

CHAPTER 1

GENERAL SUBDIVISION PROVISIONS

SECTION:

- 9-1-1: Short Title
- 9-1-2: Statute Authority; Purpose
- 9-1-3: Scope; Exemptions; Tract Survey
- 9-1-4: Interpretation And Application Of Provisions
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9-1-1: **SHORT TITLE:** This title shall be known as and may be referred to as the *SUBDIVISION CODE*. (2008 Code § 34-1-1)

9-1-2: **STATUTE AUTHORITY; PURPOSE:** In accordance with State law, 65 Illinois Compiled Statutes 5/9-12-5 and 5/9-12-8 - 5/9-12-12 and 765 Illinois Compiled Statutes 205/1 et seq., this title regulates the subdivision and development of land in order to implement the Comprehensive Plan and Official Map duly adopted by the City. Thus, this title assists in achieving the following specific objectives:

- A. To preserve, protect, and promote the public health, safety, and welfare;
- B. To provide a pleasant living environment by furthering the orderly and efficient layout and use of land and by facilitating aesthetic urban design;
- C. To establish accurate legal records, to avoid development in wetland areas, and to avoid legal and other problems by requiring that subdivided land be properly monumented and recorded;
- D. To conserve and increase the value of land, improvements, and buildings throughout the City;

- E. To preserve the natural beauty and topography of the City to the maximum feasible extent, including preservation of such features as stands of trees, streams, significant archaeological sites, and historical landmarks;
- F. To provide adequate light, air, and privacy for all residents of new developments by preventing undue concentration of population;
- G. To protect against injury or damage caused by fire, pollution, flooding, stormwater runoff, or erosion and sedimentation;
- H. To provide safe and convenient access to new developments and to avoid traffic congestion and unnecessary public expenditures by requiring the proper location, design, and construction of streets and sidewalks;
- I. To provide an environment whereby the cost of installing and maintaining adequate water mains, sanitary sewers, stormwater sewers, and other utilities and services can be kept at a minimum; and
- J. To ensure that adequate parks, schools, and similar facilities can be made available to serve the residents. (2008 Code § 34-1-2)

9-1-3: SCOPE; EXEMPTIONS; TRACT SURVEY:

- A. Scope: The provisions of this title shall apply to all planned developments, whether residential, commercial, or otherwise, in nature, and to any other developments within the City, whether a plat is required or not under the Illinois Plat Act, and regardless of whether the same is labeled a subdivision or not, it being the intent of this title to apply to all types of development. (2008 Code § 34-1-3; amd. 2019 Code)
- B. Exemptions:
 - 1. The provision of this title do not apply and no plat is required in any of the following instances:
 - a. The division or subdivision of land into parcels or tracts of five (5) acres or more in size which does not involve any new streets or easements of access or special utility easements;

b. The division of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access or special utility easements;

c. The sale or exchange of parcels of land between owners of adjoining and contiguous land;

d. The conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipelines which does not involve any new streets or easements of access or special utility easements;

e. The conveyance of land for highway or other public purposes or grants or conveyance relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;

f. Conveyance made to correct description in prior conveyances;

g. The sale or exchange of parcels or tracts of land following the division into no more than two (2) parts of a particular parcel or tract of land recorded on or before July 17, 1959, and not involving any new streets or easements of access or any special utility easements;

h. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access or special utility easements;

i. The sale of a single lot of less than five (5) acres from a larger tract when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract, existing as of October 1, 1973. (2008 Code § 34-1-4)

j. The preparation of a plat for wind energy devices under 35 Illinois Compiled Statutes 200/10-620. (2019 Code)

2. The City retains the right to review and approve the infrastructure improvements including, but not limited to, stormwater and erosion control regulations. (2008 Code § 34-1-4)

C. Tract Survey: A tract survey shall be required for a division of land for which no plat is required under subsections B1a, B1b, B1c, B1h and B1i of this section. No tract survey is required for a division of

land described in subsections B1d, B1e, B1f and B1g of this section. All tract surveys shall be approved and recorded in accordance with chapter 6 of this title. (2019 Code)

9-1-4: INTERPRETATION AND APPLICATION OF PROVISIONS:

- A. Interpretation: Every provision of this title shall be construed liberally in favor of the City, and every regulation set forth herein shall be considered the minimum requirement for the promotion of the public health, safety, and welfare.
- B. More Restrictive Requirements Apply: Whenever the requirements of this title differ from those of any statute, lawfully adopted ordinance or regulation, easement, covenant, or deed restriction, the more stringent requirement shall prevail. Thus, in accordance with State law, whenever this title imposes higher standards than the County Subdivision Code, said higher standards shall supersede the County regulations in the unincorporated territory located within the City's subdivision jurisdiction. (2008 Code § 34-1-5)

9-1-5: DISCLAIMER OF LIABILITY:

- A. Except as may be provided otherwise by statute or ordinance, no officer, Council member, agent, or employee of the City shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this title.
- B. Any suit brought against any officer, Council member, agent, or employee of the City, as a result of any act required or permitted in the discharge of his duties under this title shall be defended by the City Attorney until the final determination of the legal proceedings. (2008 Code § 34-1-6)

CHAPTER 2
RULES AND DEFINITIONS

SECTION:

9-2-1: Rules Of Word Construction
9-2-2: Definitions

9-2-1: **RULES OF WORD CONSTRUCTION:** In construing the intended meaning of terminology used in this title, the following rules shall be observed:

- A. Unless the context clearly indicates otherwise, words and phrases shall have the meanings respectively ascribed to them in section 9-2-2 of this chapter. If any term is not defined in section 9-2-2 of this chapter, the term shall have its standard English dictionary meaning.
- B. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.
- C. Words used in the present tense shall include the future tense.
- D. Words used in the singular number shall include the plural number, and vice versa.
- E. The word "shall" is mandatory; the word "may" is discretionary.
- F. Captions (i.e., titles of sections, subsections, etc.) are intended merely to facilitate general reference and in no way limit the substantive application of the provisions set forth thereunder.
- G. References to sections shall be deemed to include all subsections within that section, but a reference to a particular subsection designates only that subsection.

- H. A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.
- I. All distances shall be measured to the nearest integral foot. Six inches (6") or more shall be deemed one foot (1'). (2008 Code § 34-2-1)

9-2-2: **DEFINITIONS:**

ADMINISTRATOR:	The official appointed by the Mayor and the City Council to administer this title.
ALLEY:	A public right-of-way which affords a secondary means of vehicular access to the side or rear of premises that front on a nearby street, and which may be used for utility purposes.
AMENDMENT:	A change in the provisions of this title, properly effected in accordance with State law and the procedures set forth herein.
AREA, GROSS:	The entire area within the lot lines of the property proposed for subdivision/development, including any areas to be dedicated/reserved for street and alley rights-of-way and for public uses.
AREA, NET:	The entire area within the boundary lines of the territory proposed for subdivision, less the area to be dedicated for street and alley rights-of-way and public use.
BARRIER (NATURAL OR ARTIFICIAL):	Any street, highway, river, pond, canal, railroad, levee, embankment, or screening by a fence or hedge.
BLOCK:	An area of land entirely bounded by streets, highways, barriers, or rights-of-ways (except alleys, pedestrianways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or ROW) or bounded by a combination of streets, public parks, cemeteries,

- railroad rights-of-way, waterways, or corporate boundary lines.
- BUILDING:** Any structure, whether temporary, semipermanent, or permanent, designed or intended for the support, enclosure, shelter or protection of persons or property.
- BUILDING LINE:** See definition of setback line.
- CATCH BASIN:** A receptacle, located where a street gutter opens into a storm sewer, designed to retain matter that would not easily pass through the storm sewer.
- CENTERLINE:**
- A. The centerline of any right-of-way having a uniform width.
 - B. The original centerline, where a right-of-way has been widened irregularly.
 - C. The new centerline, whenever a road has been relocated.
- CENTERLINE OFFSET:** The distance between the centerline of two (2) roughly parallel streets, measured along the third street with which both said parallel streets intersect.
- CITY ENGINEER:** The registered professional engineer retained by the City to review and make recommendations regarding matters governed by this title.
- COMPREHENSIVE PLAN:** The plan or any portion thereof adopted by the City Council to guide and coordinate the physical and economic development of the City. The City's Comprehensive Plan may include, but is not limited to, plans and programs regarding the location, character, and extent of highways, bridges, public buildings or uses, utilities, schools, residential, commercial, or industrial land uses, parks, drainage facilities, etc.

CROSS SLOPE:	The degree of inclination measured across a right-of-way rather than in the direction traffic moves on said right-of-way.
CURB AND GUTTER:	A permanent pavement edging, constructed of concrete.
DEDICATE:	To transfer the ownership of a right-of-way, parcel of land, or improvement to the City or other appropriate government entity, without compensation.
DENSITY, GROSS:	The total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.
DENSITY, NET:	The total number of dwelling units divided by the net acreage. See definition of area, net.
DESIGN:	The arrangement of uses on the land and the arrangement of easements, lots and rights-of-way, including specifications of materials, alignment, grade and width of these elements.
DEVELOP:	To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefor.
DIMENSIONS:	Refers to both lot depth and lot width.
DRAINAGEWAY:	A watercourse, gully, dry stream, creek, or ditch which carries stormwater runoff or which is fed by street or building gutters or by stormwater sewers, or which serves the purpose of draining water from the lands adjacent to such watercourse, gully, dry stream, creek, or ditch.
EASEMENT:	A grant by the property owner to the public, a corporation, or a person of the use of land for limited and specifically named purpose.
ESCROW DEPOSIT:	A deposit in cash or other approved securities to assure the completion of improvements within a subdivision.

FILING DATE:	The date that the applicant has filed the last item of required data or information with the City Clerk and has paid the necessary fees for review by the Planning Committee.
FLOOD HAZARD AREA:	All land subject to periodic inundation from overflow of natural waterways.
FRONTAGE:	The linear extent of the front (street side) of a lot.
GRADE:	The degree of inclination of the site or right-of-way, expressed as a percentage; synonym for "slope".
HILLSIDE AREA:	An area with an average slope of twenty percent (20%) or more.
IMPROVEMENT:	Refers to site grading, street work and utilities (including water, sewer, electric, gas, storm-water, telephone and cable television) to be installed or agreed to be installed by the subdivider on land to be used for public or private streets and easements or other purposes as are necessary for the general use of lot owners in the subdivision, including the furnishing of all materials, equipment, work and services such as engineering, staking and supervision, necessary to construct all the improvements required in chapter 5 of this title or any other improvements that may be provided by the subdivider. All of such materials, equipment and services shall be provided at the subdivider's cost and expense, although he may enter into a contract with individuals and firms to complete such improvements, and the improvements shall be subject to the final approval of the Planning Committee and the City Council.
IMPROVEMENT PLANS:	The engineering plans showing types of materials and construction details for earth moving and for the structures and facilities to be installed both in, or in conjunction with, a subdivision. Plans shall include drainage, streets,

alleys and utility locations to be installed in or in conjunction with a subdivision. Also to be included is an overall drainage plan and its effect on contiguous land and source of effluent or discharge.

- INLET:** A receptacle, located where surface water and/or groundwater can run to by gravity to be received by the storm sewer.
- INTERSECTION:** The point at which two (2) or more public rights-of-way (generally streets) meet.
- LAND USE PLAN:** The comprehensive long range plan for the desirable use of land, the purpose of such plan being, among other things, to serve as a guide to the progressive subdividing and use of undeveloped land.
- LOCAL STREET:** A street serving limited amounts of residential traffic and:
- A. Is used primarily for access to abutting properties;
 - B. Is not typically a through route; and
 - C. Serves less than one hundred fifty (150) dwelling units.
- LOT:** A tract of land intended as a unit for the purpose (whether immediate or future) of development or transfer of ownership. A "lot" may or may not coincide with a "lot of record".
- LOT AREA:** The area of a horizontal plane bounded by the front, side, and rear lines of a lot, exclusive of any land designated for street right-of-way.
- LOT, CORNER:** A lot having at least two (2) adjacent sides that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

LOT DEPTH:	The mean horizontal distance between the front end and the rear lot lines measured in the general direction of the side lot lines.
LOT, INTERIOR:	A lot whose side lines do not abut any street.
LOT LINE, FRONT:	The line separating the lot from the street. On a corner lot, the front lot line shall be the frontage having the least dimension.
LOT LINE, REAR:	The rear lot line is the lot line most nearly parallel to and most remote from the front lot line.
LOT LINE, SIDE:	Any lot line other than front or rear lot line. A corner side lot line separating a lot from a street is called a street side lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.
LOT OF RECORD:	An area of land designated as a lot on a plat of subdivision recorded with the appropriate County Recorder of Deeds in accordance with State law.
LOT, THROUGH:	A lot having a part of approximately parallel lot lines that abut two (2) approximately parallel streets. Both such lot lines shall be deemed front lot lines.
LOT WIDTH:	The mean horizontal width of the lot measured at right angle to the general direction of the side lot lines.
MAINTENANCE BOND:	A surety bond, posted by the developer and approved by the City, guaranteeing the satisfactory condition of installed improvements for the two (2) year period following their dedication.
MASTER DEVELOPMENT PLAN:	A combination of maps, drawings, site plans, charts and supportive narrative material that portrays total development to be achieved in the overall project area; which provides sufficient detailed information to both illustrate and

	describe the intended character and configuration of development to be accomplished.
METES AND BOUNDS:	A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and description of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by describing lines or portions thereof.
OFFICIAL MAP:	A graphic statement of the existing and proposed capital improvements planned by the City which require the acquisition of land, such as streets, drainage systems, parks, etc.
OWNER OR SUBDIVIDER:	A person having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this title.
PARKING LANE:	An auxiliary lane of a street and primarily used for vehicular parking.
PEDESTRIANWAY:	A right-of-way dedicated to public use which cuts across a block to facilitate safe pedestrian access to adjacent streets and properties.
PERFORMANCE BOND:	A surety bond posted by the developer and approved by the City, guaranteeing the installation of required improvements within, or in conjunction with, a subdivision.
PLANNING COMMITTEE:	A standing or ad hoc committee of the City Council designated to review matters governed by this title until such time as a Plan Commission might be appointed in accordance with division 12 of the Illinois Municipal Code.
PLANNED UNIT DEVELOPMENT (PUD):	A comprehensively planned development containing residential, commercial, industrial, or other land uses on an area of land under continuing unified control. A planned unit development may contain a single type of land use or

combination of land uses; provided, that such development is reviewed, evaluated and approved by the City and satisfies the requirements contained herein.

- PLANS:** All of the drawings, including plats, cross sections, profiles, working details and specifications, which the subdivider prepares or has prepared to show the character, extent and details of improvements required in this title and which plans shall conform to any requirements of the Planning Committee as to scale and details for submittal to the approval officials of the City for consideration, approval or disapproval.
- PLAT, FINAL:** The final engineering and architectural maps, drawings, and supporting material indicating the subdivider's plan of the subdivision which, if approved, may be filed with the appropriate County Recorder of Deeds.
- PLAT, PRELIMINARY:** Preliminary engineering and architectural maps, drawings, and supportive material indicating the proposed layout of a subdivision.
- PROJECT AREA:** That territory intended to be subdivided or developed, and portrayed and defined in the preliminary and final plats.
- RESERVE:** To set aside a parcel of land in anticipation of its acquisition by the City or other appropriate government entity for public purposes.
- RESERVE STRIP:** A narrow strip of land between a public street and adjacent lots which is designated on a recorded subdivision plat or property deed as land over which vehicular travel is not permitted.
- RESUBDIVISION:** See definition of subdivision.
- REVERSE CURVE:** A curve in a street heading in approximately the opposite direction from the curve immediately preceding it so as to form an S-shape.

RIGHT-OF-WAY, PUBLIC:	A strip of land which the owner/subdivider has dedicated to the City or other appropriate government entity for streets, alleys, and other public improvements; sometimes abbreviated as ROW.
ROADBED:	The graded portion of a street upon which the base course, surface course, shoulders and median are constructed.
ROADWAY:	The entire improved portion of the street, including shoulders, parking lanes, travelways, curbs and gutter.
SETBACK LINE:	A line that is usually parallel to the front, side or rear lot line establishing the minimum space to be provided as the front, side or rear yard.
SEWERAGE SYSTEM, PRIVATE:	A sewer system, including collection and treatment facilities, established by the developer to serve a new subdivision in an outlying area.
SIDEWALK:	A pedestrianway constructed in compliance with the standards of this title, generally abutting or near the curb line of the street.
SLOPE:	The degree of inclination of site or right-of-way expressed as a percentage. Synonym for "grade".
SOIL AND WATER CONSERVATION DISTRICT:	The Macoupin or Sangamon County Soil and Water Conservation District, also known as the U.S. Natural Resource and Conservation Service.
STOP ORDER:	An order used by the Administrator to halt work in progress that is in violation of this title.
STREET:	A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or a way for pedestrian or bicycle use only.

STREET, CUL-DE-SAC:	A short minor local street having only one outlet for vehicular traffic and having the other end permanently terminated by a turnaround for vehicles. The term may also be used to refer solely to said turnaround.
STREET, DEAD END:	Land access streets similar to cul-de-sacs; except, that they provide no turn-around circle at their closed end, and are permitted in any proposed subdivision with the permission of the City.
SUBDIVISION:	A. The division of land into two (2) or more lots or parcels for the purpose of either immediate or future sale, rental or building development or use(s) other than agricultural use or production. B. Establishment or dedication of a public street or alley through a tract of land regardless of size. The term "subdivision" shall also include all resubdivisions of land or lots.
SUBDIVISION, MINOR:	A division of land into two (2), but not more than four (4), lots, all of which front upon an existing street, not involving new streets or other rights-of-way, easements, improvements, or other provisions for public areas and facilities.
TOPOGRAPHY:	The relief features or surface configuration of an area of land.
TRAVELWAY:	That portion of a street used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.
VACATE:	To terminate the legal existence of right-of-way or subdivision, and to so note on the final plat recorded with the appropriate County Recorder of Deeds.
VARIANCE, SUBDIVISION:	A relaxation in the strict application of the design and improvement standards set forth in this title.

- YARD, FRONT:** A yard extending across the full width of the lot.
- YARD, REAR:** A yard extending across the full width of the lot between the nearest rear main building and the rear lot lines. The depth of the required rear yard shall be measured horizontally from the nearest part of the main building toward the nearest point of the rear lot lines.
- YARD, SIDE:** A yard between a main building and the side lot line, extending from the front yard or front lot lines, where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building. (2008 Code § 34-2-2; amd. 2019 Code)

CHAPTER 3

ADMINISTRATION AND ENFORCEMENT

SECTION:

- 9-3-1: Enforcement Officer; Duties
- 9-3-2: Variances
- 9-3-3: Amendments
- 9-3-4: Fees
- 9-3-5: Penalties

9-3-1: **ENFORCEMENT OFFICER; DUTIES:** The Administrator is hereby authorized and directed to administer and enforce the provisions of this title. This broad responsibility encompasses, but is not limited to, the following specific duties: (2008 Code § 34-4-1)

- A. To review and forward preliminary plats to the Planning Committee; (2008 Code § 34-4-1; amd. 2019 Code)
- B. To transmit improvements plans to the City Engineer for his review;
- C. To review and forward final plats to the City Council;
- D. To issue notices of noncompliance as necessary when the City Engineer determines that approved improvements are being constructed in violation of this title;
- E. To pursue actions when a developer fails to complete required improvements;
- F. To evaluate and pass upon proposed changes in approved final plats; (2008 Code § 34-4-1)
- G. To review and forward applications for subdivision variances to the Planning Committee; (2008 Code § 34-4-1; amd. 2019 Code)

- H. To maintain up to date records of matters pertaining to this title including, but not limited to, preliminary plats, as built records of completed improvements, final plats, variances, and amendments;
- I. To provide information to subdividers/developers and to the general public on matters related to this title; and (2008 Code § 34-4-1)
- J. To periodically review the provisions of this title to determine whether revisions are needed, and to make recommendations on such matters to the Planning Committee as necessary. (2008 Code § 34-4-1; amd. 2019 Code)

9-3-2: **VARIANCES:**

- A. **Application For Variance:** Any subdivider/developer desiring a variance from the requirements of this title shall file a written application therefor with the Administrator at the same time that he files his preliminary plat. The application shall fully explain the grounds for the variance request, and specify the section(s) of this title which, if strictly applied, would cause great practical difficulties or hardship. The Administrator shall prepare an advisory report on every variance application and submit it, together with the completed application, to the Planning Committee. (2008 Code § 34-4-2; amd. 2019 Code)
- B. **Review By Planning Committee:** The Planning Committee shall review the variance application and the Administrator's comments, perform on site review when appropriate, and submit their advisory report to the City Council, together with their recommendation on preliminary plat approval. The Planning Committee's advisory report shall be responsive to all the variance standards set forth in subsection C of this section. (2008 Code § 34-4-3; amd. 2019 Code)
- C. **Action By City Council; Variance Standards:**
 - 1. At the same meeting at which they take action on the application for preliminary plat approval, the City Council shall decide by resolution whether to grant or deny the requested subdivision variance. A copy of their decision, clearly stating their reasons therefor and the exact terms of any variance granted, shall be attached to both the preliminary and final plats. The City Council shall not grant any subdivision variance unless, based upon the information presented to them, they determine that:

a. The proposed variance is consistent with the general purposes of this title; and

b. Strict application of the subdivision requirements would result in great practical difficulties or hardship to the applicant, not a mere inconvenience; and

c. The proposed variance is the minimum deviation from the subdivision requirements that will alleviate the difficulties/hardship; and

d. The plight of the applicant is due to peculiar circumstances not of his own making; and

e. The peculiar circumstances creating the variance request are not applicable to other tracts, and therefore, a variance would be a more appropriate remedy than an amendment to this title; and

f. The variance, if granted, will not materially frustrate implementation of the comprehensive plan including the Official Map.

2. Financial consideration or peculiar circumstances do not constitute a hardship. (2008 Code § 34-4-4)

9-3-3: AMENDMENTS:

- A. Authority; Filing Amendment: Amendments to this title may be proposed by the Administrator, any member of the City Council, any Planning Committee member, or any party in interest. Every amendment proposal shall be filed on a prescribed form in the Administrator's Office. The Administrator shall promptly transmit each proposal, together with any comments or recommendations he may wish to make, to the Planning Committee for a public hearing.
- B. Public Hearing: The Planning Committee shall hold a public hearing on every amendment proposal within a reasonable time after said proposal is submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed amendment, shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing by publication in a newspaper of general circulation within the City.

- C. Advisory Report; Action By City Council: Within a reasonable time after the public hearing, the Planning Committee shall submit an advisory report to the City Council. The City Council shall act on the proposed amendment at their next regularly scheduled meeting following submission of this report. Without another public hearing, the City Council may either pass or reject the proposed amendment or may refer it back to the Planning Committee for further consideration. (2008 Code § 34-4-5; amd. 2019 Code)

9-3-4: **FEES:** The developer shall pay all legal and engineering fees and any other costs incurred by the City in conjunction with the development. (2019 Code)

9-3-5: **PENALTIES:**

- A. Any person who is convicted of a violation of this title shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00), plus costs. Each day that a violation continues shall be considered a separate offense. In the case of multiple violations, each violation shall be considered a separate offense. (2008 Code § 34-4-7; amd. 2019 Code)
- B. Nothing contained in this section shall prevent the City from taking any other lawful action that may be necessary to secure compliance with this title. (2008 Code § 34-4-7)

CHAPTER 4
PLATS AND PLANS

SECTION:

- 9-4-1: Preapplication Procedure; Preliminary Plat
- 9-4-2: Improvement Plans
- 9-4-3: Security For Completion Of Required Improvements
- 9-4-4: Final Plat
- 9-4-5: Maintenance Of Improvements
- 9-4-6: Vacation Of Plats

9-4-1: PREAPPLICATION PROCEDURE; PRELIMINARY PLAT:

- A. **General Procedure:** Before preparing a proposed plat for an area, the owner, developer, or their representatives should have a pre-application meeting with the City to determine applicable City regulations and standards for which there must be compliance. After the preapplication meeting(s), the subdivider should then prepare the preliminary plat. As defined in this title, the preliminary plat must contain a substantial amount of data, and will thus be incomplete and cannot be considered as filed until all required data are submitted. The preliminary plat is received with filing fees by the City Clerk's Office, who, in turn, will forward the same to the City Engineers for their review. Following their review (as well as comments from other appropriate agencies when required), the City Engineers forward their recommendation(s) to the City Council, who then either approves, disapproves, or approves with modifications the preliminary plat. (2008 Code § 34-3-1; amd. 2019 Code)
- B. **Filing Preliminary Plat:**
 - 1. Except as specifically provided otherwise in this section, every person who proposes to subdivide any land located within the subdivision jurisdiction of the City shall file three (3) copies of the preliminary plat of said subdivision with the City Office Manager. He shall also file one copy of the preliminary plat and supporting data

with the appropriate Soil and Water Conservation District. Said district shall have not more than thirty (30) days to submit any comments it might wish to make to the Administrator. (2008 Code § 34-3-2; amd. 2019 Code)

2. Whenever a large tract is to be developed in stages and only a portion of that tract is to be submitted for final plat approval, nonetheless, a Master Development Plan of the entire tract shall be submitted.

3. All preliminary plats shall be reviewed and acted upon in accordance with 65 Illinois Compiled Statutes 5/11-12-8 and the provisions of the following subsections. (2008 Code § 34-3-2)

C. Specifications; Information Required: Every preliminary plat shall be prepared by an Illinois professional land surveyor at any scale from one inch equals twenty feet (1" = 20') through one inch equals one hundred feet (1" = 100'), provided the resultant drawing does not exceed thirty six inches (36") square. The applicant shall provide eleven inch by seventeen inch (11" x 17") reduced size copies for City Council review. Each preliminary plat shall indicate the following information, as applicable, on its face or separately on additional drawings: (2008 Code § 34-3-3)

1. Small key map showing the relation of the proposed subdivision to section or U.S. survey lines and to platted subdivisions and dedicated roads within three hundred feet (300') of the proposed subdivision;

2. Names and addresses of the owner, subdivider (if not the owner), and registered professional engineer;

3. Proposed name of the subdivision;

4. North arrow, graphic scale, and date of map;

5. The gross and net acreage area of the proposed subdivision, the acreage of streets and of any areas reserved for the common use of the property owners within the subdivision and/or for public use;

6. All lot lines adjacent to and abutting the subdivision;

7. Tract boundary lines showing dimensions, bearings, angles, and references to known land lines;

8. Topography of the tract to be subdivided as indicated by two foot (2') contour data for land having slopes of zero percent (0%) to four percent (4%), five foot (5') contour data for land having slopes between four percent (4%) and twelve percent (12%), and ten foot (10') contour data for land having slopes of twelve percent (12%) or more;
9. Any proposed alteration, adjustment or change in the elevation or topography of any area;
10. Locations of such features as bodies of water, ponding areas, natural drainageways, railroads, cemeteries, bridges, parks, schools, etc.;
11. Streets and rights-of-way on and adjoining the site of the proposed subdivision showing: the names and including street right-of-way and paving widths; approximate gradients; types and widths of pavement, curbs, sidewalks, crosswalks, planting strips and other pertinent data, including classification of all existing or proposed streets as to function as collector, major, minor or County road;
12. A copy of the results of any tests made to ascertain subsurface rock and soil conditions and the water table;
13. Locations, widths, and purposes of all existing and proposed easements;
14. A copy of the description of all proposed deed restrictions and covenants;
15. Location and size of existing and proposed sanitary and storm sewers;
16. Locations, types, and approximate sizes of all other existing and proposed utilities;
17. Building setback or front yard lines and dimensions;
18. Locations, dimensions, and areas of all parcels to be reserved or dedicated for schools, parks/playgrounds, and other public purposes;
19. Locations, dimensions, and areas of all proposed or existing lots within the subdivision;
20. Additional information as required by State law;

21. Delineated boundaries of any wetland; and

22. Delineated boundaries of any Federal Emergency Management Agency identified floodplain, floodway or flood prone areas. (2008 Code § 34-3-3; amd. 2019 Code)

D. Planning Committee Action:

1. The Planning Committee shall either approve or disapprove the application for preliminary plat approval within thirty (30) days from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the Planning Committee and the subdivider mutually agree to extend this time limit. If the Planning Committee disapproves the preliminary plat, they shall furnish to the applicant, within the thirty (30) day period, a written statement specifying the aspects in which the proposed plat fails to conform to this title and/or the Official Map. If the Planning Committee approves the preliminary plat, they shall inform the City Council that action can be taken at the next regularly scheduled City Council meeting.

2. The Planning Committee shall give notice of its consideration of any preliminary plat and allow the opportunity to be heard to the following person(s) or groups during its preliminary review time span:

a. Any person requesting notification of the meeting.

b. Any property owner whose property is contiguous to the property, including property across the streets, railroads, creeks, and similar barriers. Said information shall be provided by the applicant to the City Office Manager when filing the plat.

c. Any governmental or taxing body which requests notification of the meeting. (2008 Code § 34-3-4; amd. 2019 Code)

E. City Council Action:

1. The City Council shall review the preliminary plat, along with the Planning Committee recommendations, and approve, disapprove or approve subject to certain conditions and/or modifications said preliminary plat within thirty (30) days after its next regularly scheduled meeting following receipt of the written Planning Committee recommendations. (2008 Code § 34-3-5; amd. 2019 Code)

2. If the City Council rejects the preliminary plat, their resolution shall specify the aspects in which the plat fails to comply with this title and/or the Official Map. The City Clerk shall attach a certified copy of the Council's resolution of approval or disapproval to the preliminary plat. One copy of the resolution and plat shall be retained by the Clerk, one copy shall be filed with the Administrator, and one copy shall be sent to the subdivider by return receipt mail. (2008 Code § 34-3-5)

F. Rights And Privileges Of Subdivider: Preliminary plat approval shall confer the following rights and privileges upon the subdivider:

1. That the preliminary plat will remain in effect for a one year period from the day the City Council approves the same. The applicant may, during this period, submit all or part or parts of said preliminary plat for final approval. In the event that the subdivision is being developed in stages, the applicant may, by written mutual agreement with the City Council, have final approval of the last part of the plat delayed for a period not to exceed five (5) years from the date of the preliminary plat approval. Any part of a subdivision which is being developed in stages shall contain a tract of land at least one block in area or five (5) gross acres.

2. That the general terms and conditions under which the preliminary plat approval was granted will not be changed for final approval.

3. The applicant may also proceed with any detailed improvement plans required for all facilities or utilities intended to be provided. Actual construction of such facilities and improvements may commence prior to final plat approval if the detailed improvement plans have been recommended by the City Engineer and approved by the City Council; provided, that such facilities and improvements will be inspected throughout their construction, and final plat approval will be contingent in part upon acceptable compliance with City improvement and facilities standards. If the applicant does not submit the improvement plans prior to the submission of the final plat, then he shall submit the improvement plans to the City Clerk's Office at the time that the final plat is submitted. (2008 Code § 34-3-6)

G. Exemptions From Provisions: The provision of this section shall not apply to:

1. Minor subdivisions, as defined at section 9-2-2 of this title; or

2. Land that is specifically exempted from the Illinois Plat Act, as now or hereafter amended¹. (2008 Code § 34-3-2)

9-4-2: **IMPROVEMENT PLANS:**

A. **Plans And Compliance Required:** After the City Council has approved the preliminary plat, but prior to submission of the final plat, the developer shall furnish four (4) copies of the plans and specifications for all improvements to be installed within or in conjunction with the proposed development to the City Office Manager and pay all associated filing fees before review by the City Engineer. The sewer improvement plans shall be submitted to the Virden Sanitary District for review and approval. These plans and specifications shall be signed and sealed by the registered professional engineer responsible for their preparation. Until the City Engineer certifies in writing that the proposed improvements conform to generally accepted engineering practices and to the standards in this title:

1. The City shall not issue any building permit to allow construction of said improvements; and

2. The City Council shall not act upon the application for final plat approval. (2008 Code § 34-3-8; amd. 2019 Code)

B. **Information Required:** Improvement plans shall consist of black or blue line prints not larger than twenty four inches by thirty six inches (24" x 36") and at a minimum horizontal scale of one hundred feet to one inch (1" = 100') or minimum vertical scale of five feet to one inch (1" = 5'). These plans and the related specifications shall provide all of the following information:

1. Topography of the tract, both before and after development, at the same scale as the approved preliminary plat;

2. Existing and proposed elevations along the centerlines of all streets;

3. Radii of all curves and lengths of tangents on all streets;

1. 765 ILCS 205/1(b).

4. Locations and typical cross section of street pavements including curbs/gutters, catch basins, and inlets;
5. Locations and typical cross section of sidewalks and driveway aprons;
6. Locations, sizes, and invert elevations of all existing and proposed sanitary sewers, storm sewers, and fire hydrants, showing connections to any existing or proposed utility systems;
7. Locations and sizes of all water, gas, electric, and other utilities;
8. Locations of street lighting standards and street signs;
9. One or more bench marks, when requested by the engineer, in or near the subdivision, to which the subdivision is referenced. The identity and elevation shall be based on sea level datum;
10. All proposed measures to control erosion and sedimentation;
11. High water elevations of all lakes/streams adjoining or within the tract;
12. Such other information as the City Engineer may reasonably require to perform his duties under this section;
13. Existing and proposed survey monuments on street plans or on the proposed final plat as required by this title;
14. Stormwater detention facilities shown on plans and supporting engineering calculations for storm sewers and detention facilities; and
15. Other requirements deemed appropriate by the City. (2008 Code § 34-3-9)

C. Construction Notices; Inspections:

1. The subdivider/developer shall notify the Administrator and the City Engineer of both the start and completion of construction.
2. The City Engineer shall inspect said improvements while they are under construction. If he or his designated deputy determines that they are being built in violation of this title, he shall request that the

Administrator promptly issue the owner/developer a notice of non-compliance with this title.

3. The City Engineer shall inspect improvements upon their completion. The City shall not accept any completed improvement until the developer's engineer has certified in writing that it complies with this title. (2008 Code § 34-3-10)

D. Filing As-Built Records:

1. Upon completion of the public improvements and approval thereof by the City Engineer, the subdivider shall provide as-built plans to the City. If partial plats are approved, so should partial as-builts be provided. (2008 Code § 34-3-11; amd. 2019 Code)

2. The subdivider/developer shall pay the costs to add water, sewer, street, and stormwater improvements to the overall City map(s). (2008 Code § 34-3-11)

3. Security for the public improvements will not be released until the as-builts have been provided. (2008 Code § 34-3-11; amd. 2019 Code)

9-4-3: **SECURITY FOR COMPLETION OF REQUIRED IMPROVEMENTS:**

- A. If construction has not been completed and approved by the City Engineer before the final plat is submitted to the City, security in the amount equal to one hundred twenty five percent (125%) of the estimated construction costs (including, but not limited to, grading, drainage, detention ponds, paved and unpaved swales, roadways, sidewalks, sewers, water lines and appurtenances, erosion control devices and vegetative cover, and other improvements which benefit the subdivision generally) of the subdivision improvements shall be filed with the City in order to insure completion of the subdivision improvements as required by this title within a reasonable length of time without cost to the City. The form and sufficiency of security shall be subject to the approval of the City Attorney and the City Engineer. Security may be in the form of a bond issued by a commercial surety licensed to do business in the State of Illinois, or it may be in the form of an irrevocable letter of credit issued by an Illinois or national bank of at least one year in duration, which provides for automatic annual renewals thereof unless, at least sixty

(60) days prior to the expiration of its term or any renewal thereof, written notice of nonrenewal is sent by certified mail to the City.

- B. The bond or letter of credit shall, by its terms, secure payment not only for the construction of the subdivision improvements but also for any additional review and inspection fees charged by the City Engineer and imposed by the City pursuant to this title.
- C. Upon acceptance of subdivision improvements by the City, a one year warranty period shall be in effect during which period security shall be provided to insure that latent defects in materials and workmanship will be corrected at the subdivider's expense. (2019 Code)

9-4-4: **FINAL PLAT:**

- A. **Compliance With Provisions Required:** The City Council shall not approve any final plat unless they determine that it is in compliance with all pertinent requirements of this title including those set forth in this section. (2008 Code § 34-3-22)

- B. **Filing Final Plat:**

1. The subdivider of every subdivision, whether major or minor, for which a plat is required pursuant to this title, who desires final plat approval shall file six (6) copies of the final plat and supporting data with the City Office Manager and pay all associated filing fees not later than one year after preliminary plat approval has been granted. However, with the consent of the City Council, the subdivider may delay application for final approval of part(s) of the tract shown on the preliminary plat for successive one year periods. No subdivision plat or replat shall be filed for record or recorded in the Office of the appropriate County Recorder of Deeds, unless and until the approval of the City is endorsed thereon. No lot shall be sold for such subdivision plat or replat until it has been approved by the City Council and filed for record in the Office of the appropriate County Recorder of Deeds as required by State Statutes.

2. For official filings, the subdivider shall file the approved final plat with the appropriate County Recorder of Deeds within sixty (60) days after the City Council has approved the same and the Mayor has affixed his signature thereto. One copy of the final plat shall be given to the City Office Manager by the subdivider, bearing the official stamp of the appropriate County Recorder of Deeds attesting its

recording, within twenty (20) days of such action. (2008 Code § 34-3-23; amd. 2019 Code)

C. Information Required:

1. Every final plat shall be prepared by a registered Illinois land surveyor on polyester base film with waterproof black ink at a scale not greater than one hundred feet equals one inch (100' = 1"); provided that the resultant drawing shall not exceed twenty four inches by thirty six inches (24" x 36"). The final plat and supporting data shall portray/provide all of the following information:

a. North arrow, graphic scale, and date.

b. Name of subdivider, subdivision, and identification of the portion of the public lands survey in which the subdivision is located.

c. Accurate metes and bounds or other adequate legal description of the tract, and the included area of the subdivision to the nearest one-hundredth ($\frac{1}{100}$) of an acre.

d. Accurate boundary lines, with dimensions and bearings or angles which provide a survey of the tract, closing with an error of closure of not more than one foot (1') in ten thousand feet (10,000').

e. All dimensions shall be shown in feet and decimals of a foot.

f. Reference to recorded plats of adjoining platted land within three hundred feet (300'), by record name, plat book, and page number.

g. Accurate locations of all existing streets intersecting the boundaries of the subdivision.

h. Right-of-way lines of all streets, other rights-of-way, easements, and lot lines, with accurate dimensions, angles, or bearings and curve data, including radii, arcs or chords, points of tangency, and central angles.

i. Name and right-of-way width of every proposed street.

j. Purpose of any existing or proposed easements.

k. Number of each lot, lot dimensions, and in a separate list, lot areas.

l. Purposes for which sites, other than private lots, are reserved.

m. Building or setback lines with accurate dimensions.

n. Restrictions of all types which will run with the land and become covenants in the deeds of lots.

o. Certification of dedication of all public areas.

p. Accurate distances and directions to the nearest established official monument. Reference corners shall be accurately described on the final plat.

q. Reference to known and permanent monuments and bench marks from which future surveys may be made, together with elevations of any bench marks; and the surveyor must, at the time of making his survey, establish permanent monuments set in such a manner that they will not be moved by frost, which mark the external boundaries of the tract to be divided or subdivided and must designate upon the plat the locations where they may be found.

r. Location, type, material and size of all monuments and lot markers.

s. School district statement. (2008 Code § 34-3-24)

2. In addition, the subdivider shall furnish the City with:

a. A proposed set of subdivision covenants which shall contain provisions satisfactory to the City Attorney for perpetual maintenance of any swales and retention and detention works, and shall name the City as a third party beneficiary of provisions pertaining to maintenance of swales and retention and detention works.

b. An opinion of probable costs of public works to be dedicated to the City which have not been installed and approved at the time of submission of the final plat. (2008 Code § 34-3-24; amd. 2019 Code)

D. Certificates Required: As required by State law, the following certificates shall comply with the Illinois Plat Act, as now or hereafter amended:

1. Owner's certificate.

2. Notary public's certificate.

3. Surveyor's certificate.
 4. County Engineer's certificate.
 5. County Clerk's certificate.
 6. Certificate of City Council.
 7. 9-1-1 certificate.
 8. Special flood hazard area certificate.
 9. Flood hazard certificate. (2008 Code § 34-3-25; amd. 2019 Code)
- E. Engineer Review; Advisory Report: Within thirty (30) days from the date of application for final plat approval, the City Engineer shall review said final plat (and supporting data), and shall each advise the City Council in writing whether it substantially conforms to the approved preliminary plat and improvement plans. A copy of their advisory report shall be forwarded to the Planning Committee. The Planning Committee may prepare an addendum to said report (should they so desire), and forward same to the City Council. (2008 Code § 34-3-26; amd. 2019 Code)
- F. City Council Action:
1. The City Council shall either approve or disapprove the application for final plat approval by resolution within thirty (30) days from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the Council and the subdivider mutually agree to extend this time limit. The City Council shall not approve any final plat unless:
 - a. The final plat substantially conforms to the approved preliminary plat; and
 - b. The final plat manifests substantial compliance with the design and improvements standards of this title and the Official Map; and
 - c. To the Council's knowledge and belief, the final plat complies with all pertinent requirements of State law; and

d. Either of the following has been met:

(1) All required improvements have been completed, inspected, accepted, and dedicated; or (2008 Code § 34-3-27)

(2) The subdivider/developer has posted security in accordance with this chapter to guarantee the satisfactory completion and dedication of all required improvements. (2008 Code § 34-3-27; amd. 2019 Code)

2. If the City Council disapproves the final plat, their resolution shall specify the aspects in which the plat fails to meet the conditions of subsection F1 of this section for approval.

3. The City Clerk shall attach a certified copy of the Council's resolution of approval or disapproval to the final plat. One copy of the resolution and plat shall be retained by the Clerk, one copy shall be filed with the Administrator, and one copy shall be given to the subdivider. (2008 Code § 34-3-27)

G. Changes In Approved Final Plat: Once a final plat is approved by the City Council, it shall not thereafter be modified; provided, however, that minor changes may be made upon written application to the Administrator. Major changes require the filing of a new final plat and complete re-review. (2008 Code § 34-3-28)

9-4-5: **MAINTENANCE OF IMPROVEMENTS:** The subdivider/developer shall maintain all the improvements in the subdivision until they have been accepted by and dedicated to the City or other appropriate entity. (2008 Code § 34-3-35)

9-4-6: **VACATION OF PLATS:** In accordance with 765 Illinois Compiled Statutes 205/6, 205/7 and 205/8, any plat or part thereof may be vacated by the owner of the tract at any time before the sale of any lot therein, by a written vacation instrument to which a copy of the plat is attached. If there are public service facilities in any street, other public way, or easement shown on said plat, the instrument shall reserve to the City or other public entity or public utility owning such facilities the property, rights-of-way, and easements necessary for continuing public service by means of those facilities and for maintaining or reconstructing the same. The vacation instrument shall be approved by the City Council in the same manner as plats of subdivision and shall also be approved by the County Engineer, the Highway Commissioner of the appropriate township,

the District Engineer of the State Department of Transportation, and the public utilities. In the case of the platted tracts wherein any lots have been sold, the written vacation instrument must also be signed by all the owners of lots in said tracts. (2008 Code § 34-3-37)

CHAPTER 5

DESIGN AND IMPROVEMENT STANDARDS

SECTION:

9-5- 1:	Compliance Required
9-5- 2:	Suitability Of Land For Subdividing
9-5- 3:	Lot Requirements
9-5- 4:	Reference Monuments
9-5- 5:	Street Design Standards
9-5- 6:	Street Improvement Standards
9-5- 7:	Blocks
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9-5-13:	Sewer Systems
9-5-14:	Surface Water Drainage
9-5-15:	Reservation Of Land For Public Use

9-5-1: **COMPLIANCE REQUIRED:**

- A. No land within the subdivision and development jurisdiction of the City shall be subdivided or developed except in compliance with the regulations of this title and the applicable provisions of State law. No lot in any subdivision shall be conveyed until: (2008 Code § 34-5-1)
1. The final plat of said subdivision has been approved by the City Council and recorded in the Office of the appropriate County Recorder of Deeds; and (2008 Code § 34-5-1; amd. 2019 Code)
 2. The portion of said subdivision in which the lot is located has been improved in accordance with the requirements of this chapter or until a performance bond or other security has been posted to assure the completion of such improvements.

- B. The City shall not issue a building permit for a lot until a certificate has been issued following correction of a violation. (2008 Code § 34-5-1)

9-5-2: **SUITABILITY OF LAND FOR SUBDIVIDING:** Land that is unsuitable for development due to flooding, poor drainage, rough topography, adverse soil conditions, or other features which will be harmful to the health, safety, and general welfare of the inhabitants of the development and/or its surrounding areas shall not be subdivided or developed unless the subdivider/developer formulates adequate plans/methods to solve the problems caused by the adverse land conditions. (2008 Code § 34-5-2)

9-5-3: **LOT REQUIREMENTS:**

- A. All lots in a subdivision shall be at least eleven thousand (11,000) square feet in size with a minimum front lot line width of seventy feet (70') and at least one hundred fifty feet (150') in depth. Land that is underwater or reserved for street improvements shall not be counted to satisfy these minimum requirements. Every corner and through lot shall be large enough to permit compliance with the twenty five foot (25') front setback requirements on every side of the lot that faces a street. All lot remnants shall be added to adjacent lots to avoid the creation of unbuildable parcels. All lots shall contain adequate space for required off street parking and loading. (2008 Code § 34-5-4; amd. 2019 Code)
- B. Land shall be subdivided in such a way that each lot abuts a street meeting the requirements of section 9-5-5 of this chapter. All side lot lines shall be at right angles to straight street right-of-way lines or radial to curved street right-of-way lines except where a deviation from this rule will provide a better street and lot design. (2008 Code § 34-5-5)

9-5-4: **REFERENCE MONUMENTS:** Stone or reinforced concrete reference monuments, set in the ground in such a manner that they will not be moved by frost, shall be placed in the field in accordance with the Plat Act, as now or hereafter amended. All block corners shall be thirty six inches (36") permanent concrete post monuments and four inches (4") in diameter. All lot corners shall be marked by one-half inch (0.5") iron pins not less than thirty inches (30") long. These pins shall

be driven into the ground deep enough that they do not protrude above the ground surface more than one-half inch (0.5"). (2008 Code § 34-5-6)

9-5-5: **STREET DESIGN STANDARDS:** All streets shall be properly integrated with the existing and proposed street system indicated in the City comprehensive plan, and shall meet the specifications set forth in subsection 9-5-6l of this chapter. (2008 Code § 34-5-7)

- A. **Right-Of-Way And Pavement Widths:** Every right-of-way established for subdivision purposes is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. All rights-of-way shall be dedicated to the public by the developer. The minimum pavement widths shall be as noted in subsection 9-5-6l of this chapter. (2008 Code § 34-5-8)
- B. **Topographical Considerations:** Grades of streets shall conform as closely as possible to the natural topography, but shall not exceed the maximum grade nor be less than the minimum grade indicated in the table of street design specifications in subsection 9-5-6l of this chapter. All streets shall be arranged so that as many as possible of the building sites are at or above street grade. (2008 Code § 34-5-9)
- C. **Through Traffic Discouraged:** Marginal access and local streets shall be laid out so as to discourage use by through traffic. The rigid rectangular gridiron street pattern shall be avoided, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged to effect a more desirable street layout. (2008 Code § 34-5-10)
- D. **Dead End Streets:**
 - 1. **Temporary Stub Streets:** Streets shall be so arranged to provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire and police protection, and efficient provision of utilities, and where such continuation comports with the City's Official Map. If the adjacent property is undeveloped and the street must dead end temporarily, the right-of-way shall be extended to the property line, and no strip that would prevent connections with future streets shall be reserved. A temporary turnabout shall be provided at the terminus of any temporary dead end street, if required by the City.

2. Permanent Dead End Streets:

a. For greater convenience to traffic and more effective police and fire protection, permanent dead end streets shall be limited to eight hundred feet (800') in length.

b. The terminus of a permanent dead end street shall not be closer than fifty feet (50') to the boundary of an adjacent tract. A cul-de-sac turnaround, having a minimum right-of-way radius of fifty feet (50') and a minimum pavement radius of forty two feet (42'), shall be provided at the end of every permanent dead end street. (2008 Code § 34-5-12)

E. Intersections:

1. Not more than two (2) streets shall intersect at any one point.

2. Streets shall be laid out so as to intersect as nearly as possible at right angles. In no case shall two (2) streets intersect at an angle of less than seventy five degrees (75°). An oblique street shall be curved approaching an intersection and shall be approximately at right angles with said intersection for at least one hundred feet (100') therefrom. (2008 Code § 34-5-13)

3. Proposed new intersections along one side of an existing street shall, whenever practicable, coincide with any existing intersections on the opposite side of such street. (2008 Code § 34-5-13; amd. 2019 Code)

4. To permit safe vehicular movements at corners, the minimum curb radius at the intersection of two (2) streets shall be twenty five feet (25') from back of curb.

5. Intersections shall be designed with the flattest grade practical to provide positive drainage. In hilly terrain, an area having not greater than a three percent (3%) slope for a distance of fifty feet (50') from the nearest right-of-way line of the intersecting street shall be provided at the approach to an intersection.

6. The cross slopes on all streets, including intersections, shall not exceed three percent (3%). (2008 Code § 34-5-13)

7. Where any street intersection will involve earth banks or existing vegetation in the clear sight triangle, the developer shall cut such ground and/or vegetation (including trees) in connection with the

grading of the public right-of-way to the extent necessary to provide an adequate sight distance.

8. It shall be unlawful to construct a driveway in the clear sight triangle. (2008 Code § 34-5-13; amd. 2019 Code)

- F. Reverse Curves: A tangent at least one hundred feet (100') long shall be introduced between reverse curves on local streets. (2008 Code § 34-5-14; amd. 2019 Code)
- G. Improvements To Existing Streets: Whenever any development abuts an existing street that is narrower than the standards indicated in the table of street design specifications in subsection 9-5-6I of this chapter, the subdivider shall dedicate sufficient right-of-way on the side abutting the development to permit compliance with those standards. The developer shall improve said street to the standards imposed at section 9-5-6 of this chapter and pay one-half ($\frac{1}{2}$) the cost of said improvements. (2008 Code § 34-5-15)
- H. Excess Right-Of-Way Required: Right-of-way width in excess of the standards set forth in the table of street design specifications in subsection 9-5-6I of this chapter shall be required where:
 - 1. Due to topography, additional width is necessary to provide adequate earth slopes; or
 - 2. Due to the location of railroad tracks, additional width is needed to construct overpasses, underpasses, and approaches thereto. (2008 Code § 34-5-16)

9-5-6: STREET IMPROVEMENT STANDARDS:

- A. Developer's Expense: All streets and alleys shall be improved solely at the expense of the developer in accordance with the requirements set forth in this section.
- B. Grading: All streets shall be graded as provided in this subsection: (2008 Code § 34-5-20)
 - 1. All new streets, which are created and dedicated for use within a subdivision, shall be graded, drained and surfaced in accordance with the minimum requirements herein set forth and in a manner which will provide complete and adequate drainage of all the streets, alleys, and public grounds which may be necessary in order to pro-

vide adequate and satisfactory drainage along the side of any existing public street which lies adjacent to the subdivision. (2008 Code § 34-5-20; amd. 2019 Code)

2. In general, all new streets within the subdivision and all work to be undertaken thereon shall be designed and constructed according to IDOT Roads and Bridges Standard Specifications as the same are in effect at the time the preliminary plat and plans for such improvement work are submitted for approval.

3. The roadway shall be considered to be that part of the improvement which lies between the right-of-way lines. (2008 Code § 34-5-20)

C. Street Construction Standards:

1. All streets within the jurisdictional authority of the City, other than State highways, shall be improved as specified in subsection I of this section.

2. Local street pavements shall be provided with a CA #6 crushed stone base course, having a minimum thickness of six inches (6") compacted.

D. Alleys: Alleys, where permitted or required, shall be constructed as specified for local streets or as specified in subsection I of this section. (2008 Code § 34-5-20; amd. 2019 Code)

E. Utility Lines: Underground utilities in streets or rights-of-way or in easements shall be installed prior to the construction of such streets and/or alleys. Wherever possible, utilities will be placed in rear lot easements with street placement permitted in only the most unusual circumstances. (2008 Code § 34-5-20)

F. Curb And Gutter: All streets designed to be built with curb and gutter shall be constructed with Portland cement concrete barrier curb and gutter (B-6.12 minimum) and/or V-type gutter (24 inches minimum). The materials and construction methods for curb and/or gutter shall conform with IDOT Standard Specifications for Road and Bridge Construction. (2008 Code § 34-5-21; amd. 2019 Code)

G. Earth Subbase: The earth subbase shall be compacted to not less than ninety five percent (95%) of the standard laboratory density and shall extend across the entire width of the roadway. Soil analysis shall be performed to determine the standard laboratory density in

accordance with article 207.05 of the current edition of the Illinois Department of Transportation's "Standard Specifications for Road and Bridge Construction". The results of the soil analysis shall be filed with the City Engineer, and compaction testing of the earth subbase shall be required in the areas of both driving lanes at a minimum sampling rate of one test per lane per five hundred (500) linear feet of roadway length. All tests required shall be run by the subdivider's authorized agent, and the results, along with the certification of the subdivider's engineer, shall be filed with the City Engineer. (2008 Code § 34-5-22)

H. Inspections And Repairs:

1. Subsequent to completion of street construction by the subdivider, the City Engineer shall make a final inspection of all streets to ascertain the acceptability of structural condition, earth slopes, drainage structures, etc. If said inspection indicates no deficient items, the City shall take formal action to accept the completed streets for maintenance based upon the engineer's recommendation.

2. Should any item need correction or repair, the subdivider will be notified in writing of each deficiency. No street(s) shall be accepted in a subdivision until all streets comply with the City's requirements to the satisfaction of the City Engineer. In addition, the developer shall be required to provide a guarantee in the form of a surety bond in the amount of ten thousand dollars (\$10,000.00) for a period of two (2) years. (2008 Code § 34-5-23)

I. Street And Alley Design Specifications:

1. Streets:

a. Permitted on-street parking: Both sides.

b. Required right-of-way: Sixty five feet (65').

c. Minimum pavement width: Twenty four feet (24') of pavement with four feet (4') of shoulder without curb and gutter or thirty six feet (36') of pavement with curb and gutter.

d. Maximum gradient: Six percent (6%).

e. Minimum gradient: One percent (1%).

2. Alleys: Where permissible:

- a. Right-of-way: Sixteen feet (16').
- b. Pavement: Eight feet (8'). (2008 Code ch. 34; amd. 2019 Code)

9-5-7: **BLOCKS:**

- A. Width: Blocks shall be sufficiently wide to accommodate two (2) tiers of lots having the minimum depth of one hundred fifty feet (150'); provided, that this requirement may be waived in blocks adjacent to local streets, railroads, or watercourses. (2008 Code § 34-5-25; amd. 2019 Code)
- B. Length: No block shall be longer than one thousand two hundred feet (1,200') nor shorter than five hundred feet (500'). Wherever practicable, blocks along local streets shall not be less than one thousand feet (1,000') in length. (2008 Code § 34-5-26; amd. 2019 Code)
- C. Crosswalks: Crosswalks not less than ten feet (10') wide may be required through the center of blocks more than one thousand feet (1,000') long where necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. (2008 Code § 34-5-27)

9-5-8: **SIDEWALKS:**

- A. Required:
 - 1. Sidewalks shall be required on both sides of the street.
 - 2. These requirements shall not be waived unless the Planning Committee advises the City Council that, in the area in question, sidewalks are not needed to ensure public safety, and/or that topographical conditions make the installation of sidewalks impractical.
 - 3. All sidewalks constructed within the City shall meet IDOT standards, policies and specifications. (2008 Code § 34-5-29; amd. 2019 Code)

B. Construction Standards:

1. The outside edge of every sidewalk shall be located twelve inches (12") inside the right-of-way.
2. Residential sidewalks shall be at least four feet (4') wide. Nonresidential sidewalks shall be at least five feet (5') wide.
3. All sidewalks shall be constructed of concrete at least four inches (4") thick; except, that across driveways, the thickness shall be increased to six inches (6") and/or number six (6) reinforcing mesh shall be used.
4. No sidewalk shall be constructed at a grade steeper than ten percent (10%). (2008 Code § 34-5-30)
5. Curbs shall be cut and sidewalks shall be ramped at all intersections so as to enhance the mobility of persons with disabilities. (2008 Code § 34-5-30; amd. 2019 Code)

9-5-9: STREETLIGHTS:

- A. Required; Location: Streetlights shall be provided at each intersection of streets (or alleys) within a subdivision and at each cul-de-sac, but in no event shall there be less than one streetlight per four hundred feet (400') (or portion thereof) of street frontage between intersections, or between a street intersection and the terminus of a dead end street. Additionally, in multi-family dwelling subdivisions, lighting shall be provided within parking areas at a minimum rate of one light per twenty five (25) parking spaces or any fraction thereof. (2008 Code § 34-5-32)
- B. Standards:
 1. The design and installation of the streetlight system in every subdivision shall be reviewed by the Administrator and the appropriate electric utility company.
 2. The lighting intensity of each streetlight shall be equivalent, at a minimum, to a one hundred seventy five watt (175 W) lamp or six thousand eight hundred (6,800) mercury luminary lamp. Each streetlight standard (post) shall be at least sixteen feet (16') high. (2008 Code § 34-5-33)

9-5-10: SIGNS:

- A. **Street Name Signs:** Street name signs of the size, height, and type approved by Administrator shall be supplied and placed by the developer at all intersections within or abutting any subdivision. Street names shall be sufficiently different in sound and spelling from other street names in the City so as to avoid confusion. The City Clerk shall maintain a list of existing street names for reference. A street which is planned as a continuation of an existing street shall bear the same name. (2008 Code § 34-5-35)
- B. **Stop Signs:** Stop signs shall be provided by the developer. The Planning Committee shall specify the design and the location of the signs. The committee shall inspect the final installation. (2008 Code § 34-5-36; amd. 2019 Code)

9-5-11: UTILITIES:**A. Underground Utilities:**

1. All utility lines shall be located underground throughout the subdivision, in such a manner that the various service lines can be logically extended to adjacent areas and that such underground services do not adversely affect one another. Generally, gas, electric, telephone and CATV utility lines shall be buried a minimum of eighteen inches (18") below the finished grade, while water and sewer utility lines shall be a minimum of forty eight inches (48"). In addition, any support equipment required to be aboveground (e.g., transformer boxes, vaults, etc.) shall be located in a safe and sightly manner. No utility line shall be placed such that it runs parallel within the area bordered by vertical planes located one foot (1') inside and outside the curb and gutter lines. (2008 Code § 34-5-37)

2. Underground service connections to the property line of each platted lot shall be installed at the subdivider's expense; provided, that on the recommendation of the Planning Committee, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership. (2008 Code § 34-5-37; amd. 2019 Code)

B. Easements:

1. **Utility Easements:** Utility easements, not less than twenty feet (20') wide for sanitary sewers and water mains and not less than

fifteen feet (15') wide for gas, electric, telephone, and cable television, shall be provided where necessary. Normally, in the case of abutting lots, an equal amount should be taken from each lot. Property owners may (at their own risk) plant shrubbery or hedges or install fences on the easement areas. Utilities (private and public), however, in order to have access for repair, shall have the election to destroy said improvements and restore the area only by grading and seeding, or to have alternate access through the owner's property. (2008 Code § 34-5-38)

2. Maintenance Easements: Maintenance easements of not less than five feet (5') in width shall be provided along all rear and side lot lines. (2008 Code § 34-5-39)

- C. Excavation Backfill: Excavation backfill for water and sewer lines shall be in accordance with the "Standard Specifications for Water and Sewer Construction in Illinois", latest edition. (2008 Code § 34-5-40; amd. 2019 Code)

9-5-12: **WATER FACILITIES:**

A. Potable Water Supply:

1. An adequate supply of potable water shall be provided to every platted lot in accordance with Illinois Department of Public Health regulations and the Illinois Environmental Protection Agency regulations. If the public water system is reasonably accessible, each lot shall be properly connected thereto at the property line. All water distribution lines shall be at least six inches (6") in diameter and shall conform to the latest edition of "Standard Specifications for Water and Sewer Construction in Illinois" and in accordance with all City administrative regulations. The owner/developer shall use only water mains approved by the City Council.

2. The developer shall provide, at his expense, a minimum of one water main tap per lot and shall be responsible for having a curb box installed in accordance with City administrative regulations.

3. Where public water supply facilities are available, private water wells shall not be installed. Backflow prevention devices shall be provided on public water supply services on properties where an existing well is already located.

4. Valves shall be located so that not more than eight hundred feet (800') of water main shall be put out of service at any one time. (2008 Code § 34-5-42)

- B. Fire Hydrants: Fire hydrants of the type approved by the Fire Chief and the Fire Protection District (where applicable) shall be installed in every subdivision as part of the water distribution system. Unless otherwise provided by the City, fire hydrants shall have at least a five inch (5") barrel, be equipped with two (2) connections for two and one-half inch (2.5") hose and one (1) 4-inch pumper connection, and have a separate shutoff valve and box of at least six inches (6") in nominal size. In general, said fire hydrants shall be installed throughout the subdivision so that no residence shall be greater than four hundred feet (400') from a fire hydrant; this distance being measured from the centerline of the street right-of-way to the residence. Commercial and industrial areas shall have four hundred foot (400') spacing for fire hydrants. (2008 Code § 34-5-43)

9-5-13: SEWER SYSTEMS:

- A. Compliance Required: All proposed sanitary sewer facilities shall comply with the regulations of the Illinois Department of Public Health and the Illinois Environmental Protection Agency, and shall be approved by the City Council. All water and sewer lines shall be constructed as per "Standard Specifications for Water and Sewer Mains", State of Illinois, current edition, or as amended. In addition, the Virden Sanitary District shall review and approve all plans.

- B. Connection To Public System:

1. Whenever the public sanitary sewerage system is reasonably accessible, the developer shall extend said system throughout the subdivision, and shall provide each lot with a connection thereto according to the specifications of the Virden Sanitary District.

2. Systems requiring the installation of a lift station must be furnished with a station meeting the approval of the Sanitary District. Occasionally the Sanitary District may require the subdivider to install a system with a capacity greater than the needs of the individual subdivision. In these instances, the Sanitary District may participate in the additional costs involved with increasing the capacity of the system. (2008 Code § 34-5-46)

C. **Alternate Methods Of Disposal:** In the event it is not possible or feasible for the subdivider to extend the public sewer system into the proposed subdivision, for whatever reason, the subdivider has the right to petition the City and the Sanitary District to install an alternative method of sewage disposal. Any such petition shall be considered on an individual basis with each case standing on its own merit. No subdivision shall be approved without the City's and the Sanitary District's approval of the method of sewage disposal.

1. **Private Central Sewage Systems:** Upon specific approval of the City Council, the subdivider may install a private central sewage system. The City Council shall reserve the right to review and approve/reject the detailed plans for such a system. Approval of the plans by the City and the Sanitary District shall in no way be construed as acceptance of the design or operation or maintenance responsibility for said installation. Such installation shall be designed and constructed in accordance with the rules and regulations of the Illinois Environmental Protection Agency and the Illinois Department of Public Health. The subdivider shall assume perpetual operational and maintenance responsibilities for such installation unless arrangements to the contrary are provided for in a formal written agreement between home owners and the subdivider. Failure of the subdivider to discharge his operational/maintenance responsibilities may result in a fine of seven hundred fifty dollars (\$750.00) per day for each day a deficiency exists and shall apply to the subdivider, his heirs, successors, or assigns.

2. **Individual Sewage Disposal Systems:** Upon written approval of the City Council, the subdivider may install individual sewage disposal systems, provided the lot size is in excess of fifty thousand (50,000) square feet. If such installations are permitted, they shall be designed and installed in accordance with the applicable provisions of the requirements and regulations of the "Private Sewage Disposal Licensing Act and Code" of the Illinois Department of Public Health or the County Health Department regulations, whichever are stricter. (2008 Code § 34-5-47)

9-5-14: SURFACE WATER DRAINAGE:

A. **Adequate Surface Water Drainage Required:** All subdivisions shall be developed with adequate surface drainage. Surface water drainage improvements shall consist of storm sewers and/or open channels, inlets, catch basins and manholes designed and constructed to conform with standards established by the City and shall adequately

drain the area being developed including drainage from other areas which naturally drain through the area being developed. (2008 Code § 34-6-1; amd. 2019 Code)

- B. Excess Surface Waters: If, as the result of subdivision development, surface water is deposited in existing roadside ditches in quantities exceeding their capacity, the developer shall improve the ditches and replace culverts as needed to handle the flow. (2008 Code § 34-6-2)
- C. Design Criteria: Unless engineering evidence is presented to the City Engineer warranting exceptions, storm sewers which will drain twenty (20) acres or less for residential development shall be designed and constructed to meet the following criteria:
 - 1. Major and minor arterials: 10-year storm frequency.
 - 2. All other areas: 5-year storm frequency. (2008 Code § 34-6-3)
- D. Grade Control Requirements: It shall be the responsibility of the subdivider to provide grade control for rear lot drainage to each lot owner. Swales are not dedicated to and accepted by the City; nevertheless, no construction surety shall be fully released until the City Engineer has approved the swales in the subdivision. The City Engineer will not approve any swale until adequate turf and/or grass has been established at the elevations set forth in the construction plans. Upon approval by the City Engineer, it shall be the lot owner's responsibility to maintain the drainage course and to keep it free from features that restrict natural drainage. (2008 Code § 34-6-4; amd. 2019 Code)
- E. Controlled Release:
 - 1. The controlled release and storage of excess stormwater runoff shall be required in combination for all of the areas indicated on the preliminary plan.
 - 2. The controlled release of stormwater runoff shall not exceed the release or discharge rate which existed at the site prior to development. This rate shall be known as the predeveloped discharge rate. In the case of multiple discharge locations, no location shall discharge at a rate higher than the predeveloped discharge rate for that location under any set of conditions. The controlled release rate in any case shall not exceed the rated capacity of the existing natural downstream outlet channel or storm sewer system as deter-

mined by the City Engineer. The rate at which stormwater runoff is transported into a designated storage area may be as determined by the design engineer and is unrestricted.

3. A natural or surface channel system shall be designed with adequate capacity to convey the stormwater runoff from all tributary upstream areas through the development. This bypass channel shall be designed to carry the peak rate of runoff from a 50-year storm assuming all storm sewers are blocked and that the upstream areas are fully developed and have been saturated with antecedent rainfall. No habitable structures shall be constructed within this channel, however, streets and parking or playground areas and utility easements shall be considered compatible primary uses.

4. a. Stormwater runoff capacity of detention facilities and discharge rates from such facilities shall be calculated by analyzing volume and rate of runoff during pre-development and post-development conditions for the 10-year and the 100-year recurrence intervals.

b. Storage capacity and discharge rates shall be based on the maximum calculated volume and peak flow of stormwaters, respectively. Precipitation information shall be based on the most recent publications by the Illinois State Water Survey, currently circulars 172 and 173, "Frequency Distributions of Heavy Rainstorms in Illinois" and "Time Distributions of Heavy Rainstorms in Illinois", respectively.

c. Storage facilities shall be designed using the Soil Conservation Service (SCS) method described in Technical Release 55, "Urban Hydrology for Small Watersheds" of calculating runoff discharge rate and total volume of storage as a minimum. A more rigorous analysis using a detailed methodology may also be submitted. The rational method of calculating runoff may be used for subdivisions less than twenty (20) acres in size.

d. The storage volume shall be provided for the fully developed watershed that is tributary to the area designated for detention purposes. The control structure or discharge shall maintain the release rate at or below the rate established in subsection E2 of this section for all rainfall events of 100-year or less frequency.

5. a. Detention reservoirs or bottom stormwater storage areas shall be designed to serve a secondary purpose for recreation, open space or other types of uses that will not be adversely affected by

occasional or intermittent flooding. A method of carrying the low flow through these areas shall be provided in addition to a system of drains, and both shall be provided with a positive gravity outlet to a natural channel or other storm sewer facility with adequate capacity. The combination of storage of the water from a 100-year storm and the design release rate shall not result in a storage duration in excess of seventy two (72) hours. Maximum depths of planned stormwater storage shall not exceed four feet (4') unless the existing natural ground contours and other conditions lend themselves to greater storage depth, which shall be approved by the City Engineer. Minimum grades for turf areas shall be six-tenths percent (0.6%), and maximum slopes shall be ten percent (10%). Storage area side slopes shall be kept as close to the natural land contours as practical, and a ten percent (10%) slope or less shall be used whenever possible. If slopes greater than ten percent (10%) are necessary to meet storage requirements or area restrictions, approval shall be obtained from the City Engineer, and suitable erosion control shall be provided in addition to the protection required to ensure public health and safety.

b. Outlet control structures shall be designed as simply as possible and shall require little or no maintenance and/or attention for proper operation. Each stormwater storage area shall be provided with a method of emergency overflow in the event that a storm in excess of the 100-year return frequency storm occurs. The emergency overflow facility shall be designed to function without maintenance and/or attention and shall become part of the natural or surface channel system described in subsection E5a of this section. Hydraulic calculations shall be submitted to substantiate all design features. Both outlet control structures and emergency overflow facilities shall be designed and constructed to fully protect the public health and safety. Stormwater runoff velocities shall be kept to a minimum, and turbulent conditions at an outfall control structure will not be permitted without complete protection for the public safety. The use of restrictive fences shall be kept to a minimum and shall be used only as a last resort when no other method is feasible.

6. Retention reservoir or wet bottom stormwater storage areas shall be designed with all of the items required for detention reservoir storage areas; except, that a low flow conduit and a system of drains with a positive gravity outlet shall not be required. However, there shall be compliance with the following additional conditions:

a. Water surface area shall not exceed one-tenth ($1/10$) of the tributary drainage area.

b. Shoreline protection shall be provided to prevent erosion from wave action.

c. Minimum normal water depth shall be four feet (4'). If fish are to be used to keep the pond clean, a minimum of one-fourth ($\frac{1}{4}$) of the pond area shall be a minimum of ten feet (10') deep.

d. Facilities shall be available, if possible, to allow the pond level to be lowered by gravity flow for cleaning purposes and shoreline maintenance.

e. Control structures for stormwater release shall be designed to operate at full capacity with only a minor increase in the surface water level. Hydraulic calculations shall be submitted to substantiate all design features. (2008 Code § 34-6-5)

f. Aeration facilities to prevent pond stagnation shall be provided, if necessary. Design calculations to substantiate the effectiveness of these aeration facilities shall be submitted with construction plans. Agreement for the perpetual operation and maintenance of aeration facilities shall be prepared to the satisfaction of the City Attorney and City Council. (2008 Code § 34-6-5; amd. 2019 Code)

7. Where developments form only a portion of the watershed or contain portions of several watersheds, the requirements for providing storage shall be based upon that proportion of the area being developed as compared to the total watershed tributary to the storage area. Compensating storage will be acceptable whenever it is justified and feasible. As a watershed is developed with a series of stormwater storage facilities, due consideration will be given for calculations of the allowable release rate and capacity of the natural or surface channel system as described in this title.

8. Where development of a property presents the threat of flooding or damage by flash flood runoff to downstream residents, the facilities for stormwater runoff control shall be constructed prior to any earthmoving or drainage construction on the project site.

9. The construction of the stormwater control systems shall be accomplished as part of the cost of land development. If the amount of storage capacity can be increased to provide certain benefits to the surrounding properties, negotiations or public participation in the cost of such development may be feasible.

10. The ability to retain and maximize the groundwater recharge capacity of the area being developed is encouraged. Design of the stormwater runoff control system as provided in this Code shall give due consideration to providing groundwater recharge to compensate for the reduction in the percolation that occurs when the ground surface is paved and/or roofed over. The use of natural gravel deposits for the lower portions of storm runoff storage areas, the flattening of drainage slopes and the retention of existing topography are samples of possible recharge methods.

11. During the construction phase of land development, facilities shall be provided by appropriate stockpile design to prevent the erosion and washing away of the earth. Silting of downstream areas shall be prevented through the strategic use of silting basins, sodding of runoff channels, and by limiting the period of time during which the earth is stripped of vegetation.

12. Final engineering plans shall show complete details for all items covered in this subsection E. Plans, specifications and all calculations for stormwater runoff control and storm sewers shall be submitted for review and approval as part of the construction plan submittal or as part of the site plan submittal for large scale developments. (2008 Code § 34-6-5)

9-5-15: **RESERVATION OF LAND FOR PUBLIC USE:** Instead of, or besides, requiring the developer to dedicate parcels, the City Council may require that the developer reserve land for parks, playgrounds, schools, or other public purposes in locations designated in the City Comprehensive Plan, if such a plan is adopted. (2008 Code § 34-5-3; amd. 2019 Code)

CHAPTER 6
TRACT SURVEYS

SECTION:

- 9-6-1: Purpose
9-6-2: Submission Requirements
9-6-3: Recording The Survey

9-6-1: **PURPOSE:** Tract survey approval is designed to ensure that all divisions of land comply with the Plat Act and this title. (2019 Code)

9-6-2: **SUBMISSION REQUIREMENTS:**

- A. When a tract survey is required by this title, five (5) copies of a land survey shall be submitted to the Administrator, accompanied by the fee of two hundred dollars (\$200.00). The survey shall:
1. Have a north arrow, scale and date.
 2. Include the names, addresses and phone numbers of the surveyor and the landowner.
 3. Be certified by an Illinois professional land surveyor, together with the surveyor's seal, attesting to the accuracy of the survey.
 4. Include a statement indicating whether or not any part of the land is located in a special flood hazard area.
 5. Depict the location of all buildings and their distances from the front, rear and side property lines.
 6. Include the parcel identification numbers of the parcel being divided.

B. The Administrator shall refer the survey to the City Engineer, who shall review the survey to ensure that it conforms to the pertinent requirements of this title. The owner shall be notified of tract survey approval or disapproval as promptly as possible.

1. Disapproval: If the City Engineer finds that the tract survey does not meet the requirements of this title, he shall notify the Administrator, who shall notify the owner of the disapproval and the reasons therefor.

2. Approval: If the City Engineer finds that the tract survey does meet the requirements of this title, he shall notify the Administrator, and the following shall be printed or stamped on the original and printed and signed by the Administrator:

COUNTY OF _____

_____) SS.

STATE OF ILLINOIS)

I, the City of Virden Subdivision Administrator, do hereby approve this tract survey in accordance with the Land Subdivision Regulations of the City of Virden in this ___ day of _____, 20__.

_____ County Plats Officer

C. The Administrator shall keep one copy and transmit the remaining copies of the approved tract survey to the owner for recording. (2019 Code)

9-6-3: **RECORDING THE SURVEY:** After the tract survey has been approved, the original shall be recorded by the landowner in the Office of the Recorder of Deeds of the appropriate county in which the land is located. If the tract survey is not recorded within one hundred eighty (180) days of the Administrator’s approval, the approval shall be null and void. (2019 Code)