

## Chapter 151: SUBDIVISION REGULATIONS

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#### General Provisions

##### §151.01 TITLE.

These regulations shall be known and cited as the Land Subdivision Regulations of DeWitt county, Illinois (Ord. passed 9-10-73)

##### §151.02 PURPOSE.

The purpose of this chapter is to regulate the subdivision of land within the county so that new additions will be integrated with the Comprehensive Plan for the county, and shall contribute to an attractive, stable and wholesome living environment. (Ord. Passed 9-10-73)

##### §151.03 LEGAL AUTHORITY.

The County Board is hereby granted all of the authority pertaining to subdivisions as set forth in Ill. Rev Stat., Ch. 34, § 5-1041.

##### §151.04 JURISDICTION.

Regulations set forth in these subdivision regulations shall apply and be enforced in all unincorporated areas of the county, (except that incorporated municipalities may adopt subdivision regulations to control the plotting of subdivisions within the adjacent 1 1/2-mile area of their corporate limits after the adoption of an official Comprehensive Plan, and the recording thereof with the County Clerk). (Ord. Passed 9-10-73)

## §151.05 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADMINISTRATOR.** That person appointed by the County board named in TITLE 15, Section 152, 152.005, 152.005.4.

**ALLEY.** A permanent service way providing a secondary means of access to abutting land.

**AREA GENERAL PLAN.** A general plan prepared by the subdivider, or subdividers, for the progressive development of a large landholding, or several properties proposed to be subdivided by sections, meeting the requirements of these regulations.

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

**BOULEVARD.** A Street, other than a freeway or expressway, developed with two laned, one-way pavements separated by a landscaped island, median or barrier.

**COLLECTOR HIGHWAY.** A rural road (and its extensions in or through villages or cities), which forms an interconnected network and provides service to communities, under the administration of the county.

**COMMITTEE.** A standing committee appointed by the County Board with authority to act on subdivision plans or plats or portions thereof, as provided in these regulations.

**COMPREHENSIVE PLAN.** That policy document which serves as a guide for the future physical development of the county, and entitled the DeWitt County Comprehensive Plan.

**COUNTY BOARD.** The County Board of DeWitt County, Illinois.

**COUNTY ENGINEER.** An official employed by the County Board, under the Illinois revised Statutes.

**COUNTY RECORDER.** The County Recorder of Deeds.

**CUL-DE-SAC.** A short street or highway having one end open to traffic and being permanently terminated by a vehicle turn-around.

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

**ENGINEER.** A professional engineer registered as such and licensed to practice in the state or qualified to practice as provided in the Illinois Revised Statutes.

**HALF STREET.** That portion of the street right-of-way on either side of a tract boundary.

**HEALTH DEPARTMENT.** The DeWitt-Piatt Bi-County Health Department.

**INTERSECTION STREET.** The area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadway of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

**LAND ACCESS HIGHWAY.** Access to farms and land used for agricultural or other low intensity uses, under the administration a rural road, other than an area service, collector, major, and truck highway, and Subdivision Street, which provides of the township road district.

**LOT.** A portion of a subdivision or other parcel of land intended as a unit for development or transfer of ownership. The term lot shall include

The words **PARCEL, PIECE** and **PLOT**.

**MARGINAL ACCESS STREET (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.

**OWNER.** Any person having any legal, equitable or beneficial, interest in the land sought to be subdivided.

**PERFORMANCE GUARANTEE.** Any security, which shall be accepted by the county in lieu of a requirement, that certain public improvements be made prior to approval of a final plat.

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

**PLANNING COMMISSION.** The Regional Planning Commission of the County.

**PLAT.** A map indicating the subdivision prepared and certified by a registered land surveyor in compliance with these regulations and the Illinois Revised Statutes.

**PLAT, PRELIMINARY (OFFICIAL).** 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 Committee, meeting the requirements of these regulations.

**PUBLIC IMPROVEMENTS.** Street pavements (with or without curb and gutter), public walkways, monuments, water mains, sanitary and storm sewers, street signs, culverts and appurtenances to the a foregoing items and for use by the public.

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

**ROAD DISTRICT.** Each township, for the purposes of these regulations, shall be and is called a road district for all purposes relating to the construction, repair, maintenance, financing and supervision of townships roads, including land access highways.

**ROAD DISTRICT HIGHWAY COMMISSIONER.** The elected official charged with the duties and responsibilities as stated in the Illinois Revised Statutes. Such duties include, but are not limited to, inclusion of roads in the district system, construction and maintenance of district roads, and general charge of all matters relating to the road district.

**RURAL SUBDIVISION.** A subdivision in which the average width of lots is greater than 150 feet at the setback line.

**SETBACK LINE.** A line marking the setback distance from the street line, which establishes a minimum distance between buildings and the street line.

**STREET (HIGHWAY).** A right-of-way, whether designated as a street, highway, road, land, court, thoroughfare, parkway, freeway, expressway, boulevard or avenue, other than an alley or place, usually affording the principal means of access to abutting property.

**SUBDIVIDER.** Any person engaged in developing or improving a tract of land, which complies, with the definition of a subdivision as defined in these regulations.

**SUBDIVISION.** The division of land into two or more parts, for the purpose, whether immediate or future, of transfer of ownership or building development. The following shall not be considered a subdivision and shall be exempt from the requirement of these regulations.

(1) The division or subdivision of land into parcels or tracts of five acres or more in size which does not involve any new streets or easements of access;

(2) The division of lots or blocks of less than one acre in any recorded subdivision, which

does not involve any new streets or easements of access;

(3) The sale or exchange of parcels of land between owners of adjoining and contiguous land;

(4) The conveyance of parcels of land or interest therein for the uses as a right-of-way for railroads or other public utility facilities and other pipelines which does not involve any new streets or easements of access;

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

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

(7) Conveyances made to correct description in prior conveyance;

(8) The sale or exchange of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any streets or easements of access;

(9) The sale of a single lot of less than five acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, that this exemption shall not apply to a larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this the sale of any subsequent lots from the same exemption does not invalidate any local requirements applicable to the subdivision of land. Nothing contained within the provisions of this section or Ill. Rev. Stat. Ch. 109 shall prevent or preclude individual counties from establishing standards, ordinances or specifications which reduce the acreage minimum to less than five acres, but not less than two acres, or supplementing the requirements contained herein when a survey is made by an Illinois Registered Land Surveyor and a plat thereof is recorded, under the powers granted to them.

## **SUBDIVISION DESIGN STANDARDS.**

The guides, principles, specifications and standards for the preparation of subdivision plans and plats indicating, among other things, the maximum and minimum dimensions of the various elements set forth in the area general plan, preliminary plat or final plat.

**SURVEYOR.** A land surveyor registered as such, or qualified to practice, in the state as provided in the Illinois Revised Statutes.

**URBAN SUBDIVISION.** A subdivision in which the average width of lots is less than 150 feet at the setback line.

(Ord. Passed 9-10-73; Am. Ord. Passed 5-12-94)

## **APPROVAL OF PLATS**

### **§151.15 PRE-APPLICATION PHASE**

This is the basic policy state, during which the subdivider may meet informally with the Committee. The Subdivider should make known his tentative plans for subdividing and development, and may exhibit sketch plans. The Committee shall review the proposed subdivision area and shall advise the Subdivider of public policies and objectives.

(Ord. Passed 9-10-73)

### **§151.16 PRELIMINARY PLAT.**

(a) The subdivider engages a registered professional engineer or registered land surveyor to prepare a preliminary plat of the area to be subdivided.

(b) The subdivider shall submit five copies of the preliminary plat to the Committee.

(c) The Committee shall consider the preliminary plat at a regular meeting occurring within 30 days following submittal of the preliminary plat. The Committee shall reject, approve subject to revision, or approve the plat at this meeting. If disapproved the Committee sets forth the ground's for such refusal in its proceedings and transmits them to the subdivider. If approved, the design is thereby accepted as a basis for preparation of the final plat.

(d) Approval of the preliminary plat shall be effective for one year from the date of approval.  
(Ord. Passed 9-10-73)

**§151.17 FINAL PLAT**

(A) The subdivider engages a registered land surveyor to prepare a final plat, which may constitute only that portion of the preliminary plat, which the subdivider proposes to record and develop at the time.

(B) The subdivider shall submit five copies of the final plat and shall submit two copies of the final engineering plans to the Committee.

(C) The Committee shall approve or disapprove the plat within 30 days after submission. If the Committee disapproves or rejects the final plat, the subdivider shall be promptly notified in writing of the reasons for disapproval or rejection. If approved the Committee shall submit the final plat to the County Board for final approval.

(D) The County Board shall act upon the final plat within 60 days of submittal whereupon the County Clerk notifies the subdivider of the county Board's action.

(E) Upon approval of the final plat by the County Board, the subdivider shall record the plat with the County Recorder of Deeds within six months. If not recorded within this time, the approval shall be null and void.

(F) The recording of a plat shall not be construed to mean acceptance of the required physical improvements constructed or installed in the subdivision.  
(Ord. Passed 9-10-73; Am. Res. Passed 7-11-78)

**§151.18 PLAT PRESENTATION REQUIREMENTS**

(A) Preliminary plat

- (1) Scale: one inch equals 100 feet
- (2) Identification and description:

(a) Proposed name of subdivision, landowner's, engineer's and surveyor's names and addresses.

(b) Location by section, township and range.

(c) Graphic scale, north arrow, and date of preparation.

(3) Existing conditions in the tract and in the surrounding area.

(a) Boundary line of proposed subdivision.

(b) Total approximate acreage.

(c) Platted streets, railroad right-of-way and utility easements.

(d) Boundary lines and ownership of adjoining subdivided land.

(e) Location and identification of all recorded subdivisions lying adjacent to or across a public right-of-way.

(f) Sewers, water mains, culverts or other underground facilities.

(g) Permanent buildings or structures.

(h) Topography showing water courses, marsh areas and contours at vertical intervals of no more than two feet.

(4) Subdivision design features.

(a) Layout and width of proposed streets and utility easements showing street names, lot dimensions, parks and other public areas. The street layout shall include all contiguous land owned or controlled by subdivider.

(b) Proposed use of all parcels, and if a zoning change is contemplated, proposed rezoning.

(c) Preliminary street grades shall be shown on a copy of the contour map.

(d) Provisions for water supply, sewage disposal, storm water disposal, and subsurface drainage.

(e) Draft of protective covenants, (if any) whereby the subdivider proposes to regulate land use and otherwise protect the purposed development.

(f) The subdivider shall send a copy of the preliminary plat to all applicable public utility companies, prior to submission of the plat to the Committee, requesting those public utility companies to comment as to the acceptability of the various easements, as proposed by the subdivider. The subdivider shall supply the Committee with copies of all correspondence sent to the public utility companies, and shall also supply the Committee with copies of all responses from the public utility companies.

(g) The subdivider shall send a copy of the preliminary plat to the Illinois Department of Transportation with respect to the acceptability of the proposed roadway access if such access is onto a roadway under the jurisdiction of the State, or to the County Engineer if such access is onto a roadway under the jurisdiction of the County, or to the County Engineer and the road district commissioner of the relevant local highway authority with respect to such access if the proposed roadway access is onto a township road. The subdivider shall submit to the Committee copies of all correspondence between the subdivider and applicable highway authority.

(h) The subdivider shall send a copy of the preliminary plat, along with a copy of all preliminary construction plans, to the Health Department. The Health Department shall review the submitted plans for a determination as to their acceptability for an adequate supply and distribution of water within the subdivision and proper sewage disposal. The Health Department shall supply the

Committee with a written statement as to the acceptability of the proposed preliminary plans. The written statement shall inform the Committee of the means by which water will be distributed to the various lots and the method of sewage disposal. The statements shall specifically state whether the proposed plans meet the requirements of the State and County Health Department. If the proposed plans do not meet with the approval of the Health Department the statement shall include the manner in which the plans will need to be modified to conform to the requirements.

(i) Within three business days after the preliminary plat is submitted for approval, the president of the school board and the superintendent of schools in which the subdivided land is located shall be notified in writing that such plat has been submitted for approval and that it is available for public inspection. The notice shall state the anticipated date, time and place of the meeting in which said subdivision will be considered for approval. The notices shall be by certified mail, return receipt requested, or delivered in person. Failure to provide such notices shall not invalidate the plat.

## (B) Final Plat

(1) Plans for water supply, sewage disposal, drainage and flood control.

(2) Soil borings, if required by the Committee.

(3) Name of the proposed subdivision.

(4) A scale of not less than one inch to 100 feet.

(5) Location by quarter section, section, township, range, meridian, county, and state.

(6) Date and north arrow.

(7) Boundary of the plat, based on an accurate traverse, with angles and lineal dimensions.

(8) The description and location of all survey monuments.

(9) Survey data sufficient to reproduce any line or reestablish any monument.

(10) A graphic representation with lengths and widths of all highways, streets, alleys, places, blocks, lots, parcels, public grounds easements and right-of-way.

(11) A graphic representation of the minimum setback lines on all lots and parcels, and a notation of the distance between such lines and the street line.

(12) Consecutive numbers on all lots.

(13) The name of each street printed on the graphic representation of such street, and an appropriate label designating all other easements, right-of-way, setback lines, dedications and reservations.

(14) Abutting street lines of platted, adjoining subdivisions shown in their correct location by broken (dashed) lines.

(15) The following notation: "A part of the property covered by this plat is (is not) situated within 500 feet of a surface drain or watercourse serving a tributary area of 640 acres or more."

(16) Protective covenants, which meet with the approval of the Committee, shall be lettered on the final plat or attached thereto.

(17) Accompanying documents shall consist of:

(a) Engineering plans. Three complete sets of all final engineering plans, designs, layouts, and specifications of all physical improvements required by § 151.35 through 151.50. One complete set each will be filed with the County Clerk, the County Engineer and with the Department of Planning and Zoning.

(b) Owner's certificate. Notarized certification, by owner or owners or by any

mortgage holder of record, of the adoption of the plat and the dedication of streets and other public areas.

(c) Surveyor's certificate. The Surveyor's Certificate shall include the name, signature, number and seal of the registered land surveyor; and shall be dated; and shall include a legal description of the tract of land subdivided and further certify that the tract of land has been surveyed and the monuments set as shown on the attached plat.

(d) County Clerk's Certificate. "I, \_\_\_\_\_, County Clerk of DeWitt County, Illinois, do hereby certify that I have received all plat fees and the required guarantee of performance in connection with the attached plat. Given under my hand and seal at Clinton, Illinois, this \_\_\_\_ day of \_\_\_\_ A.D. 20\_\_.

(e) Certificate of the County Engineer. "I \_\_\_\_\_, County Engineer of DeWitt County, Illinois, do hereby certify that the attached plat has been examined by me and found to comply with highway requirements, as set forth in the regulations governing plats of subdivided land and adopted by the DeWitt County Board." Dated this \_\_\_\_ day of \_\_\_\_ A.D. 20\_\_.

\_\_\_\_\_  
County Engineer

(f) County Board Certificate. Approved by the County Board of DeWitt County, Illinois, at a meeting held this \_\_\_\_ day of \_\_\_\_ A.D. 20\_\_.

\_\_\_\_\_  
Chairman of the County Board  
\_\_\_\_\_  
County Clerk

(g) County Health Department Certificate. I, \_\_\_\_\_, Administrator of the DeWitt-Piatt Bi-County Health Department, DeWitt and Piatt County, Illinois, do hereby certify that the attached plats have been examined by said Department and have been

found to comply with all applicable State and County public health requirements.

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

\_\_\_\_\_  
Administrator, County Health Department

(h) A written, signed acknowledgement by the applicable highway authority, as specified in division (B)(4)(g) of this section, stating that the provision(s) for access have been found acceptable as shown on the Final Plat and accompanying engineering plans.  
(Ord. Passed 9-10-73; Am.Res. passed 7-11-78; Am.Ord.passed 4-12-90;Am.Res.passed 5-12-94)

### DESIGN STANDARDS

#### §151.19 COMPLIANCE WITH COMPREHENSIVE PLAN.

The Subdivision of land, including the arrangement, character, extent, width, grade and location of all streets, alleys or other land to be dedicated for public use shall conform to the Comprehensive Plan for the development of the entire area; and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.  
(Ord. Passed 9-10-73)

#### § 151.20 STREETS AND RIGHT-OF-WAY.

(A) The design of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

(B) Where a subdivision abuts or contains an existing or proposed expressway or primary street, the Committee may require marginal access streets, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties to afford separation of through and local traffic.

(C) Proposed streets shall, as near as practicable, provide for the continuation, connection, or projection of streets in surrounding areas, or conform to a plan for a neighborhood as may have been adopted by the Regional Planning Commission.

(D) Dead-end, or stub-end streets are prohibited. However, where it is necessary to provide circulation to undeveloped property adjacent to the boundaries of the proposed subdivision, a temporary cul-de-sac with a turnaround radius of not less than 75 feet shall be provided within the subdivision and adjacent to its limit for what would otherwise be a stub-end street. Provision will be made by the subdivider that when the right-of-way is extended into the adjacent property, that portion of the turn-around in excess of the right-of-way width will revert to the adjacent property owner or owners.

(E) Reserve strips controlling access to streets or alleys shall be prohibited.

(F) All streets shall be named, and the names of the streets in proposed plats shall be chosen as to avoid confusion or duplication with existing street names.

(G) Half streets shall be prohibited. In case a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

(H) Maximum length of permanent cul-de-sac streets shall be 500 feet measured from the centerline of the intersection street to the center of the turning circle. Each cul-de-sac shall be provided at the closed end with a turn-around having a minimum roadway diameter of 100 feet, and a maximum street property line diameter of 120 feet. No cul-de-sac may intersect with another cul-de-sac.

(I) Alleys in residential developments will be prohibited. Service roadways may be required in commercial and industrial developments, except where other provisions for suitable access and off-street loading and unloading are assured.

(J) Street jogs shall be prohibited.

(K) The angle of the intersection between local streets and major streets shall not vary by more than ten degrees from a right angle. All other streets should intersect each other as near to a right angle as possible and no intersection of streets at angles of less than 70 degrees shall be permitted.

(N) The intersections of a subdivision street with any existing highway shall be designed as specified by the agency having maintenance authority.

(L) Edge of surface course or curb line shall be designed with 30-foot minimum radius turnout. Additional right-of-way shall be provided as needed.

(O) Street grades:  
 Maximum: 7%  
 Minimum: 0.40%

(M) Major streets shall be designed with curves having a centerline radius of not less than 500 feet except where a lesser radius is deemed safe and adequate to the public need. All other streets shall be designed with curves having a centerline radius of not less than 250 feet. There shall be a minimum tangent distance of 100 feet between reverse curves.

(P) Minimum standards for surface width, shoulder width, and right-of-way:  
 (1) Urban section (Lots average less than 150 feet at the street setback line).

Street Type	Right-of-Way (footage)	Surface Width (footage)	Shoulder
Boulevard	100	24	
Collector Highway	80	22	7
Land Access	60	22	5
Subdivision Street	60	36#	*
Cul-de-sac	60	26#	*
Alleys	25	16	*

\*No gutters required; # Includes face to face of curb;

(2) Rural section (lots average more than 150 feet at the street setback line).

Street Type (Footage)	Right-of-Way	Surface Width (Footage)	Shoulder
		22	7
Collector Highway	80	22	5
Land Access highway	60	22	5
Subdivision Street	60	22	5
Cul-de-sac	60		

(Order. Passed 9-10-73) Penalty, § 151.99

Overhead or underground utility service including

**§ 151.21 Easements.**

but not limited to sanitary sewer, storm sewer, water, gas, telephone and electric. Such easements shall have a minimum width of ten feet. Where it is

(A) Easements shall be provided for any

intended that both overhead and underground utilities shall have a minimum width of ten feet. Where it is intended that both overhead and underground utilities shall share the same easement, additional width sufficient to avoid conflict shall be provided. To the extent possible easements shall be established along rear lot lines to provide continuity of alignment throughout the subdivision.

(B) When a subdivision is bordered or traversed by an established stream, established drainage way or channel, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of same, and such easement shall include an additional area of sufficient width to permit maintenance and any improvement or reconstruction of the stream, drainage way or channel, in the foreseeable future.

(Order. Passed 9-10-73)

#### **§151.22 BLOCK STANDARDS.**

(A) In urban subdivisions block lengths shall not exceed 1200 feet.

(B) In rural subdivisions block lengths shall not exceed 2000 feet.

(C) Blocks over 1200 feet long, may require a cross-walk easement not less than ten feet in width, if necessary, to provide proper access to schools, play grounds, shopping centers, and other facilities.

(Ord. Passed 9-10-73) Penalty, §151.99

#### **§ 151.23 LOT STANDARDS.**

(A) Where possible, side lot lines shall be at right angles to straight street lines or radial or curved street lines. Lots with frontage on two parallel streets shall be avoided except where one street is an arterial feed or highway with no direct access to the lot.

(B) Lot dimensions and area shall not be less than the requirements of Chapter 152, the county zoning code. In subdivisions not providing full community sewer and water facilities, increased area will be required in instances where such need is indicated by the Health Department's investigations.

(Ord. Passed 9-10-73) Penalty § 151.99

### **PHYSICAL IMPROVEMENTS**

#### **§ 151.35 SUBDIVIDER TO PROVIDE IMPROVEMENTS IN ACCORDANCE WITH CERTAIN REQUIREMENTS.**

The subdivider shall provide and install all public improvements, as required by this code. Improvements shall be provided and installed in accordance with the standards and engineering requirements established by these regulations 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. passed 9-10-73)

#### **§ 151.36 ENGINEERING DRAWING REQUIRED**

(A) The subdivider shall prepare two copies of all final engineering plans, drawings, designs and specifications as required in this subchapter, with those plans, designs, drawings, and specifications, to be filed with the County Clerk upon approval of the final plat by the County Board, and prior to the final plat being recorded.

(B) The engineering drawings shall be prepared by an engineer qualified to practice in the State of Illinois.

(Ord. passed 9-10-73; Am.Res: passed 7-11-78)

#### **§ 151.37 CONSTRUCTION WORK TO COMPLY WITH CERTAIN SPECIFICATIONS.**

Unless otherwise specified, all construction work shall be in accordance with the provisions of the current issue of the "Standard Specifications for Road and Bridge Construction" prepared by the Department of Transportation, Division of Highways, including special provisions.

(Ord. Passed 9-10-73) Penalty § 151.99

#### **§ 151.38 ROADS AND STREETS**

(A) Pavement construction for all streets, highways and alleys shall consist of a minimum base course, constructed of compacted six inches

aggregate base, Type B, with an A-3 Bituminous surface treatment or equivalent.

(B) Curb and gutters. Where required, gutters or combination curb and gutters, shall be constructed of Portland cement concrete, not less than 24 inches in width and not less than six inches thick.

(Ord. Passed 9-10-73) Penalty § 151.99

### **§ 151.39 STORM WATER DRAINAGE FACILITIES.**

(A) The subdivider shall construct storm water drainage facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. All such facilities must be designed and constructed to hydraulically accommodate maximum potential volumes of flow.

(B) Cross road culverts shall have a minimum diameter of 18 inches or equivalent.

(C) Entrance culverts shall have a minimum diameter of 12 inches and be at least 24 feet long. Shall be constructed pursuant to 605 ILCS-5/9-105. No non-rain water shall be discharged any closer than 10 feet from the property line.

(D) The agency that will have the maintenance responsibility of the street system must be consulted as to the acceptance of the drainage system.  
(Ord. passed 9-10-73; Amd. Ord. passed 2-24-05)  
Penalty § 151.99

### **§ 151.40 SANITARY SEWERS.**

(A) The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. If public sewer facilities are not available, the subdivider shall make provisions for adequate private sewage disposal systems as specified by the County. No non-rain water shall be discharged any closer than 10ft from the property line.

(B) The Committee may require the installation of sewer laterals to the street lot line. If, at the time of final platting, sanitary sewer facilities

are not available to the plat, but will become available within a period of five years from the date of plat recording, the subdivider shall install or cause to be installed sanitary sewers and sewer laterals to the street lot line in accordance with this section and shall cap all laterals as may be specified by the Committee.

(Ord. Passed 9-10-73; Amd. Passed 2-24-05)

### **§ 151.41 SIDEWALKS.**

(A) Sidewalks shall have a minimum width of four feet and a minimum thickness of four inches except across driveways, where the minimum thickness shall be six inches.

(B) Sidewalks shall be installed on both sides of all streets where the average lot frontage is less than 100 feet.

(C) Sidewalks shall be installed on one side of all streets where the average lot frontage is less than 200 feet.

(D) Where the average lot frontage is greater than 200 feet, the Committee may require such sidewalks, as it deems necessary to provide for the safety of pedestrians.  
(Ord. Passed 9-10-73) penalty, § 151.99

### **§ 151.42 MONUMENTS.**

(A) Permanent monuments shall be placed at all corners and at points of tangency of curve lines along the boundary of the subdivision. Permanent monuments shall be of concrete with minimum dimensions of four inches in diameter and 36 inches long.

(B) All corners not marked by concrete monuments shall be marked by galvanized or wrought iron pipe or iron or steel bars at least 30 inches in length and not less than ½ inch in diameter. The top of the pipe or bar is to be set level with the established grade of the ground.

(C) In addition, a minimum of one permanent benchmark shall be established for each subdivision of 20 acres or more. This monument shall be of concrete with a minimum dimension of four inches diameter at the top; and six inches diameter at the

bottom; and 48 inches long, with a brass plate securely fastened to the surface. On the brass plate shall be inscribed the number and elevation of the benchmark.

(Ord. Passed 9-10-73) Penalty § 151.99

**§ 151.43 WATER SUPPLY.**

The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. If public water service is not available, the subdivider shall make provisions for adequate private water systems as specified by the County. The Committee may require the installation of water laterals to the street lot line. The size, type, and installation of all public water mains proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Committee.

(Ord. passed 9-10-73) Penalty, § 151.99

**§ 151.44 UTILITIES.**

All utility lines for telephone and electric services shall be placed in rear line easements when carried on overhead poles.

(Ord. passed 9-10-73) Penalty, § 151.99

**§ 151.45 LANDSCAPING.**

All improved areas within the dedicated street area shall be graded and seeded in an approved manner. Street trees may be required (not more than one per lot) and planted in the public street right-of-way at locations approved by the Committee.

(Ord. passed 9-10-73) Penalty, § 151.99

**§ 151.46 STREET LIGHTING.**

Street lighting may be required of a design compatible with the neighborhood and type of development proposed.

(Ord. passed 9-10-73) Penalty, § 151.99

**§ 151.47 STREET SIGNS.**

The subdivider shall install street signs at the intersections of all streets proposed to be dedicated, a street sign, of a design approved by the Committee . All signs shall meet County Highway Department Specifications.

(Ord. passed 9-10-73, Amd. 2-24-05) Penalty, § 151.99

**§ 151.48 GUARANTEE OF PERFORMANCE.**

(A) A guarantee of performance is required guaranteeing that all of the required improvements will be constructed as approved by the County Board.

(B) Estimated Cost. The subdivider shall have his engineer prepare an estimate of the total cost of all the required improvements. The engineer's estimate shall include the cost of labor, materials, inspection services, and certifications. The estimate shall also include the quantities and construction specifications for the required improvements. The estimate shall be reviewed and approved by the Committee upon written approval of the County Engineer. A copy of the County Engineer's approval shall be provided to the subdivider and the Administrator.

(C) Performance of guarantee. The performance guarantee shall be in one of the following forms:

(1) Escrow Account. The subdivider shall provide an escrow account agreement to the Administrator to be held by a local bank or savings and loan institution conditioned upon the satisfactory completion of the required improvements, which are required by this section to exist in the subdivision. The amount of the account shall be equal to 125% of the total estimated cost of said improvements, as estimated by a registered professional engineer, along with a written statement of approval by the County engineer. All withdrawals from such account shall be subject to the written release of the Committee upon a written certification by the subdivider's engineer and the County Engineer that the required improvements for which a withdrawal is being requested have been fully completed and have been constructed and/or installed in conformity with the plans approved by the County. A minimum of 25% of the escrow account shall remain on deposit until the expiration of two (2) years from the date of certified completion of the required improvements and final inspection and written certification by the county Engineer. The form of all escrow accounts or escrow agreements shall be subject to approval by the State's Attorney.

(2) Irrevocable Letter of Credit.

In lieu of an escrow account, the subdivider shall provide an Irrevocable Letter of Credit to the Administrator from a local bank or savings and loan institution conditioned upon the satisfactory completion of the required improvements, which are required by this section to exist in the subdivision. The amount of the Irrevocable Letter of Credit shall be equal to 125% of the total estimated cost of said improvements, as estimated by a registered professional engineer, along with a written statement of approval by the County Engineer. All withdrawals from such Irrevocable Letter of Credit shall be subject to the written release of the Committee upon written certification by the subdivider's engineer and the County Engineer that the required improvements for which is being requested have constructed and/or installed in conformity with the plans approved by the County. A minimum of 25% of the Irrevocable Letter of Credit shall remain in effect until the expiration of two (2) years from the date of certified completion of the required improvements and final inspection and written certification by the County Engineer. The form of all Irrevocable Letters of Credit shall be subject to approval by the State's Attorney.

(D) Inspections required. All

construction and installation of work performed on the required improvements shall be inspected by a registered professional engineer at the subdivider's expense. The subdivider shall require that a registered professional engineer shall be on the job site at such times during the process of construction activities and shall periodically inspect the installation and construction of all required improvements to ensure that the development is constructed in compliance with the plans approved by the County. When the work has been completed the registered professional engineer shall provide written certifications that the improvements were inspected during actual construction by the engineer and that the improvements were constructed or installed in complete conformity with the approved plans and specifications. All work shall also be subject to inspection and will be inspected in a timely manner by the County Engineer. Any work shall also be subject at all times to inspection by another affected department, agency, utility, or entity.

(E) Notification and Timing of

Inspections. Before the start of construction on any required improvements in the subdivision, the subdivider shall ascertain from the County Engineer and any other affected department, agency, utility, or entity, what inspections are required and the amount of notification required in each case, and shall comply with all rules, regulations, and instructions to such required inspections.

(F) Subdivider responsibility for

Inspections and Compliance. Regardless of contracts, agreements, or inspections performed, responsibility for the inspection of the required improvements during and after completion of the construction and complete compliance with the plans, drawings, and specifications as approved by the County shall be the responsibility of the subdivider.

(G) Submission of as Built Plans. At the

end of the two (2) year period in which the 25% of the performance guarantee has been held, and prior to release of the remaining 25% of the guarantee, the subdivider shall submit five (5) sets of plans and specifications to the Administrator which accurately and completely depict the required improvements as they were actually constructed and installed.

(H) Release of Performance Guarantee.

The balance of the performance guarantee shall be released upon expiration of the two (2) year period and upon final inspection and certification on the installation and testing of the required improvements by the County Engineer. The County Engineer shall provide written certification to the Committee that the required improvements have been completed, a list of all deficiencies which have occurred during the past two (2) years, the actions taken by the subdivider to correct these deficiencies, and that the required improvements have been inspected, tested, and found in conformity with the subdivision plans as approved by the County. Upon these certifications of inspection and acceptability the Committee shall have prepared a written release to the local bank or savings and loan institution where the performance guarantee is held notifying them of the final inspections and that the remaining 25% may be released.

(Ord. passed 9-10-73; Am, Ord. passed 5-12-94 & 2-24-05)

**§ 151.49 APPROVAL OF IMPROVEMENTS**

(A) (Option (1) When street and drainage improvements and all appurtenances thereto, based on approved engineering drawings have been constructed or installed and have passed all inspections, the County Engineer shall provide the developer with a letter of approval and certification of completion. The streets shall then be tendered by the subdivider to the Road District Highway Commissioner for acceptance. OR

(Option (2) The subdivider may request approval of the completed improvement and acceptance of the improvements as public streets at such time that all construction and installation, excepting construction of the surface material, having been completed. The approval and acceptance procedures will be permitted to proceed at the time provided a portion of the performance guarantee equal to 125% of the cost to complete the said surface material construction as provided in the approved engineer’s estimate plus 25% of the amount of the irrevocable letter of credit on file as per 151.48(H). Said total amount to be retained for two (2) years from the date of street acceptance. The said portion so retained shall be used, in addition to any and all other requirements, to reimburse the accepting highway authority’s cost in repairing all deficiencies which may arise and to complete construction of the surface material on said streets.

(B) When any required sewer or water improvement or health facility is intended for public ownership, based on approved engineering drawings, has been constructed or installed and has passed all inspections, the appropriate public agency shall provide the subdivider with a letter of approval and certification.

(C) When any required sewer or water improvement is not intended for public ownership, the appropriate operation agency shall provide the subdivider with a letter of approval and certification. (Ord. passed 9-10-73;Amd 2-24-05)

**§ 151.50 ACCEPTANCE OF STREETS.**

Upon completion of construction of the required physical improvements, and inspection and approval by the County Engineer, the highway

commissioner of the Road District having jurisdiction of the subdivision shall furnish the subdivider a copy of the completed form of acceptance of streets, as follows:

\_\_\_\_\_ ROAD DISTRICT

**ACCEPTANCE OF STREETS**

The Highway Commissioner of \_\_\_\_\_ Road District

Hereby agrees to accept the streets in

\_\_\_\_\_ Subdivision in the \_\_\_\_\_ of Section \_\_\_\_\_ Township \_\_\_\_\_ N, Range \_\_\_\_\_ E, of the \_\_\_\_\_ P.M., said subdivision consisting of \_\_\_\_\_ +/- miles of streets.

The Road District will maintain the streets, including snow removal, surface drainage of the streets, as it exists at the time of acceptance, existing culverts, and surfacing of the streets as constructed.

All additional entrance culverts required shall be furnished by others, subject to the approval of the Road District Highway Commissioner as to type and size.

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

\_\_\_\_\_  
Highway Commissioner of

\_\_\_\_\_ Road District

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

\_\_\_\_\_ Town Clerk

CC: Subdivider  
Highway Commissioner  
County Engineer  
Town Clerk  
Committee  
(Ord. passed 9-10-73)

## **ADMINISTRATIVE AND ENFORCEMENT**

### **§ 151.60 ENFORCING OFFICIAL.**

It shall be the duty of the County Board to see that the provisions of this chapter are properly enforced.

(Ord. passed 9-10-73)

### **§ 151.61 BUILDING PERMIT.**

Certification of the subbase and aggregate by the County Engineer may enable the developer to apply for building permits. The certification of the subbase and aggregate is in no way considered the final approval and the governing official will not consider the certified streets public streets until the final acceptance.

A maximum of two building permits may be issued by the governing official for the construction of any building, structure or improvement on any land henceforth subdivided, after the subbase and aggregate is certified by the County Engineer.

(Ord. passed 9-10-73; Am. Ord. passed 2-24-05)  
Penalty, § 151.99.

### **§ 151.62 FEES.**

Subdivision plat and recording fees shall be established by the County Board, in accordance with the state statutes.

(Ord. passed 9-10-73)

### **§ 151.63 VARIANCES.**

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of these regulations the County Board shall have the power to vary from the requirements in harmony with the general purposes and intent thereof.

(Ord. passed 9-10-73)

## **§ 151.99 PENALTY**

Any person violating any provision of this chapter shall be guilty of a misdemeanor, punishable by a fine of not more than \$100 or by imprisonment not to exceed 90 days. Each day a violation is allowed to continue it shall be construed as a separate offense.

(Ord. passed 9-10-73)