explore alternative subdivision arrangements prior to investing significant time and money on detailed drainage and data collection for a proposal which may not be acceptable.

Congressional survey township. An area approximately six miles square identified by its unique township and range numbers with respect to a designated principal meridian and baseline.

County Clerk and Recorder. The elected County Clerk and Recorder of the County.

County engineer, formerly superintendent of highways. An official appointed by the County Board, under state law.

Critical (unsuitable) soil. Soil materials that have been disturbed or have natural limitations extensive enough to require alternative systems or are perhaps so limited as to preclude the practicality of on-site wastewater treatment.

Cul-de-sac, court and dead end street. A street or highway not to exceed 500 feet in length, having one end open to traffic and being permanently terminated by a vehicle turnaround with a minimum roadway radius of 50 feet and a right-of-way radius of 75 feet.

Culvert. A transverse drain that channels under a street or driveway.

Curb face. The edge of the curb rising from the flow line of the gutter.

Dedication. Intentional transfer by the developer to the public of ownership of land or an interest in land for a public purpose. Dedication may be effected by formal conveyance, or by any other method recognized by the laws of the state.

Department. The planning department of the County.

Detention. The temporary storage of the differential runoff of stormwater by providing permanent facilities, such as dry reservoirs, ponds, or other acceptable alternatives.

Developer. That person by whom a tract will be subdivided and improved pursuant to the requirements of this chapter.

Director. The Planning Director of the County.

Drainage basin. An area of land which, because of the nature of the topography, collects naturally the surface drainage of the surrounding land.

Easement. A grant by the property owner for the use of an area of land by the public, a corporation or persons for specified uses and purposes to be designated as a "public" or "private" easement, depending on the nature of the use.

Engineer, design. A professional engineer, registered and licensed as such in the state, responsible for the design of site improvement plans and specifications for a project or subdivision.

Engineer, project. A professional engineer, registered and licensed as such in the state, responsible for assuring that the site improvements are constructed and installed according to approved plans and specifications and according to good engineering practice.

Escrow agent. A title company, bank, savings and loan association, trust company, attorney, or any person or agency approved by the state's attorney to act as escrow agent under the provisions of section 62-36.

FEMA. Federal Emergency Management Agency.

Final plat. The official graphic depiction of a subdivision which is ultimately filed for the record in the Recorder's Office. It shows all lots, easements, streets and other dedicated areas. The final plat also indicates items such as building setback lines, restricted for septic systems and any ingress and egress restrictions.

Floodplain. That area within the unincorporated area of the County subject to a one percent, or greater, chance of flooding in any given year. This area is subject to the FP floodplain regulations of the zoning ordinance.

Frontage. The length of any one property line of a premises, which property line abuts a street.

Health Department. The County Health Department.

Highway. See *Street*.

Highway, collector. A rural road and its extensions in or through villages or cities which forms an interconnected network and provides service to communities, generally under the administration of the County.

Highway Commissioner. See *Township Highway Commissioner.*

Highway department. The County Highway Department.

Highway land access. A rural road, other than an area service, collector, major and trunk highway and subdivision street, which provides access to farms and land used for agricultural or other low intensity uses, generally under the administration of the township road district.

IDOT. The Illinois Department of Transportation.

Irrevocable commercial letter of credit. Written offer by a bank or other financial agency to the County, approved and accepted by the County state's attorney and by the County Board, authorizing the County to draw on that bank or other financial agency in accordance with the terms stated and a promise by the bank or other financial agency to accept and pay bills or drafts so drawn. Such letter of credit shall be irrevocable and shall be accompanied by a subdivider's personal bond.

Land improvements. All required improvements, including but not limited to roads, road lighting, road signs, permanent monuments, grading and surface and subsurface drainageways and facilities, retention and detention basins, soil erosion control, community water distribution systems and water supply facilities, community sewage systems, community sewage treatment plants and sanitary sewers, fencing and required landscaping.

Land surveyor. A land surveyor registered in the state.

Lot. A portion of a subdivision or other parcel of land intended as a unit for development or transfer of ownership.

Lot area. The horizontal projection of a parcel of land or a body of water, or combination of both, exclusive of any portion of the right-of-way of any public or private streets. Measurements are to be made by standard surveying practice methods.

Lot, corner. A lot of which at least two adjacent sides abut for their full length upon streets, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

Lot depth. The average distance between the front and rear line of a lot measured in the general direction of its side lot lines.

Lot, double-frontage. A lot having frontage on two nonintersecting streets, as distinguished from a corner lot.

Lot, interior. A lot other than a corner lot.

Lot (parcel) of record. A lot which is part of a subdivision, the plat of which has been recorded in the Office of the County Recorder, or a legally created parcel of land, the deed to which was recorded in the Office of the County Recorder.

Lot width. The horizontal distance between side lot lines, measured at the front setback.

Lot, zoning. A single tract of contiguous land under common ownership, wholly within the boundaries of the County and on one side of a public street, which is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control and which meets all requirements of the zoning ordinance of the County. All zoning lots must front on a public street or private drive approved as part of a subdivision. The division of a zoning lot may or may not result in the creation of two or more zoning lots, and a zoning lot or lots may or may not coincide with a lot of record.

Marginal access street and frontage road. A local street or highway paralleling, adjacent to and having limited access to a freeway, expressway, collector highway, area service highway, or land access highway which provides direct access to abutting property and protection from through traffic.

Monument. A physical structure which marks the location of a corner or other survey point as required by provisions contained in this chapter.

Natural resource inventory (NRI) report. A report prepared by the County soil and water conservation district which describes the soils, as shown on the official County soil maps, surficial geology and natural features of a parcel of land, and evaluates in general terms its suitability for a particular use.

Noncritical (suitable) soil. Undisturbed soil materials, as determined by an on-site comprehensive soil survey, that can support a conventional private sewage disposal system, where at least the lower portion of the soil absorption part of the system can be installed in original, uncompacted soils.

Owner. The owner of a piece of property (or the beneficiary of title that is held in a trust) or his designated representative such as developers, engineers, land surveyors and other agents.

Partial street. That portion of the street right-of-way on either side of a tract boundary, generally parallel and adjacent to the boundary line of the tract, having a lesser right-of-way width than required for a full width street of the type involved.

Pedestrian way. An easement or right-of-way designated to facilitate pedestrian access to adjacent streets and properties.

Performance guarantee. An irrevocable letter of credit or an escrow account issued in the name of the County to cover 120 percent of the estimated costs of improvements approved by the County as a condition to final plat approval.

Person. A corporation, firm, partnership, association, agency, organization, or any other group acting as a unit, as well as a natural person.

Personal bond. A bond executed by the promisor without a surety, or a contract or promise to pay.

Planned development zoning district. A district authorized and regulated through the zoning ordinance. This zoning district is designed to allow greater flexibility in development of land in a manner not possible in conventional zoning districts or through strict adherence to this chapter. The planned development is a development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces and other features and improvements.

Planning and regulations (P & R) committee. The planning and regulations committee of the County Board.

Plat act. An act to revise the law in relation to plats, approved March 21, 1874, as amended.

Plat, final. A plat prepared for official recording and meeting the criteria of this chapter and the plat regulations of the Illinois Compiled Statutes.

Plat, preliminary. A preliminary map and supporting data, indicating the proposed layout of the subdivision in sufficient detail to provide adequate basis for the review by the County planning and regulations committee, meeting the requirements of this chapter.

Public walkway. A right-of-way dedicated for the purpose of pedestrian access and located so as to connect two or more streets, a street and a public land parcel, or any two public parcels of land.

Recorder. The elected or appointed Recorder of Deeds in the County.

Recorder's act. An act to revise the law in relation to Recorders, approved March 9, 1874, as amended.

Regional superintendent of schools. The elected or appointed head of the County educational services region.

Replatting and resubdividing. The recombination or redivision of lots of record into larger or smaller lots.

Right-of-way. A strip of land reserved or acquired by dedication, prescription, condemnation, gift, purchase, eminent domain or any other legal means occupied or intended to be occupied by a street, sidewalk, railroad, utility, sewer, or other similar use.

Road district. Each township, for the purposes of this chapter shall be a road district for all purposes relating to the construction, repair, maintenance, financing and supervision of township roads, including land access highways.

Septic system (conventional). An individual, conventional on-site sewage system employing a septic tank and the soil treatment system commonly known as seepage trenches, that are partially or wholly in original soil material.

Setback. The distance between a structure and any lot line, that establishes the area within which a structure cannot be erected or placed, except as may be permitted in the zoning ordinance.

Sidewalk. A pedestrian walkway within the public road right-of-way or easement.

Siltation control. The installation of such devices as sediment ponds, bales of straw, fencing, siltation webbing, sodding, seeding and mulching, or other devices to prevent silting of abutting properties and roadways during the period of construction and up to and including such time as permanent ground cover is attained.

Slope. The rate of deviation of the ground surface from the horizontal as expressed in percentages.

Soil classifier. A certified member of the Illinois Soil Classifiers Association or a certified professional soil classifier member of ARCPACS, who, by reason of his special knowledge of the physical, chemical and biological sciences applicable to soils, and of the methods and principles of soil classification as acquired by soils education and soil classification experience in the formation, morphology, description and mapping of soils is qualified to practice soil classifying.

Soil conservation service. A division of the United States Department of Agriculture which provides technical assistance in soil-related matters to individuals, units of government, etc., through the local soil and water conservation district office.

Soil scientist. An individual with a minimum of a bachelor's of science degree in soil science or a related field with at least 15 semester hours in soils, plus one year of soils field investigation and mapping for areas located in Northeastern Illinois.

State's Attorney. The elected or appointed State's Attorney of the County.

Street and highway. A public right-of-way or approved private thoroughfare which affords the principal means of access to abutting property. The term includes all facilities which normally are found within the right-of-way; it shall also include such other designations as highway, thoroughfare, parkway, thoroughway, road, pike, avenue, boulevard, lane, place, court or other such terms but shall not include pedestrian way, alley, or private or common driveway.

Street, collector. Collector streets function as secondary land service streets in that they move traffic from the major streets, which distribute traffic regionally, to minor streets, which distribute the traffic to individual lots, parcels, and uses within the subdivision, area, or neighborhood. Collector streets also may serve individual lots, parcels, and uses as a secondary or additional function. The average daily traffic for collector streets is between 250 and 5,000 vehicles.

Street, frontage or service. A minor street generally parallel to and adjacent to arterial streets and highways, which provides access to abutting properties and protection from through traffic.

Street line. The dividing line between the street or highway right-of-way and the lot.

Street, loop. A short, independent street which usually has its termination along the same collector street as its origin.

Street, major and arterial street. A street utilized for high vehicular speeds or for heavy volumes of traffic on a continuous route, average daily traffic exceeds 5,000 vehicles.

Street, minor and local street. Minor streets are exclusively land service facilities for access to abutting properties. These serve the local neighborhood and may be in the form of a cul-de-sac or loop street, provided that average daily traffic is less than 250 vehicles.

Street, multiple-family access. A private way or driveway which affords a means of vehicular access to parking areas and bays and to abutting buildings in a multiple dwelling unit subdivision.

Subdivider. Any person who, having an interest in land, causes it, directly or indirectly to be divided into a subdivision; or,

1. Who directly or indirectly sells, leases, develops or offers to sell, lease or develop, or advertises for sale, lease or development, any interest, lot, parcel site, unit or plot in a subdivision; or
2. Who engages directly or through an agent in the business of selling, leasing, developing or offering for sale, lease or development a subdivision or any interest, lot, parcel site, unit or plot in a subdivision; and
3. Who is directly or indirectly controlled by, or under, direct or indirect common control with any of the foregoing.

Subdivision. The division of a parcel of land into two or more parts, any of which part is less than five acres exclusive of all right-of-way, for the purpose of transfer of ownership or possession, or building development; or if an easement of access or a new road is involved, any division of land. The term includes any division of land that attempts to avoid the requirements of this chapter. Where appropriate to the content, the term shall relate to the process of subdivision, or to the land subdivided, and shall include resubdivisions. Subdivision platting is not required and the provisions of this chapter, unless otherwise stated below, shall not apply in any of the following instances:

1. A division of land which may be ordered or approved by a court or affected by testamentary or intestate provision.
2. Any division of a parcel of land or conveyance of a parcel of land which is expressly exempt from subdivision platting by state law.
3. A division of land into lots or parcels of five acres or more, such division not for agricultural purposes, provided:
 - a. All lots have a minimum width and frontage of not less than 250 feet on a public road right-of-way.
 - b. The dedication of school and park sites or payment of fees in lieu thereof is made in accordance with article V and VI of this chapter.
4. The division for the purpose of the sale or transfer of ownership of one lot, containing an existing residential structure constructed prior to August 15, 1979, and being not less than two acres in area, such division made in accordance with the requirements set forth in section 4.02.D(2) of the zoning ordinance.

Subdivision, major. All subdivisions not classified as minor subdivisions including, but not limited to, subdivisions of four or more lots, or any size subdivision requiring any new streets or extension of the local governmental facilities, or the erection of any public improvements. Major subdivisions shall be subject to all the procedural requirements of article III.

Subdivision, minor. A subdivision into not more than three lots, with no new public improvements (including but not limited to, new streets or easements of access) which, at the discretion of the planning director, may be exempted from concept stage and preliminary plat review.

Subdivision, nonresidential. Either:

1. A division or redivision of a tract of land into more than one lot, plat, or site for commercial or industrial purposes; or
2. The dedication or establishment of a street, alley, pedestrian way in conjunction with or use in any such tract.

Suitable soil. Undisturbed soil materials as determined by on-site comprehensive soil survey that can support a conventional private sewage disposal system, where at least the lower portion of the soil absorption part of the system can be installed in original, uncompacted soils. Another term having the same meaning for purposes of this chapter can be "noncritical soils."

Surety bond. See *Performance guarantee*.

Township highway commissioner. In each township road district, the elected highway commissioner, pursuant to Illinois 605 ILCS 5/6-112. Compiled Statutes (60 ILCS 1/73-5 (as amended)).

Trust indenture. Any recordable instrument by which common ground is held or maintained or assessments in a subdivision are levied for the administration of specific obligations or both.

Utility company. A person, firm or corporation who owns, controls, operates or manages any equipment, plant or property furnishing telephone, telegraph, electric, cable television, light, heat, power, water, sewerage, gas (by pipeline) or similar service for public use.

Vicinity map. A drawing located on the preliminary plat which sets forth by dimensions or other means, the relationship of the proposed subdivision to other nearby developments, landmarks, community facilities or services.

Walkway. See *Public walkway*.

Wetland. Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support under normal circumstances a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. In any case, the definition of wetland applicable in this chapter shall conform to the definition, as amended, adopted by the U.S. Army Corps of Engineers or other such federal agency with lawful jurisdiction.

Zoning ordinance. As from time to time amended, which controls and regulates zoning for DeKalb County, Illinois.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-B ADMINISTRATION AND ENFORCEMENT

Sec. 52-B-1 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.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-B-2 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:
1. General plan and development policies of the County;
 2. Existing zoning and land use in the general area of the property in question;
 3. The County's procedures for subdivision of land;
 4. 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.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-B-3 Concept Plan

- A. *Generally.* Prior to submission of a preliminary plat for the subdivision of land within the Unincorporated area of the 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.

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- 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 14 days prior to the concept conference, the applicant shall submit the following to the plat officer:
1. A current aerial photograph at a scale of one inch equals 400 feet, showing existing features within one and one-half 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.
 2. Five copies of a concept plan including sufficient spatial analysis to indicate the following (existing and/or proposed conditions within 100 feet of the tract):
 - a. Topography, at a minimum ten-foot contour interval, with significant slopes designated.
 - b. Wooded and natural areas.
 - c. Wetlands, bodies of water and other conspicuous low areas subject to flooding.
 - d. Drainage patterns with all high and low elevation sites designated.
 - e. Existing interior adjacent roadways, or other public ways, railroad and utility rights-of-way, parks or other public open spaces within 100 feet adjacent to the proposed site.
 - f. Buildings, barns, bridges, and other existing structures.
 - g. Neighborhood land uses, political boundaries, known taxing districts, municipal planning boundaries, present zoning and planned uses according to local government plans.
 - h. 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.
 - i. Proposed layout of roads, and land uses and general pedestrian circulation.
 - j. Proposed dedication and reservation, school sites, park sites, open space and natural areas, and stormwater control facilities.
 - k. 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.
 - l. A legend of each soil type listed according to their limitations as set forth in the DeKalb County soil survey.
 - m. A north arrow and scale.
 3. The following additional information shall be submitted to the plat officer:
 - a. *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.
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- b. 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.
 - c. Location by township, range, section and parcel number.
 - d. A location map at a scale of not less than one inch equals 1,000 feet showing the relationship of the subdivision to its surroundings within one-half mile including section lines, collector roads and arterial roads.
 - e. Names, addresses and telephone numbers of the subdivider and owner.
 - f. Names, addresses and telephone numbers of the site planner, designer, engineer or surveyor who prepared the subdivision layout.
 - g. A general statement of the proposed method of stabilization to prevent soil erosion prior to and during construction.
 - h. Copy of the application for a natural resources report filed by the developer with the DeKalb County Soil and Water Conservation District.
 - i. Legal description of the land proposed to be subdivided.
 - j. 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.
 - k. 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 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, 24 copies of the concept plan and other required allied documents folded to approximately nine inches by 12 inches, 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 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.* 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:
1. On-site field investigations.
 2. Analysis of the site in relation to the surrounding areas.
 3. Analysis of the existing conditions on and adjacent to the site.
 4. 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.
 5. Application of the land evaluation and site assessment system, if applicable.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-B-4 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 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 20 feet through one inch equals 100 feet, so long as the scale is an increment of ten feet, shall be on 30-inch by 36-inch sheet, folded to approximately nine inches by 12 inches and shall contain the following information:
1. All information required in section 62-33, pertaining to the concept plan stage, if no concept plan has been submitted.
 2. A key map showing the tract and its relation to the surrounding area. The boundaries of the plat must be surveyed and certified by a state professional land surveyor.
 3. A north arrow and graphic scale.
 4. *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.

5. *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.
6. 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.
7. Existing conditions on and within 100 feet of the tract unless a greater distance is required for review as follows:
 - a. Topographic data, including contours at vertical intervals of not more than two feet with reference to USGS datum or at a more frequent interval if required by the plat officer for land of unusual topography.
 - b. 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.
 - c. 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 mylar and four copies of a topographical boundary map showing the following:
 1. Location of each slit trench and each trench identified to correspond with the tile investigation reports;
 2. Location of each drain tile with a flow direction arrow and tile size;
 3. 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;
 4. Name, address and telephone number of the person conducting tile location investigation.
 - d. Existing zoning classifications including delineation of flood plain zoning district, if any, and planned land uses according to all official plans.
 - e. 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 stormwater.
 - f. Wetlands, ponds and surface seeps.
 - g. The results of any test made to ascertain subsurface rock and soil conditions and the water table.
 - h. 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.
 1. 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 procedure 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 two 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 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 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.
2. 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 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 inches.
 - (ii) Seasonal high groundwater or other limiting layer at 12 inches to 30 inches.
 - (iii) Seasonal high groundwater or other limiting layer at 30 inches to 48 inches.
 - (iv) Seasonal high groundwater or other limiting layer at 48 inches to 60 inches.
 - (v) Seasonal high groundwater or other limiting layer greater than 60 inches.
 3. A detailed map showing the soils present and locations of borings shall be included.
 4. 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.
 5. 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.
 - i. 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.
 - j. Locations and names of adjacent subdivisions and owners of adjoining parcels of land.
 - k. 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.

3. 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 Soil and Water Conservation District. The Soil and Water Conservation District shall issue a written opinion concerning the proposed subdivision within 60 days from the time of receipt, to the plat officer. If no opinion is received within 60 days, the subdivision shall be considered recommended by the Soil and Water Conservation District unless, prior to said 60-day period lapsing, a written request from the district for an extension of time not exceeding 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:

1. Be in substantial conformance with the concept plan.
2. Contain the information necessary for its proper review by staff, applicable agencies and the planning and regulations committee.
3. 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 12 inches, 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 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 one and one-half 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.

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- 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 60 days after the information is forwarded to the local agencies, or within 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 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:
1. Conforms substantially to the preliminary plat and improvement plan;
 2. Meets all conditions of approval;
 3. 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 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-year period, or such longer period as the director shall permit, a resubmission 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.

(Ord. No. 2000-04, § 3, 12-15-1999; Ord. No. 2005-17, § 3, 7-20-2005)

Sec. 52-B-5 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 1.

- B. *Submission; Preparation; required information.* Prior to the submittal of the final plat, the applicant shall submit five 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.
1. 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.
 2. Improvement plans shall be prepared in an exhibit not to exceed 24 inches by 36 inches and shall contain the following information:
 - a. 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.
 - b. North arrow and graphic scale which shall be indicated on each plan sheet.
 - c. One or more benchmarks, in or near the subdivision, to which the subdivision is referenced. The identity and elevation shall be based on USGS datum.
 - d. A list of the standards and specifications followed, citing volume, section, page, or other references.
 - e. Typical cross sections of any proposed roads.
 - f. Grading and paving details conforming to County standard specifications and requirements.
 - g. A summary of the quantities of all items necessary to construct all streets (roads) shown on the plat.
 - h. 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.
 - i. 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.
 - j. Plans, profiles and cross sections at every one hundred feet of water and sanitary sewers, with a scale not less than one inch equals 50 feet horizontal and one inch equals five feet vertical.
 3. Topographical and profile studies and stormwater management facilities shall conform with applicable standards and regulations set forth in chapter 30 of the 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 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-year period, a resubmission 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.

(Ord. No. 2000-04, § 3, 12-15-1999; Ord. No. 2005-17, § 3, 7-20-2005)

Sec. 52-B-6 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 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:
1. Ensure the satisfactory installation of said improvements in accordance with the approved plans and specifications and according to good engineering and construction practices.
 2. 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:
1. A certificate of deposit with, or an escrow account at, a federally insured bank or savings and loan association;
 2. 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. Such irrevocable letter of credit shall be in effect for a period of two and one-half 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 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.
 3. 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 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 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:
1. One year after the completion of all improvements required for the approved final plat;
 2. 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;

3. After the submission of one reproducible print and four 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;
 4. After the plat officer's acceptance of the improvements.
 5. After the County Engineer's 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.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-B-7 Final Plat

A. *Intent; approval.*

1. 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.
2. 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.
3. The planning and regulations committee shall take action on the final plat within 60 days from the date of the subdivider's filing of the last required document or other paper or within 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.
4. 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 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.
5. 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.
6. 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.
7. 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 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 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 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:
1. The final plat may include all or only part of the preliminary plat which has received approval.
 2. The plat shall be drawn to scale of 100 feet to one inch, unless a different scale is more practicable and is approved by the plat officer.
 3. The plat shall be drawn with waterproof, nonfading black ink on mylar or equivalent drafting material no more than 36 inches by 30 inches. The original, plus five copies of the final plat and any accompanying documents, shall be filed with the County Recorder of Deeds.
 4. 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.
 5. All dimensions shall be shown in feet and decimals of a foot.
 6. 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.
 - a. 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.
 - b. Types, placement and type based on placement requirements shall be in accordance with section 62-115.
 7. 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.
 8. The exact width and extent of all easements (shown by dashed lines), and purpose of such easements, shall be shown.
 9. *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.
 10. 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.
 11. If the subdivision borders on a lake or stream, the distances and directions of a meander-line established not less than 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.
 12. 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.

13. 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.
 14. Abutting highway and road right-of-way lines and adjacent subdivisions shall be shown in their proper location.
 15. Grantees of all lands dedicated to public use, except for roads, shall be clearly noted.
 16. 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.
 17. All restrictions which will run with the land and covenants, or references to covenants, where declared separately, shall be indicated.
 18. Certificates and easements shall be included as required.
 19. The scale and north arrow shall be indicated.
 20. 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.
 21. Certification by the County Clerk that all taxes and special assessments have been paid to date shall be included.
 22. Subdivision processing fees shall be submitted.
 23. Any special study or engineering calculations required shall be included.
 24. 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.
 25. Letter from sanitary sewer company certifying connection fees have been paid shall be included.
 26. Certificate of city/village/township within one and one-half mile indicating approval of the plat, as set forth in section 62-34 shall be included.
 27. Certificate of the Illinois Department of Transportation indicating approval of the plat, as set forth in section 62-34 shall be included.
 28. 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 years after approval of the preliminary plan, the applicant shall submit seven 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-year intervals, providing however, that the final plats for the entire tract be filed within six 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:
1. The submittal and approval of the improvement plans.
 2. The submittal and approval of cost estimates for all required improvements.
 3. The installation of all required improvements or the posting of a construction guarantee.
 4. Dedication or payment of any required land/cash contribution.
 5. Payment of plat review and approval fee as determined by the zoning ordinance, and

6. Rezoning to appropriate classification, if necessary.

D. Amendments to final plat.

1. *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:
 - a. A change in the use or character of the development;
 - b. An increase by more than five percent in the lot coverage;
 - c. An increase in the density or intensity of use;
 - d. A reduction of more than one percent in approved open space area;
 - e. The creation of a nonconforming lot.
2. *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.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-B-8 Review of Plans and Inspection of Construction by Outside Consultants

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.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-B-9 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.
 1. 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 50 percent of the lots have been sold; two-thirds

of the trustees shall be chosen by purchasers of developed lots after 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.

2. 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.
 3. 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.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-B-10 Fees

Fees relating to subdivisions are set forth in Ordinance No. 1992-12, as amended.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-C VIOLATIONS AND PENALTIES

Sec. 52-C-1 Violations

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.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-C-2 Penalty

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.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-D MINIMUM STANDARDS OF DESIGN**Sec. 52-D-1 Applicability; Conformance Required**

The subdivider shall conform to the principles and standards of land subdivision set out in this article in the design of each subdivision or portion thereof. No preliminary plat shall be approved unless it conforms to the minimum standards of design set out in this article.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-D-2 Streets

- A. The street arrangement shall be such as to not impose undue hardship upon the owners of adjoining property when they plat their own land and seek to provide for convenient access thereto. Reserve strips controlling access to streets shall not be permitted.
- B. The arrangement of rights-of-way in a subdivision shall provide for the continuation of the existing streets or rights-of-way in adjoining areas, unless the planning and regulations committee deems such continuation undesirable for reasons of topography or design. Where subdivision streets or rights-of-way are continuations or extensions of existing streets or rights-of-way, the width thereof shall be of the same or greater width as the existing street or right-of-way except in no case shall the street or right-of-way in the subdivision be of less width than provided in this chapter.
- C. Where, in the opinion of the committee, it is desirable to provide future street access to adjoining areas, the streets and rights-of-way in the subdivision shall be extended to the property line. All temporary dead-end streets shall be terminated in either a temporary turnaround with roadway radius of 50 feet and right-of-way radius of 75 feet, or in "T" design wholly located within the dedicated 66-foot-wide road right-of-way. Such required design for road termination shall be determined during preliminary plat approval. In no case shall access be denied to any parcel or part of a parcel of ground by the subdividing of land.
- D. Streets shall intersect, as nearly as possible, at right angles.
- E. Local street curb intersections shall be rounded by radii of at least 15 feet; intersections involving collector or arterial streets shall have radii not less than 30 feet.
- F. Local street jogs with centerline offsets of less than 125 feet are prohibited. No jogs shall be permitted on collector streets or higher classified streets.
- G. Developments planned to be enlarged to more than 50 dwellings shall have more than one access street.
- H. Unless topography indicates a need for a greater length, dead-end streets, designed to be so permanently, shall be no longer than 500 feet and shall terminate in either a cul-de-sac having a diameter at the outside of the right-of-way of at least 150 feet and a diameter at the outside of the roadway of at least 100 feet, or in "T" design wholly located within the dedicated 66-foot-wide road right-of-way. Such required design for road termination shall be determined during preliminary plat approval. The length may be increased where no more than 15 lots front on it. Islands may be permitted at the discretion of the highway commissioner.
- I. Local streets shall be designed so as to discourage through traffic.
- J. Subdivisions generating 500 vehicle trips per day or more shall have more than one access street.
- K. No local street grade shall be in excess of eight percent and no collector street or arterial street grade shall be in excess of six percent except as otherwise approved by the committee due to adverse topographic conditions. For adequate drainage, the minimum grade of any new street shall be not less than 0.3 of one percent.
- L. Alleys shall be avoided in single-family districts. Alleys, however, may be required in multiple-family, commercial or industrial districts unless other definite and assured provision is made for service access, such as off-street local loading, unloading and parking consistent and adequate for the use proposed. Alley curb intersections shall be rounded by radii not less than ten feet.

- M. Dead-end alleys shall not be permitted, except where provided with adequate turn-around facilities at the dead-end, or where such dead-end alleys provide the only access to off-street parking.
- N. Alleys, where provided, shall have a right-of-way of not less than 24 feet.
- O. Arterial streets shall have a right-of-way of not less than 100 feet.
- P. Collector streets shall have a right-of-way of not less than 80 feet.
- Q. Local streets shall have a right-of-way of not less than 66 feet.
- R. Intersection of more than two streets at one point shall be prohibited.
- S. Where a subdivision abuts on or contains an existing or proposed major street, the Board may require marginal access streets (frontage roads) be provided in order that no lots front on such existing or proposed major street.
- T. Dedication of half-streets shall be discouraged, but may be permitted whenever there is no other logical method of platting. However, wherever there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted, unless otherwise permitted by the committee.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-D-3 Easements

- A. *Utility easements.* Utility easements shall be provided at the rear of all residential lots and along the side lot lines where required. Such utility easements shall be at least ten feet wide, five feet on the rear of each lot, or as determined by the utility companies.
- B. *Drainage easements.* Adequate easements for stormwater drainage shall be established along any natural drainage channel, and in such locations as may be necessary to provide satisfactory disposal of stormwater from the subdivision. The width of the easement shall be dependent on the area of land drained by the watercourse and to allow access for construction and maintenance equipment except that in no case shall the required width be less than 30 feet.
- C. *Use of easements.* No tree, shrub or building shall be placed or erected in any easement for utility or drainage purposes or within the right-of-way of any street, except at the owner's risk as to all costs for demolition, removal or reconstruction, and the proper authorities may have free access to and use of the easements at any time.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-D-4 Blocks

- A. No block shall be longer than 1,500 feet or less than 500 feet in length.
- B. All blocks, whenever it is deemed essential to provide access to schools, playgrounds, shopping centers and other community facilities, shall have a crosswalk with a right-of-way of at least ten feet in width near the center of the block.
- C. The length, width and shape of blocks shall be determined with due regard to building sites, land use, zoning requirements, access, safety and convenience.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-D-5 Lots

- A. Lot area and dimensions shall conform to the applicable provisions of the County zoning ordinance.
- B. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.
- C. All side lines of lots shall be at right angles to straight street right-of-way lines and radial to curved street right-of-way lines except where a variation of this rule will provide a better street and lot design.

- D. All remnants of lots below minimum lot area size left over after subdividing of a larger tract shall be added to adjacent lots, rather than allowed to remain as unusable land, except when designed for utility purposes or accepted for park or other uses.
- E. Lots with double frontage shall be avoided wherever possible. Corner lots and lots with double frontage shall have extra dimension sufficient to permit the establishment of front building setback lines on all adjoining streets.
- F. The subdividing of land shall be such that each lot will front upon a public street. For frontage requirements, alleys shall not be considered as a public street. Flag lots shall not be permitted.
- G. The fronting of residential lots onto major streets and highways is to be discouraged; however, where this does occur the lots should be platted with a minimum of 15 feet extra depth and building setback to permit generous distances between the building and such trafficway.
- H. Lot width shall be measured at the building setback line.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-D-6 Water and Sewer Systems

- A. All water supply and distribution systems shall be designed and constructed in accordance with all applicable rules, regulations and standards contained in applicable municipal ordinances, and regulations of the County health department and engineering department, the Illinois Environmental Protection Agency, the American Water Works Association, and the standard specifications for water and sewer main construction in Illinois. All water supply and distribution systems shall be designed to provide adequate water pressure and flow for the intended use, including fire protection.
- B. All subdivisions shall be connected to a public or private water system. In expanding existing systems, consideration shall be given to the future extension of the system into adjoining parcels.
- C. All sanitary sewage disposal facilities shall be designed and constructed in accordance with all applicable rules, regulations and standards contained in applicable municipal ordinances, and regulations of the County health department and engineering department, the Illinois Environmental Protection Agency, the applicable sanitary district and the standard specifications for water and sewer main construction in Illinois. Plans, specifications and construction work shall be subject to the approval and inspection of the Illinois Environmental Protection Agency, the health department and the engineering department. If separate agencies operate or maintain collecting sewers and/or treatment works, an approval shall be obtained from each. A subdivision shall be disapproved when the health department finds that the drainage, soil conditions, disposal facilities or other conditions may create a hazard to public health.
- D. All subdivisions shall be connected to public or private sanitary sewage collection and disposal systems. Consideration shall be given to the logical extension of existing sewage systems and to the future extension of the sewage system into adjoining parcels.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-E MINIMUM STANDARDS OF IMPROVEMENT

Sec. 52-E-1 Applicability; Conformance Required

The subdivider shall provide and install all public improvements, as required by this chapter. Improvements shall be provided and installed in accordance with the standards and engineering requirements established by this chapter as well as any and all standards and requirements adopted by other local, state and federal authorities which may have jurisdiction of the area being subdivided.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-E-3 Engineering Drawings

The subdivider shall prepare and file engineering drawings of the subdivision in accordance with the regulations of section 62-35.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-E-4 Technical Specifications

A. All construction of improvements covered by this chapter shall be in accordance with, and materials used shall be in compliance with, the methods and materials required in the appropriate sections of the latest editions, amendments or revisions of the following:

1. "Standard Specifications for Road and Bridge Construction," Illinois Department of Transportation;
2. "Design Manual," Illinois Department of Transportation;
3. "Highway Standards," Illinois Department of Public Works and Building Division;
4. "Culvert Manual," Illinois Department of Transportation;
5. "Manual on Uniform Traffic Control Devices," U.S. Department of Transportation and Illinois Department of Transportation Supplement;
6. "Standard Specifications for Water and Sewer Main Construction in Illinois," Illinois Society of Professional Engineers, et al;
7. "Illinois Design Standards for Sewage Works," I.E.P.A., Division of Water Pollution Control;
8. "Technical Policy Statements," I.E.P.A., Division of Public Water Supply;
9. "Recommended Standards for Water Works," Great Lakes Upper Mississippi River Board of State Sanitary Engineers ("10 States Standards");
10. "Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois," The Urban Committee of the Association of Illinois Soil and Water Conservation Districts, ("Green Book");
11. "Standards and Specifications for Soil Erosion and Sediment Control", I.E.P.A. ("Yellow Book");
12. "U.S. Soil Conservation Service Field Engineering Handbook;"
13. Municipal standards and specifications as adopted.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-E-5 Inspections

Unless otherwise excepted herein, all public improvements proposed to be made under the provisions of this chapter shall be inspected during the course of construction by the County engineer or his designee.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-E-6 Reference Monuments

Permanent monuments shall be of stone or concrete measuring four inches by four inches by 30 inches with a 5/8 -inch by 30-inch solid iron pin cast in the center, set in such a manner so as not to be moved by frost and shall be erected at all corners or changes in bearing of the exterior boundary. All lot corners, points of intersection (P.I.) of all curves and/or points of tangency on streets and other points as shall be required by the plat officer to enable ready re-establishment of lines within the subdivision shall be marked by 1/2-inch iron pins not less than 24 inches in length driven flush into the ground.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-E-7 Street Improvements

- A. *Generally.* All new streets which are created and dedicated for use within a subdivision shall be graded, drained and surfaced in accordance with the minimum requirements herein set forth and in a manner which will provide complete and adequate drainage of all streets, alleys and public grounds in the entire subdivision, including any such work which may be necessary in order to provide adequate and satisfactory drainage along the side of any existing public street which is adjacent to the subdivision. In general, all such new streets within the subdivision and all work to be undertaken thereon shall be designed and constructed according to the specifications adopted by the division of highways of the Illinois Department of Transportation, as the same are in effect at the time of the preliminary plat and plans for such improvement work are submitted for approval.
- B. *Roadway cross section.* The roadway shall be considered to be that part of the improvement which lies within the right-of-way and shall be constructed substantially in accordance with the typical cross-section as found in appendix B of this chapter.
- C. *Curbs and gutters.* All streets shall have concrete curb and gutters along the outside edge.
- D. *Construction standards.*
1. Local streets shall have a minimum pavement width of 32 feet.
 2. Subbase, if required, and base course thickness shall be a minimum of nine inches (CA-6 or CA-10) of compacted gravel or six inches of compacted bituminous mixture.
 3. The base course shall be two feet wider than the surface and the subbase, if required, shall be two feet wider than the base course.
 4. The minimum surface type shall be a Class B modified or a Class I (Hot Mix) at least 2½ inches thick and the material shall be placed in two lifts.
 5. Ditch side slopes shall not be steeper than 3:1, nor shallower than two feet.
 6. Arterial and collector streets shall have widths and surfaces as determined by the County engineer.
 7. The aggregate base course shall remain throughout one winter season before the surface is placed thereon. The County engineer may waive this requirement with proper compaction tests meeting 95 percent of optimum density.
- E. *Alleys.* Alleys, where required for service access, shall be constructed in accordance with local street specifications and shall have a minimum pavement of 20 feet.
- F. *Installation of utility lines.* All telephone and power transmission lines shall be installed underground in the utility easement provided.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-E-8 Storm Sewers and Other Drainage Appurtenances

- A. *Generally.* There shall be provided either stormwater sewers or a surface drainage system to serve adequately the area being platted, considering, but not limited to, the following:
1. The results and recommendations of County drainage study and flood hazard maps.
 2. The use of existing drainage channels whenever possible.
 3. The provisions of chapter 30, article I, pertaining to stormwater detention.
- B. *Design standards.* The design of the drainage system shall consider and show:
1. Storm drainage area of which the subdivision is a part.
 2. Calculations as to volume and frequency of water to be handled. Calculations shall prove that the proposed system will meet requirements set forth in chapter 30, article II, pertaining to "Drainage and Flood Control Ordinance."

3. A plan of culverts sufficient in size to eliminate flooding or ponding of water.
 4. Elimination of grades which may result in erosion or ponding of water.
 5. Existing water courses.
 6. A plan of the subdivision's grading to prevent ponding of stormwater.
- C. *Storm sewers.* Storm sewers are required and shall meet the following minimum specifications:
1. The storm sewers shall have an inside diameter of not less than 12 inches.
 2. The storm sewers shall be designed to provide for a minimum velocity flow of two feet per second and a maximum velocity flow of eight feet per second.
 3. Manholes shall be provided at all changes in direction of pipe and pipe size shall be specified in State of Illinois Standard Specifications #1527-3, Type A or equivalent. Inlets shall be located not more than 500 feet apart and shall be a Neenah #3154 or equivalent.
 4. Storm and sanitary sewers shall have a minimum horizontal separation of ten feet from water mains.
 5. Storm sewer design shall be based on the ten-year flood frequency.

(Ord. No. 2000-04, § 3, 12-15-1999; Ord. No. 2000-30, § 4, 11-15-2000)

Sec. 52-E-9 Sanitary Sewage System

- A. There shall be provided a complete sanitary sewer system including a service connection for each lot and a sewage treatment plant or disposal facilities for the subdivision.
- B. *Construction standards; inspection by outside consultants.* All sewage systems shall be designed and constructed in accordance with applicable state, County and local regulations and in accordance with accepted engineering practices. The County shall contract for professional services for review and inspection of plans and construction of the required sanitary sewer system. All costs incurred as a result of such contract or contracts shall be borne by the developer.
- C. *Minimum capacity; required approvals.* Disposal facilities shall be designed to adequately treat the anticipated sewage load, and the facilities shall meet the approval of state, County and local agencies.
- D. *Privately owned treatment facilities.* If the subdivider or developer proposes privately owned sewage treatment facilities, provisions shall be made for the maintenance and operation of such facilities and shall be stated on the final plat and incorporated in the deed. Additionally, there shall be compliance with section 62-39.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-E-10 Water Supply and Distribution

- A. There shall be provided a complete public water supply and distribution system including all appurtenances and stubs to each lot.
- B. *Construction standards; inspection by outside consultants.* All water supply and distribution facilities shall be designed and constructed in accordance with applicable state, County and local regulations and in accordance with accepted engineering practices. The County shall contract for professional services for review and inspection of plans and/or construction of the required water supply and distribution system. All costs incurred as a result of such contract or contracts shall be borne by the developer.
- C. *Privately owned facilities.* If the subdivider or developer proposes privately owned water supply or distribution facilities, provisions shall be made for the maintenance and operation of such facilities, and shall be stated on the final plat and incorporated in the deed. Additionally, there shall be compliance with section 62-39 of this chapter.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-E-11 Fire Hydrants

Fire hydrants shall be installed by the subdivider as part of the water distribution system if public water is available. Installation of hydrants shall be accomplished in such manner that each lot is within 400 feet of the fire hydrant when measured along the centerline of the right-of-way. No hydrants shall be placed on a main smaller than six inches in diameter. Hydrants installed shall be of the type approved by the Fire Protection District. The location of all hydrants placed in the right-of-way shall be subject to the approval of the County Engineer.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-E-12 Street Lighting

- A. Street lighting facilities may be required at all street intersections. When required, the subdivider shall arrange for and pay any installation costs required by the public service company for the erection of the required street lights.
- B. Commercial street lighting facilities shall be of the high-level, high-intensity type, and shall be placed on alternate sides of the street at 500-foot intervals.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-E-13 Telephone and Electric Utilities and CATV

- A. All telephone and power transmission lines installed for the purpose of providing service to the subject subdivision shall be installed underground in the utility easement provided along the rear lot lines of the property developed unless otherwise specified by the appropriate utility company.
- B. All CATV transmission lines shall be installed underground.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-E-14 Sidewalks

In all subdivisions, sidewalks shall be constructed with concrete or equivalent material, four inches thick and four feet wide, and located one foot off the property line on both sides of all arterial, collector and local streets. The planning and regulations committee may waive the requirement for the construction of sidewalks for industrial uses provided a written request is submitted by the subdivider and such request is deemed appropriate by the committee.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-E-15 Tree Preservation

- A. *Tree preservation.* In connection with projects involving the construction of new homes, additions, or detached accessory buildings requiring building permits, a tree preservation plan shall be filed with the building permit application in order to assure that all buildings and other structures shall be located upon a lot or parcel of land in such a way as to minimize tree damage and/or removal, consistent with the various setback requirements of the zoning ordinance of the County. The tree preservation plan shall specify the following:
 - 1. Tree preservation area and building activity area upon the lot or parcel of land for which a building permit application has been filed. The tree preservation area shall be protected physically from the building activity area by a barrier to prevent penetration of construction vehicles, materials, spoils, and equipment into or upon the tree preservation area.
 - 2. The general contractor, who shall be responsible for the construction, erection, and maintenance of temporary fencing or other physical barrier around tree preservation areas so that all trees in tree preservation areas shall be preserved.

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- B. A tree of diameter at breast height greater than ten inches may be removed only in the event that the County finds that all reasonable efforts have been undertaken in the architectural layout and design of the proposed development to preserve existing trees. No building permit shall be issued unless the tree preservation plan has been filed with the building permit application and approved by the plat officer or his/her designee.
- C. During construction, all reasonable steps necessary to prevent the destruction or damage of trees (other than those specified to be removed) shall be taken, including, but not limited to the following:
1. No construction activity, movement and/or placement of equipment or material or spoils storage shall be permitted outside the building activity area or within the tree preservation area. No excess soil, additional fill, liquids, or construction debris shall be placed within the root zone of any tree that is required to be preserved.
 2. Appropriate protective fencing shall be temporarily installed for protection of remaining trees.
 3. All required protective fencing or other physical barrier must be in place and approved by the plat officer prior to beginning construction. The fencing must remain in place during the entire construction period. All fencing must be secured to metal posts driven into the ground spaced no further than ten feet apart.
 4. No attachments, fences, or wires, other than those approved for bracing, guying or wrapping, shall be attached to trees during the construction period.
 5. Other measures such as construction pruning and root pruning of trees directly impacted by construction must also be indicated on the plan or on an accompanying sheet and approved by the plat officer.
 6. Unless otherwise authorized, no soil is to be removed from within the root zone of any tree that is to be preserved.
- D. *Landscaping.* Where a parcel abuts a dedicated public right-of-way, landscaping shall be provided in the unpaved portion of the public right-of-way in accordance with the following provisions:
1. *Shade trees.* Shade trees shall be planted on a maximum 125 feet and a minimum 50 feet spacing such that the total number of trees shall equal or exceed the ratio of one tree for each 50 feet of street frontage.
 2. *Exceptions.*
 - a. When conditions are such that the required spacing cannot be satisfied in the unpaved right-of-way or, if in the opinion of the plat officer the unpaved right-of-way is not appropriate to support tree growth and maintenance, trees shall be planted within the front setback area.
 - b. If plantings are prohibited in the right-of-way of a state route, the required shade trees shall be provided within the front setback area, unless trees are already required in the front by subsection 6.06.4 of the zoning ordinance.
 3. *Sodding/seeding.* The unpaved portion of a public right-of-way abutting a parcel shall be seeded or sodded with a salt tolerant grass.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-E-16 Miscellaneous Requirements

- A. *Street signs.* Street signs of the type approved by the County engineer shall be installed on the northeast corner of each intersection and shall indicate the street names and intersection numbers as shown on the final plat. Stop signs and other traffic signs shall be provided as directed by the County engineer.
- B. *Guard rails or warning posts.* Guard rails or warning posts, as specified by the County engineer shall be placed along the shoulder of any street which qualifies according to the specifications adopted by the division of highways, Illinois Department of Transportation, as are in effect at the time.

- C. *Location of mailboxes.* The County may require that mailboxes be placed on only one side of an approved subdivision street. If so required, covenants shall be filed with the final plat stipulating such requirement.
- D. *Seeding or sodding of right-of-way.* All unpaved rights-of-way shall be either seeded or sodded as determined by the County engineer.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-F SCHOOL LAND DEDICATION

Sec. 52-F-1 Dedication of Land or Cash Contributions Required; Determinations by County

- A. As a condition of approval of a final plat of a subdivision or of a final plan for a planned development, each subdivider or developer is required to dedicate land for school sites to serve the immediate and future needs of the residents of the development, or cash contribution in lieu of actual land dedication, or a combination of both at the option of the County in accordance with this article.
- B. Prior to the County granting approval for a preliminary plat of subdivision or a preliminary plan for a planned development, the County shall make a determination, and convey such determination to the developer, as to the following:
 - 1. With concurrence from the affected school district, whether land, cash in lieu of land or a combination of both shall be required; and
 - 2. If any municipality having a 12-mile planning jurisdiction, pursuant to 65 ILCS 5/11-13-1 et seq., wishes to exercise such jurisdiction relative to a required land dedication or cash contribution to the affected district, whichever requirement, that of the County or the municipality, is more restrictive shall prevail.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-F-2 Criteria for Land Dedication

- A. *Calculation of acreage.* The number of students to be generated by a subdivision or planned development shall bear directly upon the amount of land required to be dedicated for school sites. The land dedication requirement shall be determined by the following:
 - 1. The estimated number of children to be generated by the subdivision or planned development in each school classification as determined by reference to section 62-155 of this article; divided by
 - 2. The maximum recommended number of students to be served according to each school classification site as determined in subsection (b); multiplied by
 - 3. The said minimum recommended number of acres for a school site of each school classification as stated in subsection B.

The product thereof shall be the acres of land deemed needed to have sufficient land for school sites to serve the estimated increased children in each such school classification.
- B. *School classifications.*
 - 1. School classification and size of school sites within the County shall be determined in accordance with the following criteria:

Classification by Grades	Maximum Number of Students for each Classification	Minimum Number Acres of Land for Each School Site Classification
Elementary K-5	600	11
Middle school	750	28
High school	1500	45

2. The number of acres required for a school site is based upon state office of education standards as adopted by the state Board of education as follows:

Elementary school	Minimum 5 acres plus 1 acre per 100 students;
Middle school	Minimum 20 acres plus 1 acre per 100 students;
High school	Minimum 30 acres plus 1 acre per 100 students.

- C. *Location.* The comprehensive school plan, County plan and/or the standards adopted by the affected school district(s) shall be used as a guideline in location sites. Additional guidelines which may be considered in locating sites include, but are not limited to, centrality of location within proposed development, size of subdivision, proximity of site to other schools, parks and municipal services, topography, geology, soils and shape of site, accessibility of site, safety, and other environmental and use conditions.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-F-3 Criteria for Cash Contribution

- A. *Applicability; use.* Where the development size results in the dedication of a school site too small to be practical or when the available land is inappropriate for a school site, the County shall require the subdivider or developer to pay a cash contribution in lieu of the land dedication required. The cash contribution in lieu of school sites shall be made payable to the affected school district(s) and used only to specifically and uniquely benefit the residents of the development from which the contribution was donated. Such cash contributions shall be used only for:
1. The acquisition of land for a school site to serve the immediate or future needs of children from that subdivision or development.
 2. The construction of new buildings.
 3. The construction of additions to existing school structures.
 4. The alteration, renovation, modification or rehabilitation of existing school structures.
 5. The leasing of school facilities to meet needs when building is not possible or feasible.
 6. The administrative expenses of application for disbursement, and use of the cash contributions.
- B. *Determination of amount; method of payment.* The total cash contribution to be required shall be determined at the time the final plat of a subdivision or final plan of a planned development is approved. Prior to execution of said final plat or plan, the developer or subdivider shall provide the County with a receipt as proof of payment, or other such written documentation proving security for the payment as determined, as signed by the chief executive officer, or his or her duly appointed designee, of the affected school district(s). Security for payment shall be in the form of an irrevocable letter of credit in the amount as determined from an acceptable banking institution or a certificate of deposit with a federally insured bank or savings and loan association.
- C. *Determination of fair market value of land.*
1. The cash contributions in lieu of land shall be based on the fair market value of so much of the land as would have been dedicated and fully improved in accordance with minimum standards for improvement as set forth in article IV herein. The fair market value of such improved land shall be determined by the governing Board of the school district(s) affected.
 2. Such fair market value figure shall be used in making any calculation herein unless the subdivider or developer files a written objection thereto. In the event of any such objection, the objecting party shall, at its cost and by a member of the appraisal institute (M.A.I.), submit an appraisal showing the fair market value of the land as improved in the development or other evidence thereof. Final determination of said fair market value shall be made by the County planning and regulations committee based upon the information submitted by the subdivider or developer, and/or by other interested persons or entities.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-F-4 Density Formula

The table of estimated ultimate population per dwelling unit referenced in section 62-155 is generally indicative of projected trends in family size for new construction and shall be used in calculating the amount of required dedication and acres of land or the cash contributions in lieu thereof unless a written objection is filed thereto by the subdivider or developer. In the event a subdivider or developer files a written objection to said table, he shall submit his own demographic study showing the estimated population to be generated from the subdivision or planned development and in that event, the final determination of the density formula to be used in such calculations shall be made by the County planning and regulations committee based upon such demographic information submitted by the subdivider or developer and from other sources which may be submitted for consideration. It is recognized that population density, age distribution and local conditions change over the years, and the specific formula for the dedication of land, or the payment of fees in lieu thereof, as stated herein, is subject to periodic review and amendment if necessary.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-F-5 Table of Estimated Ultimate Population Per Dwelling Unit

The table of estimated ultimate population per dwelling unit, located in appendix A to this chapter, shall be used in connection with the provisions of this article.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-F-6 Combining Sites with Adjoining Developments

Where the subdivision or planned development is less than 40 acres, a school site which is to be dedicated should, where possible, be combined with dedications from adjoining developments in order to produce usable school sites without hardship on a particular developer.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-F-7 Topography and Grading of Site

The slope, topography and geology of the dedicated school site as well as its surroundings must be suitable for its intended purpose. Grading on sites dedicated shall not differ greatly from the surrounding land.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-F-8 Construction of Improvements on Sites

All school sites shall be dedicated in a condition ready for full service of electrical, water, sewer and streets (including enclosed drainage and curb and gutter) as applicable to the location of the site, or acceptable provision made therefore. The sidewalks and trees normally included within the definition of "improved" sites may be deleted due to the delay time between dedication of any such school site and construction of school facilities thereon.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-F-9 Maintenance of Dedicated Land

Upon the proposal being accepted by the involved school districts, said school district shall assume the responsibility of maintaining the dedicated land in accordance with state, County and municipal laws.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-F-10 Annual Review of Requirements

By January 1 of each year, the Regional Superintendent of Schools in conjunction with the County planning department staff shall review the provisions of this chapter and any plans submitted by school districts concerning donations of land, or cash contribution in lieu thereof. The planning department shall forward its findings to the planning and regulations committee. No amendment to this chapter shall be effective without a public hearing first being held where comments from the interested persons, if any, were received.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-G PARKS AND RECREATION LAND DEDICATION**Sec. 52-G-1 Parks and Recreational Sites**

As a condition of approval of a final plat of subdivision, or of a final plat of a planned unit development any part or portion of which is residential, each subdivider shall be required to dedicate land for forest preserve and recreational purposes to serve the immediate and future needs of the residents of the County or to contribute cash in lieu of such actual land dedication, or to make a combination of cash contribution and land dedication at the election of the forest preserve district in accordance with the following criteria and formula:

1. *Requirement and population ratio.* The ultimate density of proposed development bears directly upon the amount of land required for dedication. The total acreage requirement shall be ten acres of land per 1,000 people of ultimate population. This requirement shall be reduced to five acres of land per 1,000 people of ultimate population for subdivisions composed entirely of single family detached houses having a gross buildable density equal to less than 0.8 dwelling units per acre. Total ultimate population is determined by multiplying the estimated ultimate population per dwelling unit (based upon a study furnished by the subdivider or the table of estimated population per dwelling unit as found in the appendix) by the projected number of respective residential units in the development. The product thus obtained for total ultimate population shall be multiplied by 10/1,000 to arrive at the number of acres required for recreation area dedication for the development.
2. *Population density.* The estimated number of people generated by a development shall be determined by a study furnished by the subdivider, or by application of the table of estimated ultimate population per dwelling unit (as set out in the appendix of this chapter). The table is generally indicative of current and short range projected trends in family size for new construction. The populations listed in said table shall be used for all calculations required by this section unless a written objection is filed by the subdivider or developer with the County Clerk prior to approval of the final plat. In the event a written objection is filed, the subdivider or developer shall file a demographic study showing the estimated population to be generated from the subdivision or planned unit development. The final determination of the total ultimate population density to be used in the calculations shall be made by the County Board based upon the demographic information submitted by the subdivider or developer and upon such other demographic information as may be provided to the County or developed by the County.
3. *Location.* Forest preserve areas shall be located in such a fashion as to serve the forest preserve district acquisition plan: (additions to existing forest preserve areas, floodplains, wetlands, quarries, greenway corridors, right-of-ways, land that owners want to sell to the forest preserve district for preservation). The district shall ensure that site location, and other factors are satisfactory for the district to accomplish the district's goals.
4. *Credit for private open spaces and recreation areas.* When subdividers or developers provide their own open space for recreation areas and facilities, it has the effect of reducing the demand for local public recreational services. Depending on the size of the development, a portion of the recreational area in subdivisions or planned unit developments may, at the option of the County Board, be provided in the form of private open space in lieu of dedicated public open space. The extent of the same shall be determined by the County Board based upon the needs of the projected residents and in conformance to the total recreation land for the general area. In general, a substitution of private open space for public, dedicated recreation areas will imply a substantially higher degree of

improvement and the installation of recreational facilities, including equipment, as a part of the developer's obligation. Detailed plans of such areas, including specifications of facilities to be installed, must be approved by the plat officer, and before any credit is given for private recreation areas, the subdivider or developer must guarantee by the execution of the appropriate legal documents that these private recreation areas will be permanently maintained for such use. Private swimming clubs are included in this provision. When an adjustment for private recreation areas is warranted, it will be necessary to compute the total recreation area dedication that would have been required under this section from the subdivision or planned unit development and then subtract the credit to be given.

5. *Conveyance of site.* Any lands to be conveyed as a recreation area pursuant to this section shall be conveyed to the County, or other suitable public or not-for-profit entity approved by the County Board, simultaneously with the recording of the final plat. Said conveyance shall be in accordance with the following criteria:
 - a. *Title to site.* All sites shall be conveyed to the receiving entity either by warranty or trustee's deed. The subdivider or developer shall be responsible for conveying good, merchantable title, free of encumbrances. The conveyance shall be accompanied by a commitment for title insurance issued by a reputable title insurance company licensed to do business in the state. The subdivider or developer shall be responsible for the payment of all real estate taxes levied and assessed against the site for the tax year in which the conveyance occurs and not just through the date of conveyance.
 - b. *Topography—Grading And General Suitability.* The slope, topography and geology of the dedicated site as well as its immediate surroundings must be suitable for its intended purpose. The site must be free of environmental and archaeological concerns.
 - c. *Site improvements.* All sites shall be dedicated in a condition ready for full service of electrical, water, sewer, drainage and streets as applicable to the location of the site, or acceptable provision made therefor.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-G-2 Contribution of Cash in Lieu of Land

- A. Requiring cash in lieu of land. In the event the district should determine that a cash contribution shall be made by the subdivider in lieu of a land dedication, the district shall apply a population ratio of one acre of land per 100 of ultimate population in the area to be subdivided by the fair market value established herein. The fair market value shall be the same as that value determined in section 62-153 for cash contributions in lieu of a school site. Such cash contribution may be required when the available land is inappropriate for forest preserve and recreational purposes, or where long-range planning of the district would require an acquisition of a large park or recreation site, only part of the cost of which would be borne by the particular subdivider. In most cases the district would accept cash in lieu of land to be used to purchase larger tracts of land as opposed to accepting an acre of land located within subdivision. If a development is planned adjacent to an existing forest preserve, land joining the forest preserve would be considered for dedication as a buffer green space between the forest preserve and subdivision.
- B. The cash contribution in lieu of preserve sites shall be held in trust by the district. The funds collected by the district pursuant to this article shall be used only for the purchase of land for forest preserve sites or to improve new forest preserve land. No other use shall be made of the funds collected.
- C. The required total cash contribution shall be payable to the district at the time of final plat approval. This revenue will be deposited in the forest preserve's land acquisition fund.
- D. The developer/person(s) of the subdivision or planned unit development shall make each cash contribution required under this policy directly to the district in cooperation with the County planning department. If other park districts have a similar land/cash policy, the forest preserve district policy will not apply to new housing within other park districts with a land/cash policy. Duplicate dedications are not required.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-G-3 Criteria for Requiring Dedication and a Fee

There will be situations in subdivisions or planned unit developments when a combination of land dedication and a contribution in lieu of land are both necessary. These occasions will arise when:

1. Only a portion of the land to be developed is proposed as the location for a park site. That portion of the land within the subdivision falling within the park location shall be dedicated as a site as aforesaid, and a cash contribution in lieu thereof shall be required for any additional land that would have to be dedicated.
 - a. A major part of the park or recreational site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portions shall be required by dedication, and a cash contribution in lieu thereof shall be required.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-G-4 Reservation of Additional Land

Where the plans of the County call for a larger park site in a particular proposed subdivision or planned unit development than the developer is required to dedicate, the land needed beyond the developer's contribution shall, if so determined by the County Board, be reserved for subsequent purchase by the city, provided, that such acquisition is made within one year from the date of approval of the final plat.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-G-5 Combining with Adjoining Developments

Where the subdivision or planned unit development is less than 40 acres, a park site or recreational area which is to be designated should, where possible, be combined with dedications from adjoining developments in order to produce usable park sites and recreational areas without hardship on a particular developer.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-G-6 Policy Provisions

If any provision of this policy, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect other provisions or application thereof, and to this extent the provisions of this policy are declared to be covered.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-G-7 Effective Date

This policy shall be in full force and effect upon the adoption by the County Board.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-H VARIATIONS AND EXCEPTIONS

Sec. 52-H-1 Hardships

- A. *Purpose.* The hearing officer shall determine and may vary the regulations of this chapter in harmony with their general purpose and intent. The hearing officer shall make a finding of fact based upon the standards hereinafter prescribed, that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this chapter.
- B. *Application for variations.* An application for a variation shall be filed with the planning director on a prescribed form. A hearing shall be held on the application, no more than 90 days after the filing of such application. Notice of such hearing shall be published at least once, not more than 30 days or less than 15 days before the hearing, in a newspaper of general circulation in the County. The County shall also cause notice of such hearing by erection of a sign on the subject property. The sign required hereby shall be posted in a conspicuous place allowing unobstructed public viewing.
- C. *Standards of variations.* The hearing officer shall not vary the regulations of this chapter, as authorized herein, unless he shall make findings based upon the evidence presented to him in each specific case that all of the following are true:
1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.
 2. The plight of the owner is due to unique circumstances.
 3. The variation, if granted, will not alter the essential character of the locality.
 4. For the purpose of implementing the above rules, the hearing officer shall also, in making his determination whether there are practical difficulties or particular hardships, find that the following facts have been established by the evidence:
 - a. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
 - b. The conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification.
 - c. The purpose of the variation is not based exclusively upon a desire to make more money out of the property.
 - d. The alleged difficulty or hardship has not been created by the owner of the property.
 - e. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - f. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood or adversely affect the health, morals, or general welfare of the public.
 - g. The hearing officer may impose such conditions and restrictions upon the premises benefitted by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and better to carry out the general intent of this chapter.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-H-2 Planned Developments

The standards and requirements of these regulations may be modified in the case of a planned development when the planning and regulations committee determines that a planned development provides adequate public open spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed, and which also provides such covenants or other legal provisions as will assure conformity and achievement of the planned development plan.

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-I-1 TABLE OF ESTIMATED UTLIMATE POPULATION PER DWELLING UNIT

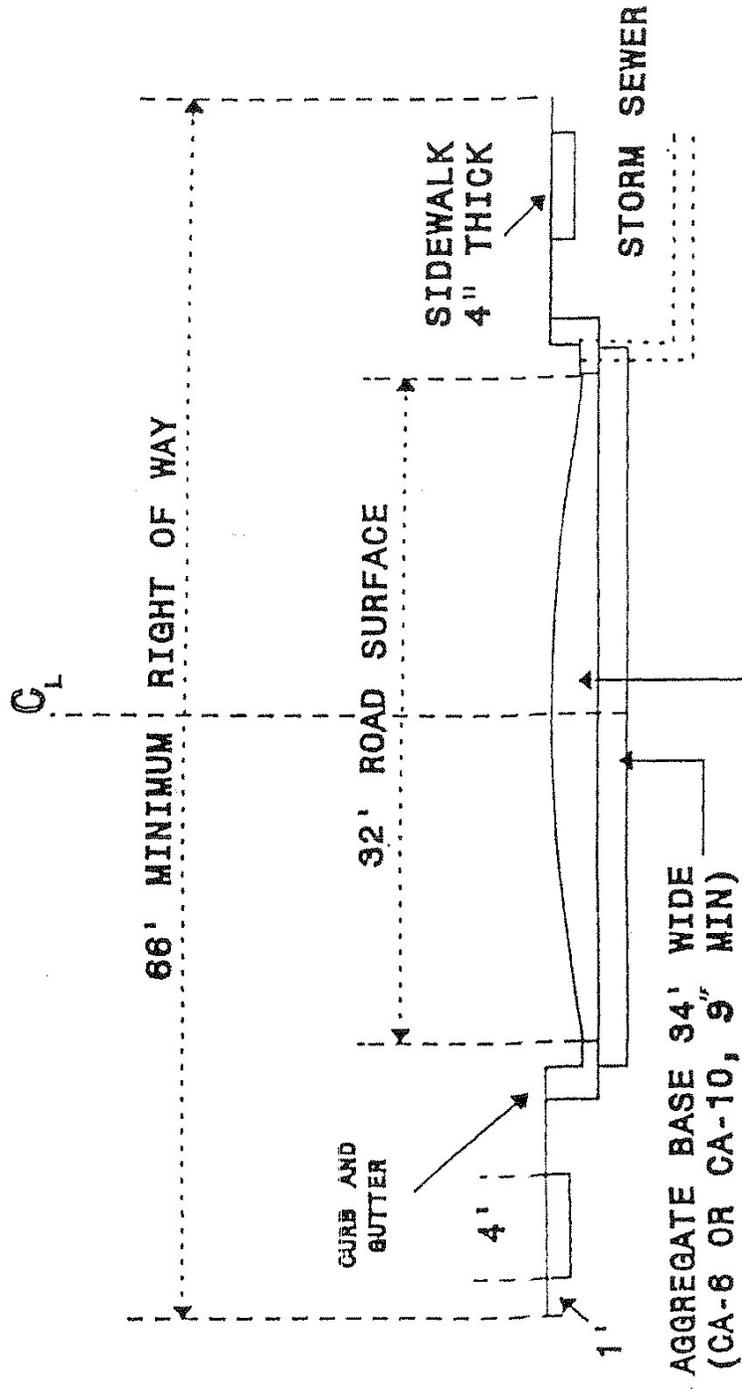
Type of Unit	Pre-School	Elementary	Junior High	Total K-8	High School	Adults	Total Per Dwelling Unit
Detached Single Family							
2 bedroom	0.113	0.136	0.048	0.184	0.02	1.7	2.017
3 bedroom	0.292	0.369	0.173	0.542	0.184	1.881	2.899
4 bedroom	0.418	0.530	0.298	0.828	0.36	2.158	3.764
5 bedroom	0.283	0.345	0.248	0.593	0.3	2.594	3.77
Attached Single Family (townhouse, rowhouse, etc.)							
1 bedroom	0	0	0	0	0	1.193	1.193
2 bedroom	0.064	0.088	0.048	0.136	0.038	1.752	1.99
3 bedroom	0.212	0.234	0.058	0.292	0.059	1.829	2.392
4 bedroom	0.323	0.322	0.154	0.476	0.173	2.173	3.145
Apartments							
Efficiency	0	0	0	0	0	1.294	1.294
1 bedroom	0	0.002	0.001	0.003	0.001	1.754	1.758
2 bedroom	0.047	0.086	0.042	0.128	0.046	1.693	1.914
3 bedroom	0.052	0.234	0.123	0.357	0.118	2.526	3.053

Source: Illinois School Consulting Service/Associated Municipal Consultants, Inc. (1996)

(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-J-1 TYPICAL CROSS-SECTIONS FOR ROADS

TYPICAL CROSS SECTION
RESIDENTIAL ROADS

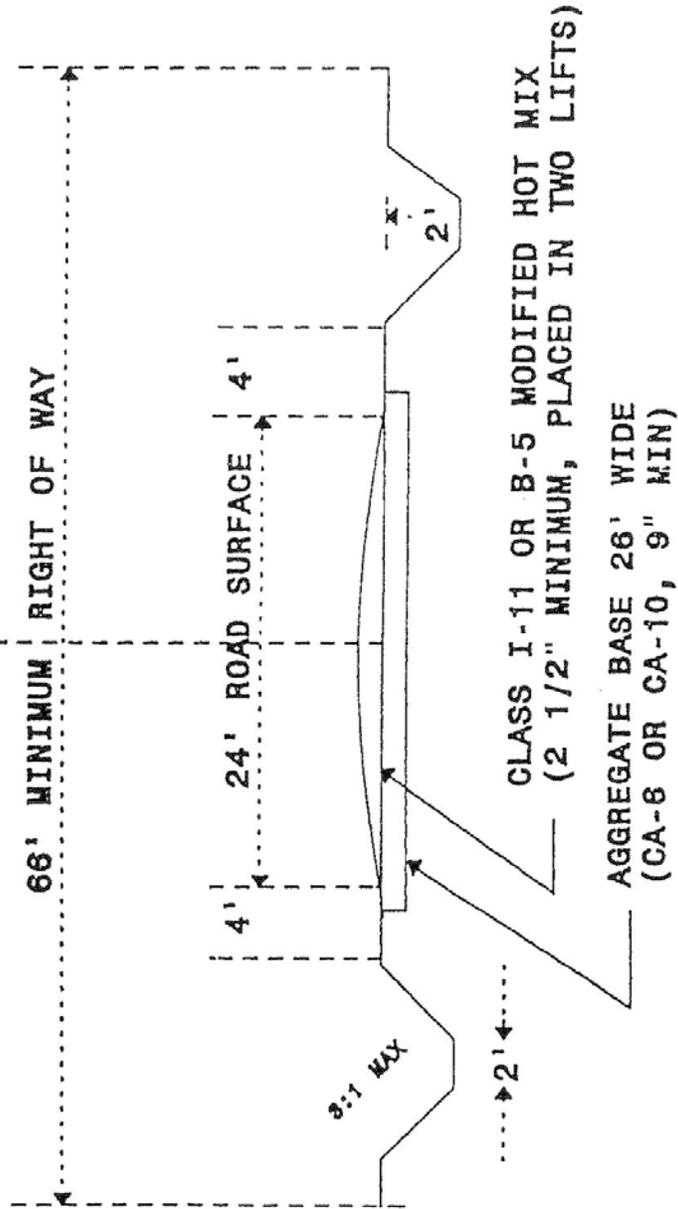


CLASS I-11 OR B-5 MODIFIED HOT MIX
(2 1/2" MINIMUM PLACED IN TWO LIFTS)

TYPICAL CROSS SECTION

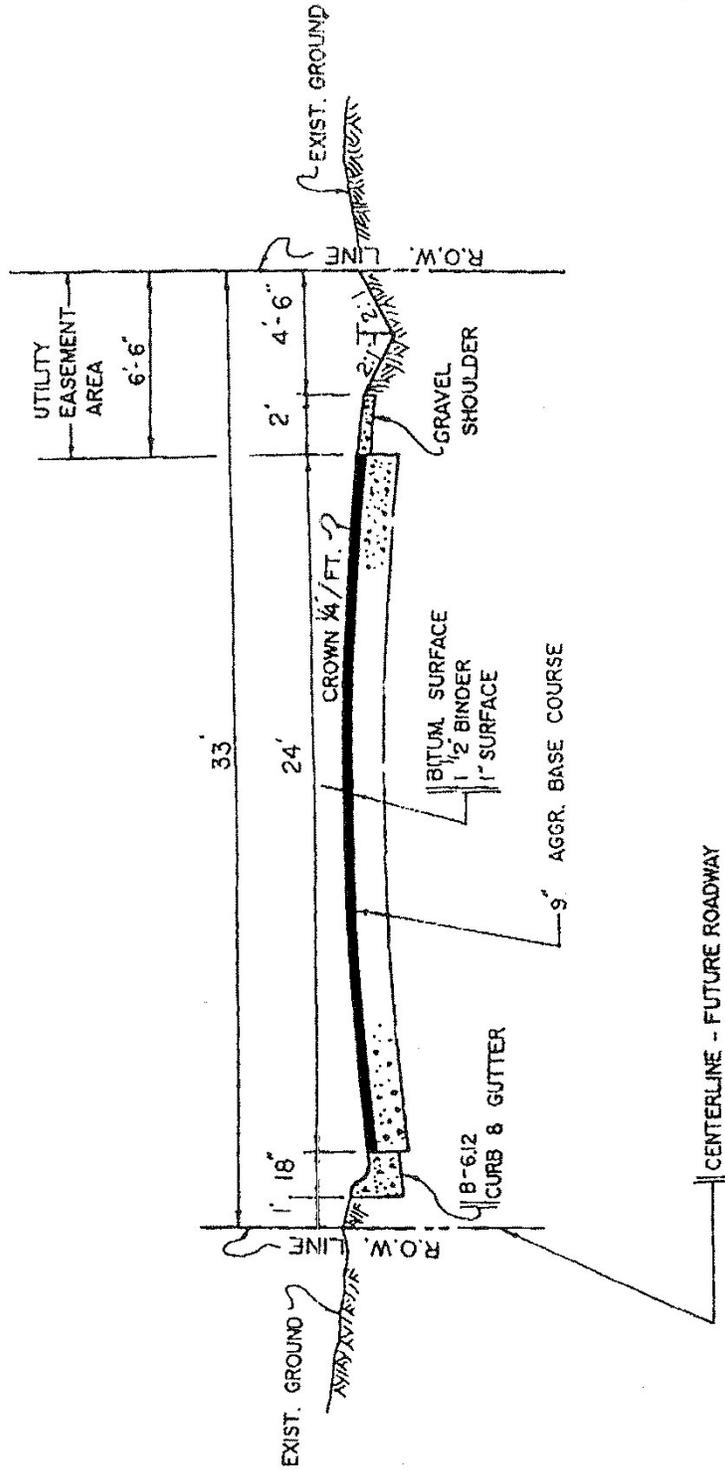
RURAL ROADS

C_L



TYPICAL SECTION

FOR 1/2 RIGHT-OF-WAY



(Ord. No. 2000-04, § 3, 12-15-1999)

Sec. 52-K-1 TECHNICAL REQUIREMENTS FOR SOILS INVESTIGATION

- A. *General.* When it is proposed to utilize on-site waste disposal systems and/or the construction of dwellings with basements it is extremely important to determine which soils and their characteristics and limitations are present on the proposed site. The purpose of this appendix is to specify the requirements that must be met by the owner/developer at the concept and preliminary plan stages of the review processes for type B subdivisions or other planned developments as may be required.
- B. *Concept plan stage.* At the concept plan stage, the owner must submit a natural resource report, obtained from the DeKalb County Soil and Water Conservation District, showing the location of the property in question and the types of soils found on that property. The concept plan should take the soil types of the official soil survey of DeKalb County into consideration to reasonably assure the ability to obtain one-half acre of suitable soils in one continuous area on each lot for an on-site waste disposal system. Suitable soils are considered to be soils that are not specified as critical herein.
- C. *Preliminary plan stage.* For type B subdivisions or certain planned developments, the preliminary plan shall be prepared in accordance with the following:
1. Soil mapping, based upon the on-site determination of soil characteristics, shall be conducted by a soil classifier as defined in the subdivision regulations ordinance [chapter 62]. On-site soil investigation and resulting report may be conducted/prepared by a soil classifier, or a soil scientist working under the close supervision of a soil classifier. Both the soil map and report must however be submitted under the signature of a soil classifier and shall be used to determine the soil suitability for on-site waste disposal systems and/or buildings with basements. Soil mapping shall be done according to the following criteria:
 - a. There shall be a sufficient number of soil borings throughout the proposed acreage to allow intensive mapping of soil characteristics and limiting factors related to suitability for on-site waste disposal systems. The mapping and overlay of such characteristics shall be of sufficient detail to minimize the potential for inclusions and to determine the existence 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 and each boring shall be numbered consecutively.
 - b. A 200-foot grid system shall be established. At each grid point, a boring shall be done. In addition, sufficient additional borings shall be required to adequately determine soil boundaries between soil mapping units.
 - c. Soil borings shall be conducted utilizing a probe with a minimum diameter of two inches to a depth of not less than 60 inches, or deeper as may be required.
 - d. In some cases, soil pits may be required by the planning department. When such requirement is made, the following procedure shall be established:
 1. Soil pits shall be excavated by a backhoe to a depth of five feet and a minimum width of 24 inches.
 2. One end of the pit shall be stepped or slanted to permit adequate ingress and egress.
 - e. Alternative methods of soil investigation shall be at the discretion of the DeKalb County health officer.
 - f. The County planning department shall be notified at least 48 hours before commencement of on-site investigations so the department and other interested public agencies may observe the soil borings and sampling procedures, if so desired. Any on-site investigation conducted without the department being notified will not be accepted.

- g. A detailed soil map and the logs of each soil series mapped on the site shall be prepared by a soil classifier and submitted with the soil report. The developer must prove to the satisfaction of the planning department that each lot on the preliminary plan has the required square footage of suitable soils in a continuous location. Individual and intermediate boring locations shall be logged and submitted with the following information:
 1. Boring or pit number.
 2. Sample method.
 3. Soil series and classification.
 4. Parent material.
 5. Percent of slope.
 6. Seasonal water table (inches).
 7. Observed water table (inches).
 8. Depth to moderately slow to very slow permeability layer (inches).
 9. Horizon depth (inches).
 10. Texture.
 11. Structure.
 12. Color and Munsell notation.
 13. Mottles.
 14. Coatings.
 15. Consistence.
 16. Estimated permeability (inches/hour).
 - h. The date(s) of all field work shall be indicated on the soil maps, logs and reports.
 - i. Weather conditions shall be indicated for each day and period of field work, with particular mention of depth of frost, when applicable.
 - j. The entire proposed subdivision area shall be mapped showing soil types present with boundaries of each defined soils and considering areas of transition. This mapping shall be coordinated with site topography at one- or two-foot contour intervals at a minimum of a one inch equals 100 feet scale.
 - k. A map shall be submitted that depicts areas of seasonal high groundwater, limiting permeability, bedrock or other limiting layer as determined by observation of the soil characteristics. Longterm monitoring wells, approved by the health department, may be used to supplement this information. Boundaries of the following areas shall be defined and shown on the soil map:
 1. Seasonal high groundwater or other limiting layer at less than 12 inches.
 2. Seasonal high groundwater or other limiting layer at 12 inches to 30 inches.
 3. Seasonal high groundwater or other limiting layer at 30 inches to 48 inches.
 4. Seasonal high groundwater or other limiting layer at 48 inches to 60 inches.
 5. Seasonal high groundwater or other limiting layer greater than 60 inches.
 - l. The signature of the soil classifier must be affixed to the soil map, the report and the preliminary plan.
2. Those soil types considered as noncritical or suitable soils for an on-site waste disposal system shall be permitted to be used for an on-site waste disposal system site. Those soil types shall be shown as suitable on the soil map.
 3. Those soil types considered as not suitable or critical for an on-site waste disposal system shall not be included in the waste disposal site area, and shall be shown as unsuitable soil on the soil map.

4. All on-site waste disposal systems shall be sized for each lot using the reported soils information in the following manner:

Symbol	Soil Types	Depth to Seasonal High Water Table (inches)	Depth to Limiting Permeability (inches)	Required On-Site Waste Disposal Size (square feet)
24A	Dodge sil, 0—2%	>30	>48	15,000
24A	Dodge sil, 0—2%	<30	>48	20,000
24B	Dodge sil, 2—4%	>30	>48	15,000
24B	Dodge sil, 2—4%	<30	>48	20,000
24C2	Dodge sil, 4—7%, er	>30	>48	15,000
24C2	Dodge sil, 4—7%, er	>30	>30	20,000
24C2	Dodge sil, 4—7%, er	<30	>30	25,000
27B	Miami sil, 2—4%	>30	>48	15,000
27B	Miami sil, 2—4%	<30	>48	20,000
27C2	Miami sil, 4—7%	>30	>48	15,000
27C2	Miami sil, 4—7%, er	>30	>30	20,000
27C2	Miami sil, 4—7%, er	<30	>30	25,000
27D2	Miami sil, 7—12%, er	>30	12—30	25,000
41	Muscatine sil	12—30	>48	20,000
59	Lisbon sil	12—30	>30	20,000
60B	La Rose sil, 2—4%	>30	>30	20,000
60C2	La Rose sil, 4—7%, er	>30	>30	20,000
60C2	La Rose sil, 4—7%, er	>30	12—30	25,000
60D2	La Rose sil, 7—12%, er	>30	12—30	25,000
60D2	La Rose sil, 7—12%, er	>30	<12	Unsuitable
62	Herbert sil	12—30	>30	20,000
67	Harpster sicl	<12	12—30	Unsuitable
68	Sable sicl	<12	<12	Unsuitable
103	Houghton muck	<12	>60	Unsuitable
104	Virgil sil	12—30	>60	20,000
105A	Batavia sil, 0—2%	>30	>60	15,000
105A	Batavia sil, 0—2%	<30	>60	20,000
105B	Batavia sil, 2—4%	>30	>60	15,000
105B	Batavia sil, 2—4%	<30	>60	20,000
105C2	Batavia sil, 4—7%, er	>30	>60	15,000
105C2	Batavia sil, 4—7%, er	<30	>60	20,000
V107	Sawmill soils	<12	12—30	Unsuitable

134A	Camden sil, 0—2%	>30	>60	15,000
134A	Camden sil, 0—2%	<30	>60	20,000
134B	Camden sil, 2—6%	>30	>60	15,000
134B	Camden sil, 2—6%	<30	>60	20,000
145B	Saybrook sil, 2—4%	>30	>48	15,000
145B	Saybrook sil, 2—4%	<30	>48	20,000
145C	Saybrook sil, 4—7%, er	>30	>30	20,000
145C	Saybrook sil, 4—7%, er	<30	>30	25,000
148A	Proctor sil, 0—2%	>30	>60	15,000
148A	Proctor sil, 0—2%	<30	>60	20,000
148B	Proctor sil, 2—4%	>30	>60	15,000
148B	Proctor sil, 2—4%	<30	>60	20,000
152	Drummer sil	<12	>30	Unsuitable
154	Flanagan sil	12—30	>30	20,000
171A	Catlin sil, 0—2%	>30	>48	15,000
171A	Catlin sil, 0—2%	<30	>48	20,000
171B	Catlin sil, 2—4%	>30	>48	15,000
171B	Catlin sil, 2—4%	<30	>48	20,000
171C2	Catlin sil, 4—7%, er	>30	>48	15,000
171C2	Catlin sil, 4—7%, er	<30	>30	20,000
191	Knight sil	<12	>60	Unsuitable
198	Elburn sil	12—30	>60	20,000
199A	Plano sil, 0—2%	>30	>60	15,000
199A	Plano sil, 0—2%	<30	>60	20,000
199B	Plano sil, 2—4%	>30	>60	15,000
199B	Plano sil, 2—4%	<30	>60	20,000
219	Milbrook sil	12—30	>60	20,000
224E2	Strawn sil 10—20%, er	>30	12—30	25,000
242	Kendall sil	12—30	>60	20,000
243A	St. Charles sil, 0—2%	>30	>60	15,000
243A	St. Charles sil, 0—2%	<30	>60	20,000
243B	St. Charles sil, 2—4%	>30	>60	15,000
243B	St. Charles sil, 2—4%	<30	>60	20,000
318D2	Lorenzo loam, 6—15%, er	>30	12—30*	10,000
325B	Dresden sil, 2—4%	>30	>48*	15,000
325B	Dresden sil, 2—4%	<30	>48*	20,000
329	Will cl	<12	>30*	Unsuitable

330	Peotone silcl	<12	<12	Unsuitable
344A	Harvard sil, 0—2%	>30	>60	15,000
344A	Harvard sil, 0—2%	<30	>60	20,000
344B	Harvard sil, 2—4%	>30	>60	15,000
344B	Harvard sil, 2—4%	<30	>60	20,000
344C2	Harvard sil, 4—7%, er	>30	>60	15,000
344C2	Harvard sil, 4—7%, er	<30	>60	20,000
656B	Octagon sil, 2—4%	>30	>30	15,000
656B	Octagon sil, 2—4%	<30	>30	20,000
656C2	Octagon sil, 4—7% er	>30	>30	15,000
656C2	Octagon sil, 4—7% er	>30	12—30	20,000
656C2	Octagon sil, 4—7%, er	<30	12—30	25,000
791A	Rush sil, 0—2%	>30	>60	15,000
791A	Rush sil, 0—2%	<30	>60	20,000
791B	Rush sil, 2—4%	>30	>60	15,000
791B	Rush sil, 2—4%	<30	>60	20,000
792A	Bowes sil, 0—2%	>30	>60	15,000
792A	Bowes sil, 0—2%	<30	>60	20,000
792B	Bowes sil, 0—2%	>30	>60	15,000
792B	Bowes sil, 0—2%	<30	>60	20,000

sil	=	silt loam
silcl	=	silty clay loam
cl	=	clay loam
l	=	loam
er	=	eroded

*Depth to limiting permeability is depth to a rapid to very rapid rate.

Permeability classification:

<0.2 inches per hour	=	slow
0.2—0.6 inches per hour	=	moderately slow
0.6—2.0 inches per hour	=	moderate
2.0—6.0 inches per hour	=	moderately rapid
6.0—20.0 inches per hour	=	rapid
>20.0 inches per hour	=	very rapid

5. When fill, if permitted, is to be placed on an on-site waste disposal system area, the areas to be filled shall be specifically shown on the preliminary plan and site development plan along with the proposed soil types of fill to be used and the methods by which the fill will be placed on the site.
6. Where lot size dictates, a uniform location of houses, wells and on-site waste disposal systems shall be shown on the lots to eliminate conflicts between houses, wells and on-site waste disposal systems. All easements that will restrict the placement of a house, well and on-site waste disposal shall be displayed.
7. The developer must prove to the satisfaction of the planning department that each lot on the preliminary plan has the required square footage of suitable soil in a continuous location.
8. The signature of the soil classifier who conducted the soil mapping and prepared the report must be affixed to both the soil map, the report and the preliminary.

Sec. 52-L-1 PROCEDURAL GUIDE IN CONDUCTING TILE INVESTIGATION

Requiring the developer to conduct and provide a report concerning a thorough drain tile investigation is critical to the review and approval process for a preliminary plat or plan for development. Such an investigation has many purposes, to include but not limited to:

- A. Protecting the upland land owner or owners whose property drains through the subject development site;
- B. Understanding local drainage and drain tile systems dynamics and maintaining the integrity of those systems which function properly and improving wherever possible systems which are deficient;
- C. Keeping drain tiles and septic fields separate and at a safe and suitable distance from one another;
- D. Potential best management practices related to on-site detention of stormwater runoff; and
- E. Ensuring compliance with local, state and federal drainage laws and regulations.

The following shall serve as the procedures established for conducting the required drain tile investigation:

1. Observe aerial photography for the subject site and overlay topographic data, including contour elevation lines, with soils data and make rational assumptions as to where drain tiles are typically located within the site.
2. Observe existing surface waterways, freestanding bodies of water and other depressional areas and cut trenches adjacent to the same with specific attention to and emphasis on ingress and egress points. Trenches shall be at a minimum three feet wide, five feet deep and six feet in length.
3. Field stake at minimum 100-foot intervals, using additional slit trenching, hand probes or electronic location devices, the location of any existing drain tile so to map the same over its complete length within the proposed property development.
4. A topographical boundary map including a report of findings shall be submitted to the planning department 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 phone of person conducting tile location investigation.

Sec. 52-M-1 FORMS

CERTIFICATE AND EASEMENT LANGUAGE
(Required on Final Plats)

Contained herein are appropriate certificates of approval to be indicated, where applicable, on all final plats. Said certificates shall be included in the following order:

SURVEYOR CERTIFICATE

This is to certify that I, _____, an Illinois Professional Land Surveyor, have surveyed the following described property:

(Legal Description)

as shown by the attached plat, which is a correct representation of said survey and subdivision. All distances are given in feet and decimal parts thereof. I further certify that a) _____ part of the property covered by this plat or subdivision is within one and one-half (1½) miles of the corporate limits of an incorporated city, town, or village; b) _____ part of the property covered by this plat or subdivision is located within a special flood hazard area as identified by the Federal Emergency Management Agency.

Dated at _____, Illinois, this _____ / _____ / _____ day of _____ / _____ / _____, 20_____.

	_____ (Illinois Professional Land Surveyor)
Number: _____	

OWNER CERTIFICATE

STATE OF ILLINOIS)	
)	SS
COUNTY OF DeKALB)	

This is to certify that _____ is the owner of the land described in the foregoing surveyor's certificate and has caused the same to be surveyed, subdivided and platted as shown by the annexed plat for the uses and purposes therein set forth as allowed and provided by statute, the subdivision to be known as " _____, _____ TOWNSHIP, DeKALB COUNTY, ILLINOIS" and does hereby acknowledge and adopt the same under the aforesaid style and title.

Dated this _____ / _____ / _____ day of _____, 20_____.

	By: _____ (Owner/s)
Attest: _____	

OWNER CERTIFICATION OF SCHOOL DISTRICT(S)

STATE OF ILLINOIS)	
)	SS
COUNTY OF DeKALB)	

I, _____, owner of the land described in the foregoing surveyor's certificate, that to the best of my knowledge, the subdivision to be known as " _____, _____ TOWNSHIP, DeKALB COUNTY, ILLINOIS" lies within the following school districts:
(School Districts)

Dated this _____ / _____ / _____ day of _____, 20 _____.

By: _____ (Owner/s)

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

(Notary Public)
My Commission Expires _____

NOTARY CERTIFICATE

STATE OF ILLINOIS)	
)	SS
COUNTY OF DeKALB)	

I, _____, a Notary Public in and for the aforesaid State and County, do hereby certify that _____, personally known to me to be the persons whose names are subscribed to the foregoing certificate, appeared before me this day in person and acknowledged the execution of the annexed plat and accompanying instruments for the uses and purposes therein set forth as his/her or their free and voluntary act.

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

(Notary Public)
My Commission Expires _____

CERTIFICATE OF APPROVAL BY MUNICIPALITY

Applicable when subdivision falls within 1½ miles of a municipality having a recorded comprehensive plan; wording shall be as follows or as otherwise required by the municipality's ordinance.

STATE OF ILLINOIS)	
)	SS
COUNTY OF DeKALB)	

Accepted and approved by the City Council (Village Board) of the City (Village) of _____, DeKalb County, Illinois, this _____ / _____ / _____ day of _____, 20 _____.

	(Mayor/President)

(City/Village Clerk)	

COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS)	
)	SS
COUNTY OF DeKALB)	

I, _____, County Clerk of DeKalb County, Illinois, do hereby certify that there are no delinquent general taxes, no unpaid current taxes or special assessments, no unpaid forfeited taxes, and no redeemable tax sales against any of the land included in the plat. I further certify that I have received all statutory fees in connection with the plat.

Given under my name and seal of the County Clerk at Sycamore, Illinois, this _____ / _____ / _____ day of _____, 20 _____.

	(County Clerk)

PLAT OFFICER CERTIFICATE

STATE OF ILLINOIS)	
)	SS
COUNTY OF DeKALB)	

Accepted and approved this _____ / _____ / _____ day of _____, 20 _____.

	(Plat Officer)

RECORDER CERTIFICATE

STATE OF ILLINOIS)	
)	SS
COUNTY OF DeKALB)	

This plat was filed for record in the Recorder's Office of DeKalb County, aforesaid, on this _____ / _____ / _____ day of _____, 20____, at _____ o'clock _____ .m, and recorded in Plat Cabinet # _____ at Slide # _____, as Document No. _____.

(County Recorder)

CERTIFICATE REQUIRED ON IMPROVEMENT PLANS

The following certificate shall be indicated on all improvement plans submitted as a requirement for final approval of a plat of subdivision and/or planned development:

TOPOGRAPHIC AND PROFILE STUDY CERTIFICATE

STATE OF ILLINOIS)	
)	SS
COUNTY OF DeKALB)	

To the best of our knowledge and belief, the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof, or that if such surface water drainage will be changed, reasonable provision has been made for collection and diversion of such surface waters into public areas, or drains which the subdivider has a right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the subdivision.

Dated this _____ / _____ / _____ day of _____, 20____.

_____	_____
(Engineer)	(Certificate #)

(Owner or Attorney)	

UTILITY EASEMENT

A permanent non-exclusive easement is hereby reserved for and granted to the County of DeKalb (hereinafter "the Grantee"), and to all public utility and other companies of any kind operating under franchise granting them rights from the Grantee, including, but not limited to the following companies: General Telephone and Electronics Company, Commonwealth Edison Company, and Northern Illinois Gas Company and to their successors and assigns in, upon, across, over, under and through the areas shown by dashed lines and labeled "Utility Easement" on this plat of subdivision, or where otherwise noted in the above legend for the purpose of installing, construction, inspection, operation, replacing, renewing, altering, enlarging, removing, repairing, cleaning and maintaining electrical, cable television, communication, gas, telephone or other utility lines and appurtenances, and such other installations and service connections as may be required to furnish public utility services to adjacent areas, deemed necessary, together with the right of access across the real estate platted hereon for the necessary personnel and equipment to do any or all of the above work. No permanent buildings or trees shall be placed on said easements, but the premises may be used for gardens, shrubs, landscaping, and other purposes that do not then or later interfere with the aforesaid uses and rights. Fences shall not be erected upon said easements in any way which will restrict the uses herein granted except where specifically permitted by written authority of the Grantee. The right is also hereby granted to the Grantee to cut down, trim or remove any trees, fences, shrubs, or other plants that interfere with the operation of or access to said utility installation in, on, upon, across, under or through said easements. The Grantee shall not be responsible for replacement of any such improvements, fences, gardens, shrubs or landscaping removed during exercise of the herein given rights. Replacement of items so removed shall be the responsibility of the then lot owner.

DRAINAGE EASEMENT

A permanent non-exclusive easement is hereby reserved for and granted to the County of DeKalb (hereinafter "the Grantee"), and to its successors and assigns in, upon, across, over, under and through the areas shown by dashed lines and labeled "Drainage Easement" on this plat of subdivision, or where otherwise noted in the above legend for the purpose of installing, construction, inspecting, operating, replacing, renewing, altering, enlarging, removing, repairing, cleaning and maintaining storm sewers, drainageways, storm water detention and detention facilities, sub-surface drainage systems and appurtenances and any and all manholes, pipes, connections, catch basins, and without limitations, such other installations as the Grantee may deem necessary, together with the right of access across the real estate platted hereon for the necessary personnel and equipment to do any or all of the above work.

In furtherance of the foregoing affirmative rights, the following covenants shall run with said land in perpetuity:

- No permanent buildings shall be placed on said drainage easements;
- No trees or shrubs shall be placed on said drainage easement, but the premises may be used for landscaping, and other purposes that do not then or later interfere with the aforesaid uses and rights;
- There shall be no dredged or fill material placed upon said drainage easements; and,
- Fences shall not be erected upon said drainage easements in any way which will restrict the uses herein granted.

The right is also hereby granted to the Grantee to remove any buildings or structures, [or] to cut down, trim or remove any trees, fences, shrubs or other plants that interview with the operation of or access to such drainage facilities in, on, upon, across, under or through said drainage easements.

The Grantee shall not be responsible for replacement of any such buildings, structures, improvements, fences, gardens, shrubs or landscaping removed during exercise of the herein given rights. Replacement of items so removed shall be the responsibility of the then lot owner.

Where drainage easement areas are also used for electric, telephone, cable TV, or gas distribution systems or components, such other utility installations shall be subject to the prior approval of the County of DeKalb so as not to interfere with the maintenance of gravity flow and stabilization of vegetation ground cover on the above-mentioned drainage facilities.

LANDSCAPING EASEMENT

A landscaping easement is hereby reserved for and granted to said _____ and to its successors and assigns, and is restricted to the placement of trees, shrubs, bushes, lawns, and other forms of vegetation. No permanent buildings or structures shall be constructed or maintained on, across, over or through said "Landscaping Easement" nor shall such vegetation be removed, except to replace dead or diseased vegetation of like species, without the written authority of the County of DeKalb. Nothing contained in this paragraph shall preclude the exercise of rights hereinabove granted for utility easements.

SIGN EASEMENT

Use of the areas shown by dashed lines on the plat and marked "Sign Easement" is hereby reserved for and granted to _____ and to its successors and assigns, and is restricted to the placement of identification signs. No permanent buildings or structures except such signs hereby permitted shall be constructed or maintained on, across, over or through said "Sign Easement." Nothing contained in this paragraph shall preclude the exercise of rights hereinabove granted for utility easements.

CONDITIONS COMMON TO ALL EASEMENTS

It is expressly understood that the aforementioned easements: the Utility Easement, the Drainage Easement, the Landscaping Easement, [and] the Sign Easement exist by virtue of the authority granted to counties in Illinois Revised Statutes, chapter 34, paragraph 5-1041 (1989), Illinois Revised Statutes, chapter 34, paragraph 5-1049 (1989) and other relevant state laws, rules and regulations in force at the time of the submission of this plat to the County of DeKalb for approval.

It is further understood that nothing contained herein in any grant or dedication of any easement is intended, nor shall be construed, to give rise to any duties or liabilities on behalf of the County of DeKalb or any Department or Division thereof, which is not authorized and required by law. In the event that any lot owner or owners do not adequately maintain the storm water detention, drainage and subsurface drainage facilities, or any facility or condition mentioned in any of the aforementioned easements, to the extent permitted by law, DeKalb County may provide at its sole discretion such construction, maintenance and/or repair it deems necessary or desirable in the public interests or take any such other action incidental to the purposes enumerated in the aforementioned easements. To that end, DeKalb County is hereby granted the privilege of necessary access through and upon the premises of each and every block, lot and parcel in the subdivision for the purpose of effectuating the aforementioned construction, maintenance, repair or other work incidental to any purpose enumerated in the aforementioned easements.

Each and every lot owner in the subdivision shall hold the County of DeKalb harmless for any and all claims for damages arising out of the County of DeKalb's performing any of the aforementioned construction, maintenance, repair or any work incidental to any purpose enumerated in the aforementioned easements; and shall jointly indemnify, defend or incur all cost of defense of the County of DeKalb, its officials, agents, servants and employees, from the payment of any sum or sums of money to any person whomsoever on account of all claims, actions or suits growing out of any injury from or in any way attributable to, the County of DeKalb performing any of the aforementioned. To the extent permitted by law, each and every lot owner within the subdivision shall be jointly liable for the cost of any construction, maintenance, repair or any other action incidental to any purpose enumerated in the aforementioned easements performed by the County of DeKalb and shall reimburse the County of DeKalb upon written demand. In the event of a failure to so reimburse, to the extent permitted by law, the costs of any construction, maintenance, repair or other work performed by the County of DeKalb shall give rise to a lien on each and every lot within the subdivision and against each and every lot owner therein in favor of the County of DeKalb. Such lien may be perfected by recordation of the same.

It is further expressly understood that there shall be no alteration of existing drainage at any time without the express written approval of the County of DeKalb, unless otherwise authorized by law.

No amendment, modification, revocation or extinguishment of any of the aforementioned easements or any of the conditions or purposes contained therein is effective, without the express written approval of the County of DeKalb, by and through its agent, the DeKalb County Plat Officer, his agent, or successor in office. Each and every grant of easement or other dedication contained herein in this Plat of Subdivision to the County of DeKalb is dedicated for the benefit of both the public generally and the residents of the subdivision specifically. The grantor expressly acknowledges that each and every easement is granted knowingly and voluntarily for the purposes stated herein and that only those dedications intended to benefit the residents of the subdivision specifically and uniquely are required by the County.

IRREVOCABLE LETTER OF CREDIT

DeKalb County Plat Officer
Administration Building
Sycamore, Illinois 60178

Gentlemen:

We hereby establish our irrevocable letter of credit in favor of (being all of the beneficiaries under a certain trust agreement dated _____ / _____ / _____ and known as _____ hereinafter called Owner and/or Developer); or the County of DeKalb, a municipal corporation of the State of Illinois, in the amount of _____ Dollars. We understand that this irrevocable credit is to be used to construct the following improvements in the residential development known as _____ .

(SEE ATTACHED SCHEDULE OF IMPROVEMENTS AND ESTIMATED COSTS.)

We shall make payouts from this irrevocable commitment as follows:

If we have not been notified by the municipal corporation of a default by the owner and/or developer, we shall disburse the funds for labor and materials furnished by contractors in accordance with the sworn statement on order of the owner, the submission of proper lien waivers from the contractors engaged in such work, and the certificate by the Plat Officer that such work has been properly completed; provided, however, that we shall withhold from each payment made under sworn statement(s) or order(s) an amount equal to ten percent (10%) thereof until all improvements have been completed except final surfacing of streets and sidewalks, at which time the 10% sum withheld shall be disbursed less a sum equal to one hundred and fifty percent (150%) of the cost of the final surfacing of the streets, which sum shall be finally disbursed when that work has been completed and the requirements of certification and lien waivers as has been hereinabove set out.

The required improvements shall be completed in accordance with the following schedule:

(SEE ATTACHED SCHEDULE OF IMPROVEMENTS AND ESTIMATED COSTS.)

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

The irrevocable credit established by us shall be in force for a period of two and one-half (2½) years and shall remain in effect without regard to any default in payments of sums owed us by the owner and/or developer and without regard to other claims which we may have against the owner and/or developer. Sixty (60) days prior to the expiration of this irrevocable credit, we shall notify the corporate authorities of the municipality, by registered letter, return receipt requested, of the impending expiration date. This commitment shall not terminate without such notice. If the work covered by this commitment has not been completed within the time set forth in this agreement, the municipal corporation may, at its option, continue drawing funds as otherwise provided for an additional period of twelve months. It is recognized that the municipal corporation is granting the owner and/or developer the permission to proceed with the development project upon the guarantee of the irrevocable nature of this commitment. It is further acknowledged that the consideration for this irrevocable commitment is provided by agreements between this financial institution and the developer. The sum of this credit shall, however, be reduced in the amount of disbursements made from time to time in accordance with the terms under which this credit is extended as set out above.

	BY: _____
	TITLE: _____

INDIVIDUAL SUBDIVIDER'S BOND

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, _____, (being all of the beneficiaries under a certain trust agreement dated and known as _____) of the State of Illinois, is held and firmly bound unto the County of DeKalb, Illinois, in the penal sum of _____ Dollars, lawful money of the United States, for the payment of which, well and truly to be made, it binds itself, and successors and assigns, jointly, severally and firmly by these presents.

WITNESS its seal this _____ day of _____, 20 _____.

The condition of this obligation is such that whereas the undersigned obligator has caused a certain parcel of land located and to be designated as _____.

WHEREAS, the undersigned has submitted to the DeKalb County Planning and Zoning Committee of the County of DeKalb, Illinois, a preliminary plat of said land to be subdivided, and

WHEREAS, the undersigned is desirous of assuring the County of DeKalb, Illinois, the Plat Officer of said County of DeKalb, Illinois, and/or the DeKalb County Planning and Zoning Committee that the undersigned will complete the construction of the improvements in _____ as indicated in the plat of said subdivision, all in accordance with the ordinances of the County of DeKalb relating thereto, said improvements and estimated cost thereof being as follows:

(SEE ATTACHED SCHEDULE OF IMPROVEMENTS AND ESTIMATED COSTS)

WHEREAS, the undersigned is now desirous of securing the final approval from the Planning and Zoning Committee and the Plat Officer of the County of DeKalb, Illinois of _____ submitted to said Committee.

NOW, THEREFORE, if the undersigned shall, within two years from date hereof, construct and install in the _____, the improvements in accordance with the plat of said subdivision and the ordinances of the County of DeKalb, relating thereto (except as revisions thereof may be permitted by written authorization of the Plat Officer of the County of DeKalb, Illinois, or Planning and Zoning Committee), then this obligation would be void, otherwise to remain in full force and effect and in the event the undersigned shall fail to complete the said improvements to be included in said _____ in accordance with said plat and the ordinances of the County of DeKalb relating thereto as aforesaid within the period herein specified, the estimated sum or cost of such improvements yet remaining to be completed at the conclusion of said period of one year from date hereof, not to exceed the penal sum heretofore stated, shall be the penal sum under this bond and shall be immediately due and payable to the County of DeKalb, Illinois, as liquidated damages for the failure of the undersigned to make and perform the covenants and agreements hereinabove set forth on its part to be made and performed.

And said obligator appoints any attorney of any court of record to appear for it in any court of record in term time or vacation, at any time after _____ from the date hereof, and waive service of process, and confess a judgment against it or in favor [of] said County of DeKalb, for the amount of the penal sum under this bond, together with costs, including reasonable attorney fees, and consent to immediate issue of execution on the judgment as confessed, and waive all errors in rendition thereof.

STATE OF ILLINOIS)	
)	SS
COUNTY OF DeKALB)	

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that _____, personally known to me to be the same persons who subscribed the foregoing instrument appeared before me this day in person and acknowledged that they signed, sealed and delivered said instrument as their free and voluntary act for the uses and purposes therein set forth.

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

	Notary Public