

ORDINANCE NO. O12-138-01

**AN ORDINANCE ADOPTING THE NEW VILLAGE OF
TIMBERLANE, ILLINOIS DEVELOPMENT AND SUBDIVISION
CODE**

WHEREAS, the Village of Timberlane on April 19, 2012 adopted Ordinance No.O12-110-01, "An Ordinance Adopting A New Village of Timberlane Development and Subdivision Code" and,

WHEREAS, because of found errors and omissions it is necessary to re-adopt a corrected version of said Code.

NOW THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Timberlane, Boone County, Illinois that:

Section 1. The President and Village Board of Trustees hereby repeal Ordinance No.O12-110-01 and it shall be replaced in its' entirety by a new Village of Timberlane, Illinois Development and Subdivision Code, which is attached and made apart of this Ordinance.

Section 2. Any ordinance not stated above, or part of any ordinance which is inconsistent with the provisions of this ordinance, are hereby repealed.

Section 3. This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as required by law.

Adopted by the Board of Trustees of the Village of Timberlane, Illinois this 17 day of MAY, 2012.

Approved by me this 17 day of MAY, 2012.


Stephen M. Rapp, Village President

Attest: 
Debra K. Marnier, Village Clerk

Trustees Voting:
Aye: 4
Nay: 0
Absent: 1

VILLAGE OF TIMBERLANE, ILLINOIS
DEVELOPMENT AND SUBDIVISION CODE

Ordinance No. 012-138-01

Adopted May 17th, 2012

Table of Contents

<u>CHAPTER ONE: General Provisions</u>	Page No.
1. 01 Title	4
1.02 Policy	4
1.03 Purposes	4
1.04 Resubdivision of Land	5
1.05 Vacation of Plats.	5
1.06 Variances.....	6
1.07 Enforcement	7
1.08 Definitions	7
<u>CHAPTER TWO: Procedure for Subdivision Approval</u>	
2.01 Approval of Subdivision	13
2.02 Pre-application Conference	13
2.03 Pre-application Concept Plan for Review and Comment	13
2.04 Preliminary Plat Required	14
2.05 Preliminary Plat Submittal	17
2.06 Final Subdivision Plat Required	19
2.07 Vested Rights	21
2.08 Final Plat Submittal.	21

CHAPTER THREE: Improvement, Reservation, and Design Requirements

3.01 General Improvements	25
3.02 Design Requirements	26
3.03 Drainage, Storm Sewers and Detention Areas	31
3.04 Easements	39
3.05 Grading	40
3.06 Sedimentation and Erosion Control	40
3.07 Water Facilities	41
3.08 Sewerage Facilities	41
3.09 Public Uses	41
3.10 Landscaping and Preservation of Unique Features	42
3.11 Miscellaneous Requirements	42

CHAPTER FOUR: Completion and Maintenance of Improvements

4.01 Improvements and Performance Bond	44
4.02 Inspection of Improvements	45
4.03 Maintenance of Improvements	46
4.04 Deferral or Waiver of Requirement.	46
4.05 Issuance of Building Permits	46
4.06 Issuance of Occupancy Permit.	47
4.07 Penalty	47

APPENDICES:

Appendix A: Required Certificates	48
Appendix B: Dedication of Park Lands, Open Space, Recreational Areas Or School Sites or Payment of Fees	55

CHAPTER 1: GENERAL PROVISIONS

§ 1.01 TITLE

This ordinance shall be cited as "The Village of Timberlane, Illinois Development and Subdivision Code."

§ 1.02 POLICY

- A. It is declared to be the policy of the Village to consider the subdivision of land and the subsequent development of the subdivided plat as subject to approval by the municipality for the orderly, planned, efficient, and economical development of the Village.
- B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and other related improvements.
- C. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the building codes, zoning ordinance, official zoning map, and Land Use Plan of the Village.

§ 1.03 PURPOSES

It is the purpose of the Village Board in enacting this chapter:

- A. To protect and provide for the public health, safety, and general welfare of the municipality.
- B. To guide the future growth and development of the municipality.
- C. To provide for safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- D. To protect the character and the social and economic stability of all parts of the municipality and to encourage the orderly and beneficial development of all parts of the municipality.
- E. To protect and conserve the value of land throughout the municipality and the value of buildings and improvements on the land, and to minimize the conflicts among the uses of land and buildings.

- F. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- G. Conflict with Public and Private Provisions.
- (1) Public Provisions. The regulations are not intended to interfere with, abrogate, or annul any other applicable ordinances, rules or regulations, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule, or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
 - (2) Private Provisions. These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the conditions imposed by the municipality in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

§ 1.04 RESUBDIVISION OF LAND

- A. If any change in a map of any approved or recorded subdivision plat affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally divided prior to the adoption of any regulations controlling subdivisions, such parcel shall be subject to the same procedure, rules, and regulations as for a subdivision. This rule shall be superseded where changes meet the exceptions to the Plats Act, Chapter 109, Section 1(b), Illinois Revised Statutes.
- B. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land, and there are indications that such lots will eventually be resubdivided into small building sites, the Village Board may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

§ 1.05 VACATION OF PLATS

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

- B. Such an instrument shall be approved by the Village Board and Village Attorney in like manner as plats of subdivisions. The Village Board may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.
- C. Such an instrument shall be executed, acknowledged, or approved and recorded or filed, in like manner as plats of subdivisions, and being duly recorded or filed, shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
- D. When lots have been sold, the plat may be vacated in the manner herein provided that all the owners of lots in such plat join in the execution of such writing.

§ 1.06 VARIANCES

- A. Where the PZB Committee finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may recommend to the Village Board, variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the PZB Committee shall not recommend variances unless it shall make findings based on the evidence presented to it in each specific case that:
 - (1) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property as located.
 - (2) The conditions on which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.
 - (4) The variances will not in any manner vary the provisions of the zoning code of the Village.
- B. In recommending variances, the PZB Committee may recommend such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
- C. A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the PZB Committee. The petition shall state, fully, the grounds for the application and all of the facts relied on

by the petitioner.

§ 1.07 ENFORCEMENT

A. Enforcement.

- (1) It shall be the duty of the PZB Committee Chairman and Village Engineer to enforce these regulations and to bring to the attention of the Village Attorney of the Village any violations or lack of compliance herewith.
- (2) No owner, or agent of the owner, of any parcel of land located in a proposed subdivision, shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Village Board, in accordance with the provisions of these regulations, and recorded with the County Clerk.
- (3) The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these regulations.
- (4) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.
- (5) Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy, of a building structure or premises, and these remedies shall be in addition to penalties. (See Section 4.07 Penalty)

§ 1.08 DEFINITIONS

Unless the context otherwise requires, the following shall have the following definitions used in this chapter regardless of how they may be defined for purposes of other chapters.

ABUTTING. Having a common border with, or being separated from such a common border by a right of way, alley, or easement.

ALLEY. A way which affords only secondary means of access to abutting property.

TIMBERLANE EXTRATERRITORIAL AREA. All land outside the Village limits but lying within 1-1/2 miles thereof

BLOCK. A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of a development.

BUILDING LINE OR SETBACK LINE. The line within a property defining the minimum horizontal distance between a building and an adjacent property line or right of way line.

CERTIFICATION. A written statement by the appropriate officer that required constructions, inspections, tests, or notices have been performed and comply with the applicable requirements.

COMMITTEE. The Planning, Zoning, and Building (PZB) Committee of the Village of Timberlane. Said committee shall be comprised of three (3) Village Board Members appointed by the Village President.

CORNER LOT. (See "LOT TYPES").

CROSSWALK WAY. A public right-of-way which provides pedestrian circulation.

CUL-DE-SAC. A street having but one outlet to another street, and terminated on the opposite end by a vehicular turn-around.

CULVERT. A transverse drain that channels surface water under a bridge, street, or driveway.

DEAD-END STREET. A street, other than a cul-de-sac, with only one outlet.

DEDICATION. A gift or donation of property by the owner to another party.

DENSITY. A unit of measurement, such as the number of dwelling units per acre of land.

- (1) **GROSS DENSITY.** The number of dwelling units per acre of land to be developed.
- (2) **NET DENSITY.** The number of dwelling units per acre of land when, including only the acreage devoted to residential uses and exempting such uses as streets.

DEVELOPER. Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or another.

DEVELOPMENT PLAN OR COMPREHENSIVE PLAN. A plan, or any portion thereof, adopted by the Village showing the general location and extent of present and proposed physical facilities, including residential, industrial, and commercial uses, major streets, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the Village and surrounding area.

DWELLING UNIT. Space within a building, comprising living, dining, sleeping rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by one family and its household employees.

EASEMENT. Authorized by a property owner for the use of another, and for a specific purpose, of any designated part of his property.

FLOOD. A general and temporary condition of partial or complete inundation of normally

dry land areas from the overflow of inland waters, or the unusual and rapid accumulation, or the run-off of surface waters from any source.

FLOOD PLAIN. That land, including the flood fringe and floodway, as designated by FEMA, subject to inundation by the flood.

FLOODWAY. That portion of the flood plain, including the channel, required to store and convey the base flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

FLOOD FRINGE. That portion of the floodplain outside of the regulator floodway.

HALF-STREET. A street bordering one or more property lines of a tract of land in which the developer has allocated but part of the ultimate right-of-way width.

IMPROVEMENTS. Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, street signs, utility lines, landscaping, and other related matters normally associated with the development of raw land into buildings sites.

LOCATION MAP OR VICINITY MAP. A map which portrays the subdivision to its surrounding area showing the relations and extent of the proposed subdivision to existing or platted right-of-way, drainage, and easements in order to better locate and orientate the subdivision under review.

LOT. Any tract of land, the boundaries of which are established or depicted by any one or a combination of the following methods: Metes and bounds description; a closed figure formed by a series of interconnecting lines drawn on a plat or reference to a portion or fraction of a figure thus depicted; or conveyance describing a fraction or portion of an existing lot.

LOT, CORNER. A lot located at the intersection of two or more streets.

LOT, DEPTH OF. The mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE. A lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

LOT, REVERSE FRONTAGE. A lot on which frontage is at right angles to the general pattern in the block. A reverse frontage lot may also be a corner lot. A lot having its rear lot line abutting the right-of-way of a street or highway that prohibits access from a local or marginal access street.

OPEN SPACE. The open space area may include, along with natural environmental features, such as agriculture, flood plains, areas of natural vegetation, parks and recreation facilities, parking lots, and any other recreational facilities that the PZB Committee deems permissive. Streets, structures for habitation and the like shall not be included.

PAD. A building site often prepared by artificial means, including but not limited to, grading, excavation, or filling or any combination thereof.

PARKING SPACE, OFF-STREET. For the purposes of these regulations, an off-street parking space shall consist of an area adequate for parking an automobile, recreational vehicle, boats, etc., with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

PAVEMENT WIDTH. The portion of the street available for vehicular traffic, where curbs are laid, the portion between the edges of curbs.

PEDESTRIAN WAY. The right-of-way access within a block for use by pedestrian traffic, whether designated as a pedestrian way, crosswalk or however otherwise designated.

PERFORMANCE BOND, SURETY BOND, OR IRREVOCABLE LETTER OF CREDIT. An agreement by the developer with the Village for 125% of the amount of the estimated construction costs guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the agreement and provisions of these regulations.

PERSON. Any individual, association, firm, corporation, governmental agency, or political subdivision.

PZB COMMITTEE. The Planning, Zoning, and Building Committee of the Village of Timberlane.

PLAT OR PLAN. An instrument on which is depicted a map, drawing, or plan of a certain tract of land, drawn to scale, which is designed to facilitate the location of, reference to, and legal description of such tract, or lots contained thereon, or both, by indication in the map, drawing, or plan of certain points of reference within are known to or which are described to coincide with established survey monuments.

PLAT, FINAL. The final plat on which the subdivider's plan of subdivision is presented to the Village for approval and which, if approved, will be submitted to the Recorder of Deeds of Boone County.

PLAT, PRELIMINARY. The tentative map, drawing, or plan indicating the proposed layout of the subdivision to be submitted to the Village for consideration.

PUBLIC WAY. Any alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, street, tunnel, viaduct, walk, or other ways in which the general public or a public entity have a right or which are dedicated, whether improved or not.

REGISTERED ENGINEER. A professional engineer registered with the state of Illinois.

REGISTERED SURVEYOR. A professional land surveyor registered with the state of Illinois.

RIGHT-OF-WAY (ROW). A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features required by the topography or treatment such as grade separations, landscaped areas, viaducts, and bridges.

SEWERS, ON-SITE. A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

SIDEWALK. The portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

STREET OR ROAD. The full width between property lines bounding every public way of whatever nature, which part thereof to be used for vehicular traffic and designated as follows:

- (1) **PRIMARY ARTERIAL STREET.** A street with access control, channelized intersections, restricted parking, and which collects and distributes traffic to and from minor arterial streets.
- (2) **MINOR ARTERIAL STREET.** A street with signals at important intersections and stop signs on the side streets, and which collects and distributes traffic to and from collector streets.
- (3) **COLLECTOR STREET.** A street which carries traffic from minor streets to a thoroughfare, including the principal entrance streets of residential developments and the principal circulating streets within such a development as designated by the Committee.
- (4) **MINOR STREET.** A street used primarily for access to abutting residential property.
- (5) **PRIVATE STREET.** An undedicated street which is privately owned and maintained.

SUBDIVIDER. Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "SUBDIVIDER" shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner, of land sought to be subdivided.

SUBDIVISION.

- (1) The division of a tract of land into two or more lots or parcels;
- (2) The establishment or dedication of a road, highway, easement, park, street or alley in or through the tract regardless of size;
- (3) Any re-subdivision of land heretofore divided or platted into lots, sites, or parcels.

SUBDIVISION DESIGN STANDARDS. The guides, principals, and specifications for the preparation of subdivision plans indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the preliminary plan.

TRANSPORTATION PLAN. The comprehensive street plan of the Village indicating the general location recommended for arterial, collector, and minor streets.

TERRAIN CLASSIFICATION. Terrain within the entire area of the preliminary plat is classified as level, rolling, hilly, or hillside for street design purposes. The classifications are as follows:

- (1) **HILLSIDE.** That land which has a cross slope range of more than 15%.
- (2) **HILLY.** That land which has a cross slope range of more than 8%, but not more than 15%.
- (3) **ROLLING.** That land which has a cross slope range of more than 4%, but not more than 8%.
- (4) **LEVEL.** That land which has a cross slope range of 4% or less.

TOPOGRAPHIC MAP. A map of a portion of the earth's surface showing its topography.

UTILITY EASEMENT. An interest in land granted to the Village, to the public generally, or to a private utility corporation, for installing or maintaining utilities across, over, or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of those utilities.

VARIANCE. A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not resulting in unnecessary and undue hardship.

VILLAGE. The Village of Timberlane, Illinois.

VILLAGE ATTORNEY. The Village Attorney appointed by the Village President with the consent of the Board of the Village of Timberlane.

VILLAGE ENGINEER. The Village Engineer appointed by the Village President with the consent of the Board of the Village of Timberlane.

VILLAGE PLANNER. The Village Planner appointed by the Village President with the consent of the Board of the Village of Timberlane.

CHAPTER 2: PROCEDURE FOR SUBDIVISION APPROVAL

§ 2.01 APPROVAL OF SUBDIVISION

Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, and before any deed or documentation pursuant thereof is recorded, the subdivider or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the procedure shown in this subchapter.

§ 2.02 PREAPPLICATION CONFERENCE

Prior to the submission of the preliminary plat, the subdivider or his authorized agent shall meet with the Village President, Village Planner and Village Engineer or their authorized representatives. The purpose of this conference is to discuss early and informally the purpose and effect of these regulations and the criteria and standards contained therein; and to familiarize the developer with the requirements as to the general layout of the streets, reservations of land, street improvements, drainage, fire protection, emergency vehicle access, availability of existing services, and similar matters affecting land development. The Village President, or representative, shall advise the subdivider, where appropriate, to discuss the proposed subdivision with the officials who must eventually approve these aspects of the subdivision plat coming within their jurisdiction.

§ 2.03 PREAPPLICATION CONCEPT PLAN FOR REVIEW AND COMMENT

- A. The developer shall submit to the Village President or designated representative a concept plan, legibly drawn at a suitable scale and containing the following information for review and comment:
- (1) The proposed subdivision in relation to existing community facilities, street transportation modes, shopping centers, manufacturing establishments, residential developments, and other existing man-made features, naturally occurring features such as vegetation, drainage and general lay of the land.
 - (2) The layout of rights-of-way, lots and any nonresidential sites such as commercial, industrial, manufacturing, school, or recreational uses within the proposed subdivision.
 - (3) The approximate location of utilities in the proposed subdivision, if available, and the location of the nearest sources of water and public facilities for the disposal of sanitary and storm water.
 - (4) The scale and title of the subdivision, a north arrow and date.

- (5) Name, address, and telephone number of owner, developer, surveyor, and engineer.
- (6) Within thirty (30) working days after receiving both a written request and the preliminary sketch plan from the developer, the developer shall be notified by the Village President or designated representative in writing, of the review and advised whether or not to proceed with the formal application and submission of the preliminary plat.

§ 2.04 PRELIMINARY PLAT REQUIRED

A. Application Procedure and Requirements.

Prior to subdividing land, the owner of the land, or his representative, shall file for approval a preliminary plat. The application submitted shall:

- (1) Be made on forms available at the office of the Village or on the Village website and accompanied by a fee pursuant to the current fee schedule also available at the office of the Village.
- (2) Include an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the County Record of Deeds Office. The affidavit shall advise as to the legal owner of the property, any contract owner of the property, and the date the contract sale was executed.
- (3) Be accompanied by a minimum of five (5) copies of the preliminary plat on "24x36" paper as described in these regulations, and complying in all respects to these regulations. In addition, one (1) reduced copy of each page of the preliminary plat on "11x17" ledger size paper. Additional copies may be requested by the Village. In addition include one electronic copy in AutoCAD format.
- (4) Include a sketch plan of the land to be subdivided and all land adjoining the boundaries of the subdivision, together with the names of the adjoining owners as shown in the records of the Supervisor of Assessments.
- (5) Be presented to the office of the Village President who will forward copies of the plat and pertinent application material to the Village Engineer and to the designated representative who will coordinate the processing of the plat.
- (6) Topographical and drainage profiles as described on 765 ILCS 205/0.01 et seq. There shall be submitted simultaneously with the subdivision plat, a study or studies which shall show topographically and by profile the elevation of the land prior to the commencement of any change in elevations as a part of any phase of subdividing, and additionally, if it is contemplated that such elevations, or the flow of surface water from such land, will be changed as a result of any portion of such subdivision development, then such study or studies shall also show such

proposed changes in the elevations and the flow of surface water from such land. The topographical and profile studies required hereunder may be prepared as a subsidiary study or studies separate from, but of the same scale and size as the subdivision plat, and shall be prepared in such a manner as will permit the topographical study or studies to be used as overlays to the subdivision plat. Neither the board of trustees of the village or the officer designated by them, shall approve such plat, unless, in addition to any other requirements of such board of trustees or the officer or officers designated by them, the topographical and profile studies to be submitted with the subdivision plat 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 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. The topographical and profile studies required herein shall not be recorded, but shall be retained and filed by city, village or county to which submitted for approval of the subdivision plat, as permanent public documents.

- (7) Preliminary Plat and Preliminary Engineering Review Fee. All subdivisions which contemplate or which may otherwise require the construction and/or dedication of public improvements, shall be submitted to the Village for review by the Village Engineer or his representative. The fee for such review shall be per the current Village of Timberlane Application Fee schedule available from the Village or on the Village website.

The Village shall require a 5% fee paid prior to the approval and release of the construction plans by the Village Engineer. This fee to be based on the public improvement construction estimate prepared by the developer's engineer and approved by the Village Engineer.

The engineering review fee shall be paid upon submittal of the Preliminary Plat, Application for Subdivision approval, and all required information to the Village President or designated representative. Payment shall be in the form of a certified check, or money order to the Village of Timberlane, and said fee shall not be refunded, regardless of whether the proposed development is approved or disapproved. The Preliminary Plat and plans for any proposed subdivision shall not be considered without receipt paid of the engineering review fee.

For all preliminary plats proposing on-site sewage disposal the developer must obtain soil borings thru the Boone County Health Department and the Boone County Soil and Water Conservation District. The developer is responsible to submit the preliminary plat and soils overlay to the Boone County Health Department for their review and approval. The Village will not approve a

preliminary plat and preliminary engineering submittal without the preliminary plat being reviewed and approved by the Boone County Health Department.

If a preliminary plat application is disapproved and a new submittal is made, all applicable applications, review fees, and any necessary supporting documents and/or drawings must be submitted to initiate a new review.

B. Technical Review Committee – Referral Agency meeting with applicant.

Referral agencies of interest in the plat shall be identified by the Village and solicited for review comments. The Village will send a copy of the proposed preliminary plat, application, and support material to these agencies in advance of the PZB Committee review. The purpose is to complete all technical reviews with recommendations for possible changes to the preliminary plat to be considered by the PZB Committee. Depending on the complexity of the plat a technical Review Committee chaired by the Village Planner, Village Engineer or Attorney may convene with invited referral agencies and developer in attendance to discuss the various concerns.

Agencies may include but are not limited to the following:

- Illinois Department of Transportation (IDOT) District 2
- Boone County Highway Department
- Township Roadway Commissioner
- Boone County Health Department
- Boone County Soil and Water Conservation District
- State of Illinois Historic Preservation Agency
- State of Illinois Department of Natural Resources
- State of Illinois Environmental Protection Agency
- Commonwealth Edison Company
- Nicor Gas
- Frontier
- Comcast
- School District
- Fire Protection District

C. Approval of Preliminary Plat. The following shall apply in the approval of preliminary plat:

- (1) ACTION BY THE PZB COMMITTEE. A preliminary plat shall be reviewed by the PZB Committee to determine its conformity to this Ordinance, "the official plan" and all other Village ordinances and regulations which affect subdivisions. After the PZB Committee has reviewed the preliminary plat, examined a report by the Village Engineer, Village Planner and from officials and referral agencies, the subdivider shall be advised of any required changes or additions. The PZB Committee shall, within 45 days of the receipt of an application for the approval of a preliminary plat, approve or disapprove the plat, or approve it with modifications, noting thereon any changes that will be required. If agreed to by the subdivider, the time may be extended for no more than thirty (30) days after

which one copy shall be returned to the subdivider with the date of the approval or disapproval, and the reason therefore, accompanying the plat.

- (2) ACTION BY BOARD OF TRUSTEES. Approval of the preliminary plat by the Village Board is required by a majority of those holding office.
- (3) Approval of the preliminary plat is tentative approval and indicates that the subdivision appears to meet all the basic requirements of these regulations. No improvements may begin until three (3) copies of the construction plans are submitted to and approved by the Village Engineer as per Section 2.08 (B) and all other local, state, and federal agency approvals and permits are secured.
- (4) Preliminary plat approval shall be effective for a maximum period of one (1) year. Prior to the expiration of one (1) year a final plat must be submitted for consideration
- (5) A final plat not submitted within the one (1) year time limitation of the Preliminary Plat shall be null and void, and the developer shall be required to submit a new preliminary plat for approval.
- (6) A recording of the final plat for part of an overall subdivision shall extend the preliminary plat approval previously granted for the remaining portions of the preliminary plat for two (2) years, provided that the portions of the preliminary plat receiving final plat approval and being recorded contain no less than 25% of the total area in the overall subdivision which initially received preliminary approval. The Village may extend the time period of preliminary plat approval based on a recommendation of the Village Engineer.
- (7) Any preliminary plat approval is subject to the applicable zoning ordinance and all plats must comply with such before receiving final plat approval. (Penalty, see Section 4.07).

§ 2.05 PRELIMINARY PLAT SUBMITTAL

A. General.

The preliminary plat shall be prepared by a licensed land surveyor or engineer at a convenient scale not more than one inch equals 100 feet, and must be prepared in ink. The sheets shall be numbered in sequence if more than one sheet is used and shall be of such size as is acceptable for filing in the office of the Recorder of Deeds, but shall not be larger than 24 x 36 inches. In addition to the Preliminary Plat the Village Engineer may at his discretion require any of the following: Wetlands limits mapped and jurisdictional determination, Natural Resource Inventory from the Boone County Soil and Water Conservation District, Traffic Impact Study, Proposed Phasing of the development, preliminary grading, or soil borings.

B. Features.

The preliminary plat shall show the following:

- (1) The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record, or the names of adjoining developments; the names of adjoining streets.
- (2) The location, bearings, and dimensions of all boundary lines of the property expressed in feet and decimals of a foot.
- (3) The location of existing streets, easements, water bodies, streams and any other pertinent man-made or natural features such as swamps, railroads, buildings, parks, cemeteries, drainage, ditches or bridges. All existing surface conditions in and within 100' of the project borders including a full complete and current topographical survey with contours at one foot intervals.
- (4) The location and width of all existing and proposed streets and easements, alleys, and other public ways, and proposed street rights-of-way and building setback lines. The proposed typical street section(s) including all dimensions and proposed materials. The location of existing and proposed street lighting. The location of all existing and proposed storm water detention and retention areas, floodplain and floodway limits, existing and proposed lakes, ponds, waterways, drainage channels, etc.
- (5) The locations, dimensions, and areas of all proposed or existing lots.
- (6) The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- (7) The name and address of the owner of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor and engineer.
- (8) The date of the map, approximate true north point, scale, and title of the subdivision.
- (9) Sufficient data acceptable to the Village Engineer to determine readily the location, bearing, and length of all lines, including boundary lines and center lines, and to reproduce such lines on the ground; the location of all proposed monuments.
- (10) A subsurface drainage study pursuant to Section 3.03 (F) of this code.
- (11) Names of the subdivision and all new streets as approved by the PZB Committee, subject to final approval by Village Board.
- (12) Indication of the use of any flexible zoning standards, if applicable.
- (13) Blocks shall be consecutively numbered or lettered in alphabetical order. The

blocks in numbered addition to subdivisions bearing the same name shall be numbered or lettered consecutively through the several additions. In lieu of block numbering, lots shall be numbered consecutively and extending the numbering through each addition of the development.

- (14) All lots in each block shall be consecutively numbered. Outlets shall be lettered in alphabetical order. If blocks are numbered or lettered, out lots shall be lettered in alphabetical order within each block.
- (15) The following explanations shall also be shown:
 - (a) Explanation of drainage easements, if any
 - (b) Explanation of site easements, if any.
 - (c) Explanation of reservations, if any.
 - (d) Endorsement of owner, as follows:

Owner:

Date:

- (16) Form for endorsements by PZB Committee Chairman as follows:

Approved by the Village of Timberlane PZB Committee.

PZB Chairman:

Date:

- (17) The lack of information under any item specified herein or improper information supplied by the applicant, shall be cause of disapproval of a preliminary plat.

§ 2.06 FINAL SUBDIVISION PLAT REQUIRED

- A. Application for Final Plat.

Within twelve (12) months after approval of the preliminary plat and prior to the subdivision of any parcel of land, the owner of the parcel shall file an application for approval of the final subdivision plat. The application shall:

- (1) Be made on forms available at the office of the Village and accompanied by a fee pursuant to the current fee schedule also available at the office of the Village.

- (2) Include an affidavit of ownership, which shall include the dates the respective holdings of land were acquired together with the book and page of each conveyance to the present owner as recorded in the County Recorder of Deeds Office. The affidavit shall advise as to the legal owner of the property, any contract owner of the property, and the date the contract sale was executed.
- (3) Be accompanied by a minimum of five (5) copies of the final plat on "24x36" paper as described in these regulations, and complying in all respects to these regulations. In addition, one (1) reduced copies of each page of the final plat on "11x17" ledger size paper. The Village may request additional copies of the final plat. In addition include one electronic copy in AutoCAD format.
- (4) Be accompanied by a minimum of three copies of construction plans as described in these regulations to be delivered to the Village Engineer.
- (5) Comply in all respects with the preliminary plat as approved.
- (6) Be accompanied by all formal and irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, in a form approved by the Village Attorney. The applicant shall deliver a full covenant and warranty deed to all such lands in proper form for recording. Pursuant to Section 4.01, developer may install public improvements prior to final plat approval.
- (7) Be accompanied by a performance bond, cashier's check or irrevocable letter of credit, in a form satisfactory to the Village Attorney and in the amount established by the Village Board which shall be 125% of the estimated construction costs, and shall include a provision that the principal bond shall comply with all the terms of the resolution of final subdivision plat approval as determined by the PZB Committee and shall include, but not be limited to, the performance of an required subdivision and off-site improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the Village free and clear of any liens and encumbrances on the premises.
- (8) Be presented to the office of the Village President at least four (4) weeks prior to the regularly scheduled PZB Committee meeting.

B. Approval of Final Plat.

The final plat shall be reviewed by the PZB Committee for recommendation to the Village Board. The plat shall be considered by the Village Board following that body's rules of procedure.

- (1) The Village Board shall approve, conditionally approve, or deny approval of the final plat. If approved, the plat shall be dated and signed by the President and Village Clerk in the space provided as described in these regulations. The President and Village Clerk shall also sign any dedications, agreements, and easements accompanying the plat. All required bonds shall be posted prior to final plat approval by the Village Board, and filed with the Village Clerk and shall

not be released until work is completed and accepted by the Village Engineer.

- (2) If disapproved, the Village Clerk or his/her appointed designee shall notify the subdivider of the reasons for disapproval.

C. **Recording of the Final Plat.**

- (1) Within ninety (90) days of final plat approval by the Village Board, the subdivider shall record the plat with the County Recorder of Deeds. Simultaneously, with the filing of the plat(s), the subdivider shall record the dedication of streets, parks, and other land for government or public use and all easements with the land.
- (2) If any plat is not recorded within ninety 90 days of approval by the Village Board, or if required bonds are not deposited with the Village within ninety 90 days, the plat shall be considered null and void and the subdivider shall resubmit the final plat to the Village Board after payment of a reinstatement fee of 50% of the initial fee.

§ 2.07 VESTED RIGHTS

A. **General.**

No vested rights shall accrue to any plat by reason of final approval until the actual recording of the plat with the Boone County Recorder after the posting of adequate bond to cover the cost of improvements has occurred.

§ 2.08 FINAL PLAT SUBMITTAL

A. **General.**

The final plat shall be prepared by a licensed land surveyor on a reproducible Mylar at the same scale and contain the same information, except for any changes or additions required by resolution of the PZB Committee, as shown on the preliminary plat. All revision dates must be shown as well as the following:

- (1) If the subdivision is to be platted in stages, the boundary for each stage shall be identified graphically and numerically.
- (2) Notation of any self-imposed restrictions and locations of any building lines proposed to be established in this manner, if required by the PZB Committee in accordance with these regulations.
- (3) Endorsement of all required local government agencies and public or private utilities.
- (4) All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are

made shall be noted at the representation thereof or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter and length of the monuments.

B. Construction Plans.

Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of not less than one inch equals 30 feet, and sheets shall be 24"x36". The following shall be shown:

- (1) Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road, the elevation along the center line of the existing road or roads within 100 feet of the intersection shall be shown. Radii of all curves, lengths of tangents, and central angles must be shown on all streets.
- (2) Plans and profiles showing the locations and typical cross section of street pavements including curbs and gutters, sidewalks, drainage easements, servitudes, rights-of-way, manholes and storm inlets; cross sections at a maximum of 50 foot intervals showing existing and proposed conditions for all new and/or existing streets affected by the proposed improvements, the locations of street trees, street lighting standards, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, subsurface drainage system (drain tiles) and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, electric, telephone, cable TV, or- other- underground utilities or structures.
- (3) Location, size, elevation and other appropriate description of any existing facilities or utilities, including but not limited to, existing streets, sewers, drains, water mains, gas lines, electric lines, telephone, cable TV, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, features noted on the official map or Master Plan, at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of eight inches or more, measured 12 inches above ground level. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams. All elevations shall refer to the U.S.G.S. datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than 20 feet back from the ordinary high water mark of such waterways.
- (4) Topography with a contour interval of one foot, referenced to NAVD88 datum. All datum provided shall be latest applicable NGS NAVD88 datum and should be so noted on the plat. All floodplain and floodway limits and water limits and wetlands shall be shown.
- (5) All specifications and references required by the Villages construction standards and specifications, including a site grading plan and a storm water pollution

prevention plan for the entire subdivision. Storm water management calculations shall also be submitted including but not limited too detention/retention sizing calculations; culvert, storm sewer, drainage channel or ditch sizing calculations, flood elevation calculations, etc.

Notation of approval as follows:

The following certificate shall be required to be on the cover sheet of the construction plans for the proposed development:

I, _____ Village Engineer of the Village of Timberlane, Illinois, do hereby certify that these construction plans have been examined by me and found to comply with the subdivision regulations adopted by the Village of Timberlane, Illinois.

Dated this _____ day of _____ A. D., 20 _____.

- (6) Title, name, address and signature of professional engineer and surveyor, and date, including revision dates.
- (7) All other certifications and notations as shown in Appendix A of these regulations.
- (8) An engineer's estimate of cost for all public improvements to be built as part of the development must be submitted along with the construction plans.

C. Engineering Review and Inspection Fee.

All subdivisions or site plans which contemplate or which may otherwise require the construction and/or dedication of public improvements, shall be submitted to the Village for review by the Village Engineer or his representative. The fee for such review shall be as follows:

- (1) The engineering review and inspection fee shall be 5% of the approved engineer's estimate of construction cost of said public improvements constructed by or impacted by the development. This fee shall be paid prior to the approval and release of the construction plans by the Village Engineer.
- (2) The Village is to escrow this money to be used to pay engineering fees. In the event that actual review and inspection fees are greater than the escrow, the Village will require the developer to front additional money in the amount determined by the PZB Chairman. The Village Engineer will be reimbursed per published hourly rate and reimbursable schedules currently in effect.
- (3) The above engineering review fee shall be paid upon submittal of the earlier of the Final Plat or construction plans and received at the PZB Committee along with other required fees. Payment shall be in the form of a certified check, money order, or United States currency to the Village of Timberlane, and said fee

shall not be refunded, regardless of whether the proposed development is approved or disapproved. The Final Plat and plans for any proposed subdivision shall not be deemed submitted nor considered for review without full payment of the engineering review fee.

CHAPTER 3: IMPROVEMENT, RESERVATION, AND DESIGN REQUIREMENTS

§ 3.01 GENERAL IMPROVEMENTS

A. Character of the Land.

Land which the Village Board finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, adverse topography, utility easements, or other features which will be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or its surrounding areas, shall not be subdivided or developed and approved by the Village Board.

B. Conformance to Applicable Rules and Regulations.

In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules and regulations:

- (1) All applicable statutory provisions.
- (2) The local zoning ordinance, building and housing codes, standards for water and sewer construction, and all other applicable local laws of the appropriate jurisdictions.
- (3) The official Land Use Plan, official zoning map, including all streets, drainage systems, and parks as shown on the official map or plan as adopted.
- (4) The special requirements of these regulations and any rules of the Health Department or appropriate state agencies.
- (5) The rules of the County Highway Department and/or Illinois Department of Transportation where applicable.
- (6) Plat approval may be withheld if a subdivision is not in conformity with the above guides or policy and purposes of these regulations established in Section 1.02, and 1.03.

C. Deed Restrictions and Covenants.

If the owner places restrictions on any of the land contained in the subdivision greater than those required by the zoning code or those required to be indicated on the subdivision plat, the Village Board shall require that restrictive covenants be recorded with the County Recorder of Deeds in a form that has been approved by the Village Attorney.

D. Monuments.

- (1) References must be made on the plat to known and permanent monuments from which future survey may be made and the surveyor must, at the time of making his survey, set in such manner that they will not be moved by frost. Good and sufficient monuments marking the external boundaries of the tract to be divided or subdivided must be set and the locations where they may be found must be designated on the plat.
- (2) These monuments must be placed at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line and at all angle points along a meander line, the points to be not less than 20 feet back from the normal water elevation of a lake or from the bank or stream, except that when such corners or points fall within a street, or proposed future street, the monuments must be placed in the right-of-way line of the street. All internal boundaries, corners, and points must be monumented in the field by like monuments as defined above.

E. Subdivision Name.

The proposed name of the subdivision shall not duplicate or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Village Board shall have final authority to designate the name of the subdivision which shall be determined at approval of the pending plat by the Village Board.

D. Street Names.

The preliminary and final plat as submitted shall indicate proposed street names. Subject to the authority of other local government units within the Timberlane Extraterritorial Area, the Village Board shall have the final decision as to street names. It is intended that street names be sufficiently different in sound and spelling from other street names in the Village and County so as not to cause confusion. A road which is or is planned as a continuation of an existing road shall bear the same name. The Fire and Police Departments, and U.S. Post Office shall be given an opportunity to comment on proposed street names. (Penalty, see Section 4.07)

§ 3.02 DESIGN REQUIREMENTS

No preliminary or final plat shall be approved by the Village, and no completed improvements shall be accepted by the Village Engineer unless they conform to the following standards and specifications:

A. General,

- (1) Conformity with Comprehensive Plan. The subdivision shall conform to the Comprehensive Plan of the Village.
- (2) Provision for Future Subdivisions. If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow the opening of

future streets.

- (3) Reserve Strips Prohibited. There shall be no reserve strips controlling access to land dedicated or intended to be dedicated public use.

B. Streets; Layouts.

- (1) Streets and thoroughfares shall be appropriately related to the topography of the site. Rigid, rectangular, grid-iron patterns need not be used except to extend the existing grid system.
- (2) Streets shall be integrated with the existing and any proposed systems of streets and dedicated rights-of-way.
- (3) Minor or local streets shall be laid out to discourage use by through traffic, to permit efficient drainage and utility systems, and to provide safe and convenient access to property.
- (4) Half-Streets: Half-streets shall be prohibited. Wherever an existing half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- (5) Dead-End Streets: Dead-end streets shall be prohibited except as stubs less than 150 feet in length to permit future expansion whereby a temporary cul-de-sac may be required.
- (6) Cul-de-Sacs: In general, cul-de-sacs shall not exceed 500 feet in length, and shall have a paved turn around not less than 100 feet in diameter (120' ROW) in residential areas, and no less than 120 feet in diameter (150' ROW) in commercial and industrial areas.
- (7) Arterial Streets: Where a subdivision abuts or contains an existing or proposed arterial street, the Village Board may require the following:
 - (a) Minor access streets.
 - (b) Non-access reserve strips along the rear property line shall contain screen plantings.
- (8) Tangents: A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets. The minimum centerline radius of a horizontal curve will be 300 feet. Minor streets do not need to meet these criteria.
- (9) Sight Distance Requirements for Horizontal Curves: When connecting street lines deflect from each other at anyone point by more than ten degrees, they shall be connected by a curve with a radius adequate to insure a minimum sight distance as shown on the table below. However, the PZB Committee reserves the

right to require a greater radius in special cases to insure safety.

Safe Sight Distance Minimum
Requirements for Horizontal Curves

<u>Street Type</u>	<u>Minimum Requirement (Feet)</u>
Arterial	1,000
Collector	800
Minor	600

- (10) Proposed streets shall be extended to the boundary lines of the tracts to be subdivided unless such extension is deemed to be unnecessary and undesirable for the coordination of the subdivision's layout with the existing, natural, and manmade adjoining environment.
- (11) In commercial and industrial developments, the streets shall be planned in connection with the building locations, rail facilities, alleys, truck loading and maneuvering areas, walks, and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.
- (12) No street grade shall exceed 8% nor be less than 0.5%. Vertical curves shall be designed per IDOT standards for all arterial and collector streets. Vertical curves are only required on minor streets where the change in grade is greater than 1.0%. Where vertical curves are required on minor streets they shall meet the minimum requirements of the IDOT Bureau of Local Roads and Streets Manual, Latest Edition.
- (13) Private streets may be permitted only when there is sufficient evidence that there can be no public interest in such streets.

C. Street Intersections.

- (1) Streets shall be laid out so as to intersect as nearly as possible at right angles. Any oblique streets should be curved approaching an intersection and should be at right angles for at least 100 feet there from. No more than two streets shall intersect at anyone point.
- (2) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than 150 feet shall not be permitted, except where the intersected street has separated lanes without median breaks. Intersection of major streets shall be at least 800 feet apart.
- (3) Where any intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground or vegetation in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight

distance.

- (4) Cross slopes on all streets shall be 2%. Intersections must have a 1.0% minimum slope in at least one direction.

D. Street Classification and Widths

- (1) All proposed thoroughfares shall be properly designed to accommodate the type of traffic to be generated within and around the proposed subdivision.
- (2) The principal street classifications used in this chapter are minor, collector, minor arterial, and primary arterial.
- (3) The right-of-way and pavement widths shall be as follows:
 - (a) Minor streets shall have a right-of-way at least 66 feet and a pavement width of at least 24 feet edge to edge in Residential Districts, 24 feet with no parking on the street in Commercial or Industrial Districts.
 - (b) Collector streets shall have a right-of-way of at least 80 feet and a pavement width of at least 24 feet from edge to edge, 36 feet from edge may be required at the discretion of the Village Engineer depending on the nature and density of the proposed development.
 - (c) Minor arterial streets shall have a right-of-way of at least 100 feet and a pavement width of at least 40 feet from edge to edge.
 - (d) Primary arterial streets shall have a right-of-way of at least 160 feet and a pavement width of at least 48 feet from edge to edge.
- (4) All corners shall have a radius of not less than 35 feet. A 40' radius may be required in Industrial areas. Where an Intersection Design Study is required all radii shall be per the IDS.

E. Surface Improvements.

- (1) The paving of streets or alleys shall be of a character suitable for the traffic expected. Minor streets shall be constructed with a minimum of twelve inches (12") of aggregate base course (bottom 6" aggregate shall be CA-2 gradation and top 6" shall be CA-6 gradation) over an approved subsoil base, with a minimum of three inches (3") of Hot Mix Asphalt (1.5" Binder Course and 1.5" Surface Course). Collector Streets shall be constructed with the same aggregate base but will require a minimum of four inches (4") of Hot Mix Asphalt (2" Binder Course and 2" Surface Course). Arterial streets shall be constructed with 14" of aggregate base and will require a minimum of five inches (5") of Hot Mix Asphalt (3" Binder Course (two lifts) and 2" Surface Course). If, during construction, the subsoil base does not appear to be suitable for the design requirements above, based on inspection by the Village Engineer or his representative, the developer may be required to conduct soil borings every 200 linear feet along the

proposed street alignment to determine what additional work may be required to create a suitable sub-base. Such work may involve, but not be limited to, lime stabilization or undercutting and removing substandard sub-base or the installation of a geotextile fabric. The latest edition of IDOT Standard Specifications for Road and Bridge Construction shall be followed.

F. Lots and Blocks Layout.

- (1) Lot and block arrangement shall take into consideration man-made and natural features and conform to accepted standards of subdivision design.
- (2) Lot dimensions shall comply with the requirements of the Village Zoning Code.
- (3) Each lot shall have frontage on a street for at least 40 feet and must meet the required lot width at the building setback line for the zoning district in which it is located.
- (4) Corner lots for residential use shall provide extra width to permit appropriate building setback from and orientation to both streets.
- (5) Generally, all side lot lines should be as near as possible to right angles to street lines and radial to curved street lines
- (6) Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography. Development of these lots may occur by either backing lots to the actual street with landscaping and screening along the rear property line, or deeper lots with a minimum of 175 feet of lot depth. These methods are recommended for the purpose of providing adequate protection of residential properties and to afford separation of through and local traffic.
- (7) Block Length: shall not be greater than 1,000 feet in length, unless the blocks are fixed as a result of existing conditions, nor less than 400 feet in length. Blocks over 800 feet in length may require pedestrian ways at their approximate centers or where deemed necessary by the Village Engineer.
- (8) Block Width: Except where the width of a block is determined by the projection of an existing block, it's width shall not be less than 240 feet and not greater than 1,000 feet.

G. Road Dedication and Reservations.

Where a subdivision borders an existing road that does not currently meet the subdivision control standards or when the Comprehensive Plan, official map, or zoning setback regulations indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the subdivider shall be required to improve and dedicate, at his expense, such areas for widening or realignment of such

roads. Such roads and streets shall be improved and dedicated by the subdivider at his own expense to the full width as required by these subdivision regulations. Land reserved for any road purposes may not be counted in satisfying yard or area requirements of the zoning ordinance.

H. Solar Provisions.

To maximize potential for unobstructed solar access to all lots or parcels, streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitation of existing topography, the configuration of the site, pre-designated future street locations, existing street patterns of adjacent developments, and the preservation of significant natural features.

F. Street Signs and Lighting.

The subdivider is responsible for all the costs of furnishing and installing all street lights and signs needed as a result of the subdivision. Street lights shall be provided at all intersections and mid-block points such that lights are spaced at no more than 400' intervals between lights. The Village Engineer shall recommend to the developer where the lights are to be installed. Street name signs meeting the specifications of the Village and the Manual on Uniform Traffic Control Devices (MUTCD) are required and shall be installed at the northeast corner of all intersections. Street signs, pavement marking, and street lights shall be included in the construction plans. Such improvements shall be included in the completion of the total amount of bond posted. (Penalty, see Section 4.07)

§ 3.03 DRAINAGE. STORM SEWERS. AND DETENTION AREAS

A. Topography and Profile Studies.

Street plan, profile and cross section plans for all streets in the subdivision shall be prepared by a registered professional engineer in accordance with the subdivision control design requirements and the Village Engineer. The engineer, as agent for the subdivider or his contractor, shall be responsible for establishing the proper lines and grades for all earthwork.

B. Lot Drainage.

Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm water from each lot to adjacent lots. Drainage work shall be completed before the placement of any surfacing material.

C. Drainage Easements.

Where a subdivision is traversed by a watercourse, drainage way, channel, or stream,

there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse; such easement shall be wide enough to accommodate the runoff from the 100 year storm event. Detailed engineering calculations shall be provided to the satisfaction of the Village Engineer to verify said design.

D. Development in Special Flood Hazard Areas.

Reserved.

E. Storm Sewers.

All storm sewers shall be designed to handle a 10 year storm event as determined by IDOT Drainage Manual design standards, shall be constructed to provide drainage for the subdivided area and for any adjacent areas that can drain into the same storm sewers. The drainage plan for each site or development shall also include both a minor system (underground storm sewer or ditches for 10 year event) and a major system (excess overland flow) for storm events exceeding the capacity of the underground storm sewer system, both systems shall be shown on the plans and covered by permanent drainage easements if not within the public right-of-way. All necessary design details shall be submitted to the Village Engineer for approval prior to construction and prior to final plat approval by the Village Board.

- (1) Ditches shall have maximum side slopes of 4:1. Ditches or drainage channels outside of road rights of way shall have a minimum 2' wide bottom. Minimum ditch bottom slope shall be 0.5%. The minimum culvert size allowed for private driveways shall be 15" diameter. The minimum culvert size allowed for any public street crossing shall be 18" diameter. Larger diameter culverts shall be provided at driveway or road crossings where storm water calculations indicate a larger size is needed. Where ditch velocities exceed 4 feet per second a channel lining acceptable to the Village Engineer shall be provided. Natural channel linings are preferred to paved channel linings when possible. Bridges or Culverts crossing arterial streets shall be designed per County or IDOT requirements.

F. Subsurface Drainage.

Vacant parcels of land subject to subdivision or development shall comply with the following:

- (1) Prior to submittal of a preliminary plat of development, the developer shall retain the services of a qualified subsurface drainage consultant. The consultant shall locate all existing farm and storm drainage tiles by means of slit trenching and hand probing by person(s) qualified to do such work.

All existing drain tile lines encountered during the investigation shall be repaired to their original condition, unless the tile line is to be abandoned, replaced or re-routed.

- (2) Developer shall provide four (4) copies of a topographical boundary map locating these lines showing:
 - (a) Location of each slit trench and identified to correspond with the tile investigation report and field staked at no less than 50-foot intervals;
 - (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 the tile filled with water, percentage of restrictions caused by silting, depth of ground cover, and soil texture at grade;
 - (d) Name, address, and phone number of person or firm conducting tile location investigation.
- (3) Shall take steps to preserve or protect the capacity and function of any existing subsurface drainage system as follows:
 - (a) Information collected during the drainage investigation shall be used to design and develop a new subsurface drainage system that will provide drainage for the newly created development. This new system shall not disrupt or alter the functional capacity of any existing or connected tile system;
 - (b) The new subsurface drainage system shall be included as part of the preliminary platting process. Existing and new drain tile lines shall be shown and will be submitted at the same time as the preliminary plat for review by the appropriate agencies.
- (4) Shall not drain, fill, or destroy any wetlands located on the parcel in question without approval of appropriate federal and/or local agencies.
 - (a) The developer shall obtain a Natural Resource Information Report (NRI) completed by the Boone County Soil and Water Conservation District to determine if wetlands are indicated on the parcel. The BCSWCD uses USFWS Wetlands Inventory Maps, SCS Wetland Determination Maps, and other references to determine if wetlands are likely to exist on any given parcel.
 - (b) If the NRI indicates that wetlands may be present on the site the developer will need to hire a wetlands consultant to investigate the property and locate any existing wetlands in accordance with Army Corp of Engineers approved procedures. The developer will be responsible to show the location of the wetlands on the preliminary engineering plan and the construction plans. The developer will be responsible to obtain a jurisdictional determination on the wetlands. The wetlands will need to be avoided or impacts to the wetlands mitigated in accordance with the

regulations or requirements of the agency having jurisdiction. The developer shall submit for Village review and approval plans for any development impacting a wetland.

G. Storm Water Detention.

The following requirements shall be applicable and shall be satisfied prior to the construction, improvement or development of any structure, project or land which is subject to the provisions of this article:

(1) Maximum controlled release rate.

The maximum controlled release rate of storm water from all developments requiring detention shall not exceed the storm water runoff rate able to be carried by the downstream drainage system. In order not to increase the runoff from such areas after development, the release rate must be limited to the carrying capacity of these natural channels and may not exceed the predetermined safe carrying capacity of any limiting downstream restriction. The drainage system for any property shall be designed to control the peak rate of discharge from the property for the two-year, 24-hour and 100-year, 24-hour events to levels which will not cause an increase in flooding or channel instability downstream when considered in aggregate with other developed properties and downstream drainage capacities. The peak discharge from events less than or equal to the two-year event shall not be greater than 0.04 c.f.s per acre of property drained. The peak 100-year discharge shall not be greater than 0.2 c.f.s per acre of property drained.

(2) Excess storm water passageway.

An excess storm water passageway shall be provided, which shall have adequate capacity to convey the excess storm water from the tributary watershed. The capacity of this excess storm water passageway shall be adequate to transport the peak rate of runoff from the 100-year return frequency storm, assuming all upstream areas are fully developed for uses specifically listed as permitted uses by existing zoning, and antecedent rainfall has saturated the tributary watershed. The increase due to saturation shall be calculated by a ratio of the amount of runoff of the antecedent moisture condition II of the 24-hour 100-year return frequency storm, assuming all upstream areas are fully developed for uses specifically listed as permitted uses by existing zoning and antecedent rainfall has saturated the tributary watershed. The increase due to saturation shall be calculated by a ratio of the amount of runoff of the antecedent moisture condition III to antecedent moisture condition II of the 24-hour 100-year return frequency storm as outlined by the U.S. Soil Conservation Service for the tributary watershed. No structures shall be constructed within this passageway; however, streets, parking lots, playgrounds park areas, pedestrian walkways, open space and utility and sewer easements shall be considered compatible uses. Design of the excess storm water passageway shall include control of storm water velocity to eliminate problems of soil erosion or other

damage that could detract from the primary use of the area. The entire area of the excess storm water passageway shall remain under the jurisdiction of the village. If this passageway is reshaped or its capacity to transport excess storm water is otherwise restricted, the village may cause to have any restrictions removed at the expense of the agency or party causing or permitting the restrictions. Should a natural drainageway exist, it shall be preserved and used as a part of the excess storm water passageway.

(3) Storm water storage.

When the maximum controlled storm water runoff release rate shall be exceeded, any or all of the following storm water storage methods shall be provided and constructed:

a. Dry bottom storm water storage.

1. Dry bottom storm water storage areas may be designed to serve a secondary purpose for reaction, open space, or similar type of uses that will not be adversely affected by occasional intermittent flooding;
2. The combination of storage or excess storm water runoff from a 100-year return frequency storm and the allowable release rate shall not result in a storage duration in excess of 48 hours;
3. Minimum grades for turf areas shall be one percent (100 units horizontal to one unit vertical) and maximum side slopes shall be 25 percent (four units horizontal to one unit vertical). Storage area side slopes shall follow the natural land contours as closely as practicable, and a minimum of earth excavation shall be used to create the storage facility;
4. Temporary seeding or other soil stabilization measures shall be established in the storm water storage area and excess storm water passageway immediately following the construction of the overall development. It is recognized that a limited amount of sediment buildup may occur in the storm water storage area due to erosion. In no case shall the volume of the storage area be reduced to less than three-quarters of the required volume during the construction phase of the development. Permanent erosion control measures such as mulching, hydroseeding, conventional seeding, nurse crops, fertilizing, or sod installation shall be utilized to control soil movement and erosion within the storage area and excess storm water passageway. These measures shall meet or exceed the standards established by the village or the soil and water conservation district. The installation of these permanent measures shall take place only after the majority of construction and other silt and sediment-producing activities have been completed. Prior to the establishment of permanent erosion control measures, the

required capacity of the storm water storage area and the excess storm water passageway shall be restored;

5. The control structure shall be provided with an interceptor for trash and debris, and it shall be designed and constructed to prevent soil erosion and not to require manual adjustments for its proper operations. An inlet design that will produce turbulent flow conditions during any portion of the storm water cycle will not be acceptable. Backwater from any downstream drainage system shall be evaluated with regard to the outlet structure;
 6. Adequate impact stilling basins shall be provided to ensure that downstream soil erosion is alleviated and the regime of the downstream drainage facility is not disturbed;
 7. Each storm water storage area shall be provided with a method of overflow if a storm in excess of the design capacity occurs. This overflow facility shall be constructed to function without specific attention and can become a part of the excess storm water passageway described in subsection (2) of this section. Such passages shall carry storm water so that the maximum water level shall be at least two feet below the lowest top of foundation grade in the vicinity of the flow path;
 8. The entire storm water storage area shall be designed and constructed to fully protect the public health, safety, and welfare. If a condition occurs in the storm water storage area which is hazardous to the public health, safety or welfare, the person responsible for the condition will be required to provide approved corrective measures. If these corrective measures are not provided, the village may eliminate the hazard at the expense of the person responsible. If these corrective measures are not provided, the village may eliminate the hazard at the expense of the person responsible;
 9. Low flow conduits or channels may be provided in the storm water storage area. These conduits or channels shall be so constructed that they will not interfere with the secondary usage of the storage area and will reduce the frequency of time that the storage area will be covered with water.
- b. Wet bottom storm water storage. Wet bottom storm water storage areas shall be designed in compliance with all the regulations that are applicable and govern the construction of dry bottom storm water storage areas. The following additional regulations shall also apply:
1. The water surface of the permanent pool shall not exceed one-tenth of the area of the tributary watershed.

2. The maximum side slopes shall be as follows:
 - i. 20 percent (five units horizontal to one unit vertical) for the first 12.5 feet from shoreline (the first 2.5 feet of depth below normal water elevation);
 - ii. a 10' wide level safety ledge at a depth of 2.5 feet below normal water elevation from 12.5 feet from shoreline to 22.5 feet from shoreline;
 - iii. Fifty percent (two units horizontal to one vertical) for remaining side slopes.
 - iv. Protection of the shoreline must be provided to alleviate soil erosion due to wave action. Wetland planting shelves 6" below the normal water elevation are encouraged to enhance water quality.
 3. The minimum normal water depth shall be four feet. If fish are to be used to keep the pond clean, at least 25% of the normal wet pond area shall be a minimum of ten feet deep.
 4. Facilities shall be provided to lower the pond elevation by gravity flow for cleaning purposes and shoreline maintenance.
 5. The control structure for storm water release shall be designed to operate at full design release rate with only a minor increase in the water depth in order to minimize the land surface wetted by frequent minor storm water runoff conditions.
 6. Measures shall be included in the design to prevent pond stagnation. This may be accomplished by fountain aeration or some other method used to ensure aerobic pond conditions.
 7. The volume of water permanently stored shall not be considered to be part of the required excess storm water storage volume.
- c. Paved storm water storage. Design and construction of the pavement base must ensure that there is no permanent damage due to flooding. Control structures in paved areas must be readily accessible for maintenance and cleaning. Vortex control devices will be required.
 - d. Rooftop storm water storage. Rooftop storage of excess storm water shall be designed and constructed to provide permanent control inlets and parapet walls to contain any excess storm water. Adequate structural roof design must be provided to ensure that roof deflation does not occur which could cause the roofing material to fail and result in leakage. Overflow areas must be provided to ensure that the weight of stored storm water will never exceed the structural capacity of the roof.

- e. Automobile parking in storm water areas. Automobile parking facilities used to store excess storm water must be constructed having a maximum depth of stored water of 8 inches, and these areas shall be located in the most remote, least used areas of the parking facility.
 - f. Underground storm water storage. Underground storm water storage facilities must be designed for easy access for inspection and to remove accumulated sediment and debris. These facilities must be provided with a positive gravity outlet.
- (4) Calculations.
- a. The volume of required storm water storage shall be calculated on the basis of maximum value achieved from the runoff of a 100-year frequency storm (24-hour duration) less the volume of water released through the outlet structure. A pond routing method acceptable to the Village Engineer shall be used for these calculations. The release rate of the outlet structure when one-half of the storage areas are filled may be used in lieu of routing techniques in small drainage areas less than one acre in size, and a four-inch-diameter restrictor shall be considered the minimum practical size in these smaller drainage areas. Detention storage shall be computed using hydrograph methods as described in this section.
 - 1. Capacity must be provided to pass the ten-year peak flow in the minor drainage system and an overland flow path for flows in excess of design capacity.
 - 2. Design methodologies for major and minor conveyance systems for areas up to ten acres may be designed using the rational formula. The rational formula may also be used for sizing minor drainage systems for larger sites. Runoff hydrograph methods described in this section must be used for major drainage systems with greater than ten acres of drainage area, for all flood prone areas, and for the design of all drainage basins.
 - 3. Runoff hydrographs shall be developed incorporating the rainfall assumptions in the following subsection plus antecedent moisture. Acceptable runoff hydrograph methods would include HEC-1, SCS TR-20, and SCS TR-55 Tabular Method.
 - 4. Unless a continuous simulation approach to drainage system hydrology is used, all design rainfall events shall be based on the state water survey bulletin 70. The first quartile point rainfall distribution shall be used for the design and analysis of conveyance systems with critical durations of less than six hours. The second quartile point rainfall distribution shall be used for the design and analysis of conveyance systems with critical durations greater than six hours and less than or equal to 12 hours. The third quartile point

shall be used for design and analysis of detention basins and conveyance systems with critical durations greater than 12 hours and less than or equal to 24 hours. The fourth quartile point shall be used in the design and analysis of systems with durations greater than 24 hours. The first, second, third and fourth quartile distributions described by Huff are presented in Table 37 of Bulletin 70. The SCS Type II distribution may be used as an alternative to the Huff distributions.

5. The control structure shall be designed to maintain as uniform a flow as possible, independent of the storm water storage volume. When the proposed structure, project, or land development forms only a portion of a watershed or contains portions of several watersheds, the storage volume calculations shall be based upon the area of the entire project, development or land use change.
 - b. Storm water storage areas that will be filled to capacity by high frequency storms shall be designed in a manner that will protect immediate downstream properties, and all overflow structures shall be designed to function properly and effectively without the necessity of making manual adjustments. The administrator may permit a larger outlet for storm water storage for the orderly management of storm water runoff where large tributary areas are developed without detention. There shall be a minimum of one foot of freeboard above the 100-year storm (24-hour duration) storage elevation.
 - c. If the orderly management of the storm water runoff cannot be achieved by passing the entire tributary area runoff through the storm water storage area, then the storm water storage area shall be constructed to exclude the runoff from the tributary area originating outside of the area to be developed.

§ 3.04 EASEMENTS

A. Utility.

All utility facilities designated to serve the subdivision including, but not limited to, gas, electric power, telephone, and CATV cables, shall be located underground throughout the subdivision. Wherever existing utility facilities are located above ground, except where existing on public roads and rights-of-way, they shall be removed and placed underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. Easements of not less than 12 feet in width shall be provided for utility installation unless greater width is required by the utility. Utilities shall be located at rear lot lines.

B. Drainage.

- (1) Drainage easements shall be required when the area to be subdivided is traversed by a watercourse, drainage way, subsurface drainage system, channel or stream.
- (2) Drainage easements may be combined with other easements where deemed appropriate by the Village Engineer. Such easements may include utility, recreation, pedestrian, or scenic easements.

C. Plat Designation.

All easements shall be indicated on the plat prior to final approval.

§ 3.05 GRADING

Requirements for grading shall be as follows:

- A. All roads shall be graded and improved in accordance with the specifications and construction standards approved by the Village Board.
- B. All grading involved shall be in accordance with the construction plans to be submitted prior to final plat approval or construction begins.
- C. Grading shall be undertaken to minimize erosion and sedimentation (see Section 3.06 (A)).
- D. No occupancy permits shall be issued until the final grading, including all grading for detention basins, and the first lift of hot mix asphalt pavement has been completed in accordance with the approved final plat and plans.

§ 3.06 SEDIMENTATION AND EROSION CONTROL

In general, sedimentation and erosion control measures must be constructed and approved by the Village Engineer prior to beginning any other site work. Also, any development in excess of one acre is required to comply with IEPA, NPDES permit requirements for construction site activities.

A. Mechanical Measures.

- (1) Only grading of those areas going into immediate construction is allowed where erosion and sedimentation is occurring or may occur. Grading should be held to the minimum that makes the site suitable for its intended purpose without appreciably increasing runoff.
- (2) Where appropriate, bench terrace, subsurface drains, diversions, berms, swales, waterway stabilization structures, or sediment basins may be required.

B. Vegetative Measures.

- (1) Any part of the subdivision which is graded but will not be developed within two (2) weeks or which was previously cultivated farmland shall be covered with straw or hay mulches or temporary cover crops where appropriate to prevent erosion of topsoil.
- (2) All dedicated rights-of-way not having permanent hard surfaced improvements installed and drainage ways, detention basin and ditches constructed due to the subdivision shall have a minimum four (4) inches topsoil with a sod or established grass cover prior to the release of any performance guarantees. Type of seed mix to be approved by the Village Engineer. Recreational areas, including but not limited to parks and playgrounds, shall be required to have a minimum of six (6) inches of topsoil with a sod or established grass cover prior to the release of any performance guarantees. Types of seed mix to be approved by the Village Engineer. Turf reinforcement or other measures may be required to facilitate the establishment of permanent vegetative cover.
- (3) All lots shall have at least four inches of topsoil, with sod or a grass seed cover. Occupancy permits shall not be issued until the topsoil placement and seeding have been completed (penalty, see Section 4.0). Allowance may be made in winter months if funds are escrowed and lawn is established as soon as practical in the spring.

§ 3.07 WATER FACILITIES

- A. Water Supply shall be provided per the requirements of the Boone County Code Chapter 38 Division 6.

§3.08 SEWERAGE FACILITIES

- A. Use of individual Systems. If individual sewage disposal systems are allowed, the lot areas shall conform to the requirements of the Boone County zoning ordinance and system design specifications shall conform to the Boone County Code Chapter 66 Sewers and Sewage Disposal as well as all requirements of the Illinois Department of Public Health and the Boone County Health Department.

§ 3.09 PUBLIC USES.

- A. Compliance With Local Plans. All subdivision plats shall comply with the Official Land Use Plan and any additional adopted plans such as the Village Comprehensive Plan, Official map, public utilities plan, annexation policies, capital improvements program, well-head protection program, and any other such relevant plans.
- B. Reservation of Land for Public Use.
- (1) The Village Board may require that land be reserved on a plat for a specific public use for future acquisition by the Village or other public agency when a

need for such use is evident in the vicinity of the proposed subdivision.

- (2) The acquisition of land reserved by a public agency on the final plat shall be initiated within 12 months of the final plat approval for that portion of the plat containing the reserved land. Failure on the part of the public agency to initiate acquisition within the prescribed time shall result in the removal of the reserved designation from the property involved and the planting of trees of the property for development in accordance with this chapter. This section does not refer to dedications which may be required by the Village Board for specific reasonable improvements.
- C. **Parkland Dedication.** The Village Board shall require that land (or money in lieu thereof) be dedicated for parks and playgrounds in accordance with Appendix B of these regulations.

§3.10 LANDSCAPING AND PRESERVATION OF UNIQUE FEATURES

- A. **General Requirements.**
- (1) Existing features which would add to value to developments, such as mature trees, water courses, historic spots, and similar irreplaceable assets shall be preserved in the design of the subdivision.
 - (2) No trees shall be removed from any subdivision site until preliminary plat approval has been granted.
- B. **Shade Tree Planting.** The Village Board shall require shade tree planting in specific locations on the proposed subdivision site for energy and property value appreciation purposes. A minimum of two (2) shade trees per residential lot are required. Five shade trees per acre are required for commercial, industrial, and public open space lots. All shade trees shall be a min 2" caliper at time of planting. Trees shall be planted prior to occupancy permit. Allowance may be made in winter months if funds are escrowed and trees are planted as soon as practical in the spring.

§ 3.11 MISCELLANEOUS REQUIREMENTS

- A. **Construction Debris.**
- No cut trees, timber, debris, earth, rocks, or rubbish shall remain on the site after the completion of the development of a subdivision or particular phase of the subdivision.
- B. **Bridges.**
- Bridges of primary benefit to the subdivider, as determined by the Village Board, shall be constructed at the full expense of the applicant without reimbursement from the Village. The sharing of expenses for the construction of bridges not of primary benefit to the subdivider will be fixed by special agreement between the Village and the subdivider. The cost shall be charged to the applicant pro rata as the percentage of

the land developed and so served.

C. Limited access highways.

Limited access highways where so located as to affect the subdivision of land shall be treated as follows:

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

D. Ponds.

Small, private ponds are permitted on individual lots provided such ponds are not located closer than 200 feet from any existing public right-of-way, property line, and public water supply unless approved otherwise by the Village Engineer.

E. Model Homes.

For the purpose of allowing the early construction of model homes in a subdivision prior to the completion of all final improvements, the Village Board, may permit a portion of a major subdivision to be developed with no more than five (5) homes to be constructed on separate individual lots provided the homes have access from existing, improved public roads and provided no residential occupancy occurs until all proposed improvements have been made and approved by the Village Board. Penalty, see Section 4.07.

F. Construction Trailer.

After approval of the final plat and construction plans, one construction trailer shall be permitted on the site to be developed for a period of one year. Extensions of one year periods may be requested in writing to the Village Board for approval. Each platted phase of development will automatically extend the construction trailer for one year from the date of recording the final plat for that phase of development.

CHAPTER 4: COMPLETION AND MAINTENANCE OF IMPROVEMENTS

§ 4.01 IMPROVEMENT PERFORMANCE BONDS

A. Completion of Improvements.

Before the final plat is signed by the Village Engineer, the developer shall be required to complete, to the satisfaction of the Village Engineer, all the street, drainage, and other improvements including lot improvements on the individual lots of the subdivision as required in these regulations, specified in the final subdivision plat, and as approved by the Village Board and to make all required public dedications, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

B. Performance Bond.

- (1) The Village Board in its discretion may waive the requirement that the developer complete and dedicate all public improvements prior to the final approval of the subdivision plat, and that, as an alternative, the developer post a bond, irrevocable letter of credit or escrow, at the time of application for final subdivision approval in the amount of one hundred twenty-five percent (125%) of the estimated construction costs as determined by the Village Engineer as sufficient to secure to the local government the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements. The performance bond and/or letter of credit shall also secure all lot improvements on the individual lots of the subdivision as required in these regulations.
- (2) Such performance bond shall comply with all statutory requirements and shall be satisfactory to the Village Attorney as to form, sufficiency, and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be (2) two years from date of final approval. Such bond shall be approved by the governing body as to amount and surety and conditions satisfactory to the governing body. The Village Engineer may on proof of difficulty, recommend to the Village Board extension of the completion date set forth in such bond for a maximum period of one additional year. The Village Board may at any time during the period of such bond accept a substitution of principal or sureties on the bond.
- (3) The Village Board in its discretion may accept an irrevocable letter of credit or an appropriate escrow in lieu of a performance bond. Letters of Credit for a term of less than one year will not be accepted.

C. Temporary Improvements.

The subdivider shall build and pay for all costs of temporary improvements required by the Village Board and shall maintain same for the period specified by the Village Board prior to construction of any temporary facility or improvement, the developer shall file with the Village Board separate suitable bond for temporary facilities, which bond shall

insure that the temporary facilities will be properly constructed, maintained, and removed.

D. Costs of Improvements.

All required improvements shall be made by the applicant, at his expense, without reimbursement by the government or any improvement district therein.

E. Failure to Complete Improvements.

If the improvements are not completed within the period specified by the Village Board in the motion or resolution approving the plat, the approval shall be deemed to have expired. In those cases where a performance bond has been posted and required improvements have not been installed within terms of such performance bond, the Village Board may thereupon declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in fault. Bond shall include letters of credit and escrows, where appropriate.

F. Acceptance of improvements.

Acceptance of public improvements, public areas, easements, and parks shall be by resolution of the Village Board. The approval of the subdivision plat shall not be deemed to constitute or imply the acceptance of any public improvement, easement, or park shown on said plat. The Village Board may require the plat to be endorsed with the appropriate notes to this effect.

§. 4.02 INSPECTION OF IMPROVEMENTS

A. General.

The Village Board shall provide for inspection for required improvements during construction and insure their satisfactory completion. Costs of review and inspection to be paid by developer according to the current Village Application Fee Schedule.

B. Release or Reduction of Performance Bond.

- (1) Certificate of Satisfactory Completion. The Village Board shall not accept dedication of required improvements, nor release nor reduce a performance bond, until the Village Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the developer's engineer or surveyor has certified to the Village Engineer that the layout of the line and grade of all public improvements are (1) in accordance with construction plans for the subdivision, (2) have been completed, and (3) are ready for dedication to the local government, and that a title insurance policy has been furnished to and approved by the local government indicating that the improvements are free and clear of any and all liens and encumbrances. On

such approval and recommendation, the Village Board may thereafter accept the improvements for dedication in accordance with the established procedure.

- (2) Reduction of performance bond. A performance bond can only be reduced once during the course of development and then only upon written recommendation by the Village Engineer and approval by Village Board that certain improvements have been completed and approved for final acceptance. In no event shall a performance bond be reduced below 25% of the principal amount.

§ 4.03 MAINTENANCE OF IMPROVEMENTS

The developer shall be required to maintain all improvements on the individual subdivided lots until acceptance of the improvements by the local government. (In addition, the developer is responsible for the maintenance of all improvements for two (2) years from the acceptance date of the Village. A bond in the amount of 10% of the original Performance Bond or Letter of Credit amount for the 2 year maintenance period shall be required as a condition of acceptance of the subdivision improvements. The Village will only perform basic maintenance such as snow plowing and street sweeping until the two year guarantee has lapsed. (Penalty, see Section 4.07).

§ 4.04 DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS

- A. The Village Board may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not required in the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.
- B. Whenever it is deemed necessary by the Village Board to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the developer shall pay his share of the costs of the future improvements to the Village prior to signing of the final subdivision plat, or the applicant may post a bond insuring completion of the improvements on demand of the Village.

§4.05 ISSUANCE OF BUILDING PERMITS

- A. Where a Performance Bond has been required for a subdivision, building permits shall be issued provided that the extent of street improvements shall be adequate for vehicular access by the prospective occupant and by police and fire equipment.
- B. The developer shall maintain in constant repair a road surface complying with the requirements in Sub-section A.
- C. At the discretion of the Village Clerk, if in his/her opinion the minimum access requirement is not met, he/she shall withhold further building permits and/or further inspections until such time appropriate improvements for access have been made.

§ 4.06 ISSUANCE OF OCCUPANCY PERMIT

Occupancy of the building shall not take place until an occupancy Permit has been issued by the Village Clerk. The Village Clerk shall not issue an occupancy permit, unless the building meets all appropriate building construction standards. In addition the Village Clerk shall not issue an occupancy permit until receipt of approval by the Village Engineer concerning:

A. Driveway, Lawn and Trees.

Driveway, Lawn, and Trees must be installed or cost of improvements escrowed.

B. Drainage Facilities.

Drainage facilities including detention/retention ponds, ditches and culverts must be completed.

C. Grading.

Grading of topsoil and seeding must be completed or cost of improvement escrowed.

D. Street Pavement.

Roadway must be paved with first lift of Hot Mix Asphalt.

§ 4.07 PENALTY

Violations of this chapter shall be punishable by a fine of not more than \$500. Each day's violations shall constitute a separate violation. Nothing in this section shall preclude the Village from seeking any and all relief as permitted by law.

APPENDIX A

REQUIRED CERTIFICATES

The following certificates shall be required unless the Village Board approves the plat, without approval by the PZB Committee or Village Engineer. In such case, the Village Board's certificate shall constitute a waiver of the requirement of those two certificates.

A. Surveyor's Certificate.

STATE OF ILLINOIS)
)SS
COUNTY OF BOONE)

I HEREBY CERTIFY that at the request of the owner I have surveyed and subdivided the following described Plat of Subdivision:

Dimensions are given in feet and decimals of a foot. Dimensions along circular curves are chord distances pin to pin. Iron pins 3/4 inch in diameter and four feet long have been found or set at all points marked on the plat with a solid dot and iron pins 5/8 inch in diameter and 3 feet long have been found or set at all other lot corners, unless otherwise specified.

I FURTHER CERTIFY that the lands embraced within this Subdivision are within the corporate limits of the Village of Timberlane, Illinois and that the Development and Subdivision Code of the Village of Timberlane has been complied within the preparation of this Plat.

I FURTHER CERTIFY that (part) (no part) of the lands embraced within this Subdivision are situated within 500 feet of a surface drain or water course serving a tributary area 640 acres or more.

I FURTHER CERTIFY that part of the property (is) (is not) situated within a Flood Hazard Area, as per National Flood Insurance Program, Flood Insurance Rate Map, Community Panel Number _____ effective date _____.

Given under my hand and seal this ____ day of AD. 20__ at _____, Illinois.

(Signature of Surveyor)
(Illinois Professional Land Surveyor License No.)
(Address) (Zip)

B. Owner's Certificate.

STATE OF ILLINOIS)
) SS

COUNTY OF BOONE)

This is to certify that the undersigned is the owner of the land described in the plat, and that he has caused the same to be surveyed and subdivided as indicated thereon, for the uses and purposes therein set forth, and does hereby acknowledge and adopt the same under the style and title thereon indicated.

Dated this ___ day of _____, 20___, A.D.

(Signature of owner)
(Address) (Zip)

C. Notary's Certificate.

STATE OF ILLINOIS)
) SS

COUNTY OF BOONE)

I _____ a Notary Public, in and for said County, in the State aforesaid, do hereby certify that _____ personally known to me to be the same person whose name is subscribed to the foregoing instrument as such owner, appeared before me this day in person and acknowledged that he signed and delivered the annexed plat as his own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and Notary Seal this ___ day of AD. 20___.

Notary

(SEAL)

D. Village Clerk's Certificate.

STATE OF ILLINOIS)
) SS
COUNTY OF BOONE)

I, Clerk of the Village of Timberlane do hereby certify that there are no delinquent or unpaid current or future general taxes or special assessments or any deferred installments thereof that have not been apportioned against the tract of land described in this plat.

I further certify that I received all required fees in connection with this plat.

I further certify that the required bond and/or security funding is posted for the completion of the improvements covering streets including storm sewers and other public ways not under state or county jurisdiction.

Dated at _____ Illinois this _____ day of _____ A.D. 20__.

(Village Clerk)

E. Village Engineer Approval.

STATE OF ILLINOIS)
) SS
COUNTY OF BOONE)

I, _____ Village Engineer of the Village of Timberlane, do hereby certify that this plat has been examined by me and found to comply with the regulations governing plats of subdivided land adopted by the Village of Timberlane, Illinois, and I do hereby certify that I have reviewed the amount of bond required in regard to the proposed improvements.

Dated at _____ Illinois this _____ day of _____ A.D. 20__.

Village Engineer

F. Drainage Overlay.

STATE OF ILLINOIS)
) SS
COUNTY OF BOONE)

I _____ Village Engineer of the Village of Timberlane, do hereby certify that this drainage overlay has been examined by me and found to comply with the regulations governing plats of subdivided land adopted by the Village of Timberlane, Illinois, and I do hereby certify that I have reviewed the amount of bond required in regard to the proposed improvements.

Dated at _____ Illinois this _____ day of _____ A.D. 20__.

Village Engineer

G. PZB Committee.

STATE OF ILLINOIS)
) SS
COUNTY OF BOONE)

Approved this __ day of __ AD. 20__

Village of Timberlane PZB Committee
Chairman

H. Village Board Approval

STATE OF ILLINOIS)
)SS
COUNTY OF BOONE)

This is to certify that the Village Board of the Village of Timberlane, at its meeting of the ___ day of _____ A.D. 20 __ approve of this Plat and authorize it to be recorded. In witness whereof: I _____ Village President of the Village Timberlane, have hereunto set my hand and affixed the seal of said Village of Timberlane, this ___ day of _____ A.D. 20 __.

Village President

ATTEST:

Village Clerk

I. Utility Companies Certificates.

STATE OF ILLINOIS)
) SS
COUNTY OF BOONE)

We, Commonwealth Edison Company, Frontier Telephone Company of Illinois, Nicor Gas Company, and Comcast Cablevision by our signatures hereon do hereby acknowledge that we have received a copy of this Plat and hereby consent to the recording of said plat as prepared.

Commonwealth Edison Company Frontier Telephone Company
By: _____ By: _____
Dated: _____ 20____ Dated: _____ 20____

NICOR GAS Company Comcast Cablevision
By: _____ BY: _____
Dated: _____ 20____ Dated: _____ 20____

J. General Easement Provision.

- (1) An easement is reserved for and granted to the designated governmental bodies and public utilities or cable television companies with the necessary authorizations or franchises and their respective successors and assigns within the area as shown by dotted lines on the Plat and marked easement, to install, lay, construct, renew, operate, and maintain storm and sanitary sewers, water lines, pipes, conduits, cables, poles, and wires, overhead and underground with all necessary braces, guys, anchors, and other properties with telephone, electric, and other service of cable television services; also is granted the right to use the streets for those purposes, the right to overhang lots with aerial service. wires to serve adjacent lots, the right to enter on the lots at all times to install, lay, construct, renew, operate, and maintain within the easement area the storm and sanitary sewers, pipes, conduits, cables, poles, wires, braces, guys, anchors, and other equipment; and finally the right is granted to cut down and remove or trim and keep trimmed any trees, shrubs, or saplings that interfere or threaten to interfere with any of the public utility equipment or cable television equipment installed on the easement. No permanent buildings or trees shall be placed on the easement but same may be used for gardens, shrubs, landscaping, and other purposes that do not then or later interfere with the aforesaid uses or rights herein granted.
- (2) If the grade of the subdivision property must be so altered or if private service lines require that the underground utility or cable television equipment be moved or otherwise altered, the owners, their respective successors and assignees shall reimburse the utility company or cable television company for the necessary

expense involved.

- (3) Storm water detention areas and drainage easements. The maintenance of the drainage and storm water detention easement shall be the sole responsibility of the individual property owner. The finished grade of the easements shall not be landscaped, altered, or encroached upon by filling, re-grading or construction of surface improvements that obstruct or redirect the flow of water, nor shall any buildings or structures be erected within this easement.

K. County Health Department Certificate.

STATE OF ILLINOIS)
) SS
 COUNTY OF BOONE)

No public sewer system exists to serve the lots herein created by this subdivision plat. This plat is approved with respect to on-site sewage disposal and the acreage involved has been reviewed in accordance with established soil suitability evaluation procedures.

Dated at _____ Illinois this ____ day of _____ A.D. 20__.

County Health Department Administrator

L. County Clerk Certificate.

STATE OF ILLINOIS)
) SS
 COUNTY OF BOONE)

I, _____ County Clerk of Boone County, Illinois, do hereby certify that there are no delinquent general taxes, no unpaid current taxes, no unpaid forfeited taxes, and no sales against any of the land included in this 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 Belvidere, Illinois this _____ day of _____ AD, 20__.

County Clerk

APPENDIX B

DEDICATION OF PARK LANDS, OPEN SPACE, RECREATIONAL AREAS OR SCHOOL SITES OR PAYMENT OF FEES

As a condition of approval of a residential final plat of subdivision, including multi-family developments, each subdivider or developer shall be required to dedicate land for a park or school site to serve the immediate and future needs of the residents of the development, or to make a cash contribution in lieu of land dedication or a combination of both at the option of the Village in accordance with the following criteria and formulas

- A. Criteria for Requiring Park/School Land Dedication.
- (1) Requirement and Dwelling Unit Ratio. The number of lots or dwelling units to be created by the proposed subdivision plat shall bear directly on the amount of land required for dedication. The total requirements shall be one (1) acre of land per each fifty (50) dwelling units or portions thereof. This Section also applies to proposed multi-family developments on parcels not requiring a subdivision plat.
- B. Criteria for Requiring a Contribution in Lieu of Open Space/Park/School Land Dedication.
- (1) Where the proposed development is small and the resulting site is too small to be practical or when the available land is inappropriate for a park, school or recreational purposes, the Village Board shall require the subdivider or developer to establish a cash contribution in lieu of the land dedication required. The cash contribution shall be held in a special fund by the Village Board and disbursed for use in the acquisition of park and school sites. In cases where availability of land is limited the Village Board may authorize the cash contribution for recreation capital improvement on existing park or school sites.
 - (2) Cash Contribution. Cash contribution in Lieu of land dedication shall be based on current fair market value of land in the area that otherwise would have been dedicated as park and recreational sites, per residential dwelling unit. A dwelling unit is defined as one or more rooms which are designed or used as living quarters for one family only.
- C. Criteria for Requiring Dedication and a Fee. There will be situations when a combination of land dedication and contribution in lieu of land are both necessary. These occasions will arise when:
- (1) Only a portion of land to be developed is proposed as the location for the required land acquisition. That portion of 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 been required to be dedicated; or
 - (2) A major part of the land dedication 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.

D. Holding of Funds.

Sums of money so received by the Village Board shall be placed in a special fund to be known as the Village of Timberlane Site Purchase Fund, and used by the Village Board solely for the purchase, development and improvement of land for parks, open space, conservation, recreation or school sites. Fifty percent (50%) of paid sums shall go to the school district and fifty percent (50%) of said sums shall be used by the Village.

E. Disbursement of Funds.

On receipt of a written request from the School District, the Village may release funds to that agency in an amount equal to the fifty percent (50%) of the sum of fees paid for such purposes. The Village Board shall disperse funds only in compliance with adopted park, school, recreation, open space or land preservation plans.

F. Land and Site Characteristics.

- (1) Topography and Grading. The topography, soils, and subsurface conditions of the dedicated site, as well as its surroundings, must be suitable for its intended purpose. The developer shall provide grading, drainage, and such improvements as deemed necessary by the Village Board.
- (2) Floodplain and Suitable Access. Floodplain areas shall comprise no more than twenty-five percent (25%) of any land to be dedicated. Suitable access for the dedicated site shall be provided.
- (3) Combining with Adjoining Development. Where the subdivision or multi-family development is less than forty (40) acres, public open space should, where possible, be combined with dedication from adjoining developments in order to produce usable recreation areas without hardship on a particular development.
- (4) Reservation of Additional Land. Where the Comprehensive Plan, the standards of the Village Board, School District, Conservation District, or Soil and Water Conservation District call for a larger amount of land in a particular subdivision than the subdivider or developer is required to dedicate, the land needed beyond the subdivider or developer's contribution shall be reserved for subsequent purchase by that public agency (or its agent) designated by the Village. Such acquisition is to be made within two (2) years from the date of the final plat approval unless the public agency and subdivider agree to an extension of time or is in eminent domain litigation.
- (5) Improved Sites. All sites shall be dedicated in a condition ready for full service of water, sewer, and streets where these services are included in the development and as applicable to the location of the site, or acceptable provision made

therefore. Where the site to be dedicated is physically separate from land in the final plat, the developer shall convey a partial interest in the site to be dedicated in an amount equal to the dedication requirement for the plat.

- (6) Acceptance of Dedication. The dedication offer shall be made and accepted by the Village Board concurrently with final plat approval by the Board.