

**TITLE 12**  
**SUBDIVISIONS**

**Chapters:**

12.01      Subdivision Regulations

## Chapter 12.01

### Subdivision Regulations

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**§12.01.01 Title.** The Title may be known, cited and referred to as the VILLAGE OF DUNLAP SUBDIVISION ORDINANCE. (Ord. No. 03-04, 9-10-03)

**§12.01.02 Period of Effectiveness.** The ordinance shall remain in full force and effect henceforth unless repealed. (Ord. No. 03-04, 9-10-03)

**§12.01.03 Purpose.** This Title, which is part of the Comprehensive Plan of the Village, is adopted to promote and protect the public health, safety, morals, comfort, convenience and general welfare of the people; to protect the character and maintain the stability of the Village, the one and one-half mile of contiguous unincorporated territory, and territory outside the Village limits that is subject to a pre-annexation agreement between the Village and the property owner; to guide and facilitate the orderly beneficial development of the Village and its environs; to provide reasonable standards of design and procedure for subdivision and for resubdivision of land within the Village and the one and one-half mile of contiguous territory, as shown on the “Official Map of the Village of Dunlap” and to implement the recommendations of the Comprehensive Plan. (Ord. No. 03-04, 9-10-03; Ord. No. 13-06, 8-14-13)

**§12.01.04 Jurisdiction.** These regulations shall be applicable to all subdivisions and resubdivisions of land within the Village Corporate Limits, within the contiguous unincorporated territory not more than one and one-half miles beyond the corporate limits of the Village, as shown on the “Official Map of the Village of Dunlap”, and outside the Village limits that is subject to a pre-annexation agreement between the Village and the property owner. (Ord. No. 03-04, 9-10-03; Ord. No. 13-06, 8-14-13)

**§12.01.05 Rules.** Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated. Any pertinent word or term not a part of this listing, but vital to the interpretation of this Ordinance, shall be construed to have its usual legal definition.

- (A) The present tense includes the future tense, and vice versa.
- (B) The masculine gender includes the feminine and neuter.
- (C) The singular includes the plural, and vice versa.
- (D) The word “shall” is always mandatory; the word “may” is always permissive.
- (E) The word “person” includes a partnership, association, firm, trust, club, institution, company, or corporation as well as the individual.

(Ord. No. 03-04, 9-10-03)

**§12.01.06 Definitions.**

- ACCESS:** The way over which traffic moves to and/or from the Property abutting such Street or Alley and the way over which traffic moves to and/or from a Street to a Street or from a Street to an Alley.
- ALLEY:** A permanent service Right-Of-Way which affords only a secondary means of Access from such Right-Of-Way to abutting Property and is not intended for general traffic circulation.
- AREA, LOT:** The total Area within the Lot Lines.
- BLOCK:** Property abutting on one (1) side of a Street and lying between the two (2) nearest intersecting or intercepting Streets or between the nearest intersecting or intercepting Street and railroad Right-Of-Way, waterway, unsubdivided Area, or other definite boundary.
- BUILDING:** An enclosed Structure having a roof supported by columns, walls, arches, or other devices and Used for the housing, shelter, or enclosure of persons, animals, or chattels.
- CLERK:** The Village Clerk of the Village of Dunlap.
- COMMISSION:** The Plan Commission of the Village.
- COMPREHENSIVE PLAN:** The complete plan or any of its parts for the development of the Village of Dunlap and the one and one-half mile Area contiguous thereto as prepared by the Planning Commission and adopted by the Governing Body as the official plan.
- COLLECTOR STREET:** A street, either residential or commercial, intended to carry through

traffic and to which several minor streets are connected.

**CONSTRUCTION**

**PLANS:** Plans prepared to show the types, locations, lines and Grades of the proposed Streets, storm sewers, sanitary sewers, water mains, etc. in the proposed subdivision and shall include cost estimates.

**COUNTY:** County of Peoria, Illinois.

**CUL-DE-SAC:** A Street or road with only one outlet and having an appropriate terminal for the safe and convenient reversal of all traffic movement.

**DWELLING:** A Building designed for residential living purposes and containing one (1) or more Dwelling Units.

**DWELLING UNIT:** One (1) or more rooms constituting all or part of a Dwelling which are Used exclusively as living quarters for one (1) Family and not more than two(2) roomers or boarders, and which contain a stove, sink, and other kitchen facilities.

**DWELLING,  
SINGLE  
FAMILY:**

A Dwelling containing one (1) Dwelling Unit.

**DWELLING,  
MULTI-  
FAMILY:**

A Dwelling containing two (2) or more Dwelling Units.

**DUNLAP  
SUBDIVISION  
CONSTRUCTION  
DETAILS:**

The standard detailed drawings of types of Streets, curbs, sewer, and water appurtenances, etc., which are to be used in subdivision construction and which are on file in the office of the Superintendent of Public Works.

**EASEMENT:** A grant by the Property Owner of the Use of land by the public, a corporation, or persons for specified purposes.

**FAMILY:**

(A) An individual; or

(B) Two (2) or more persons related by blood, marriage, or adoption; or

(C) Not more than five (5) persons not so related, together with his or their domestic servants and gratuitous guests maintaining common

household in a Dwelling Unit.

**FINAL PLAT:** The final drawing of the proposed subdivision which shall be presented to the Plan Commission and Village Board for their respective considerations and, if approved, shall be recorded in the Peoria County Recorder's office for the purpose of conveying land.

**FLOOD HAZARD BOUNDARY MAP:** A map delineating "A" zones as Areas that are susceptible to the base Flood as prepared by the United States Department of Housing and Urban Development, Federal Insurance Administration.

**FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land Areas from the overflow of inland waters, or the unusual or rapid accumulation of runoff of surface waters from any source.

**FRONTAGE:** The length of the front Property line of Lots, tracts or parcels fronting on a public Street, road or Right-Of-Way. The Frontage of Lots shall be measured along the front Building setback line.

**GOVERNING BODY:** The Village Board of Dunlap.

**GRADE:** The ascending or descending inclination with the horizontal of a Street, measured along the center line of the Right-Of-Way, expressed by stating the vertical rise or fall as a percentage of the horizontal distance.

**IMPROVEMENT, PUBLIC:** Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, Sidewalk, planting strip, off-Street parking Area, lighting, or other facility for which the Village may ultimately assume the responsibility for maintenance and operation.

**LOTS:** The tract of land within a Subdivision marked by the Subdivider on the Plat as a numbered, lettered, or other identified tract of land to be offered for sale, dedication, or development.

**LOT CORNER:** A Lot located:

- (A) At the junction of and abutting two (2) or more intersection Streets; or
- (B) At the junction of and abutting a Street and the nearest

shoreline or high water line of a storm or floodwater runoff channel or basin; or

(C) At the junction of and abutting two (2) or more storm or floodwater runoff channels or basins; or

(D) At the abutting point of abrupt change of a single Street where the interior angle is less than one hundred thirty-five (135) degrees, and the radius of the Street centerline is less than one hundred (100) feet.

LOT,  
INTERIOR: The Lot other than a Corner Lot.

LOT LINES: The lines bounding a Lot.

MAJOR  
THROUGHFARE  
PLAN: A part of the Comprehensive Plan which sets forth the general location, alignment, and dimensions, and the identification and classification of existing and proposed Streets.

MINOR  
RESIDENTIAL  
STREET: A street of limited continuity used primarily for access to abutting properties and local needs of a neighborhood, and on which through traffic is discouraged.

OFFICIAL MAP: Map established herein and on which may be indicated proposed public improvements for the purpose of coordinating the construction of public improvements with future community development.

OWNER: An individual, firm, association, syndicate, partnership, corporation, company, organization, trust, or other legal entity having a proprietary interest in a Use, Structure, Lot, or tract of land.

PLAN  
COMMISSION: The Plan Commission of the Village of Dunlap.

PLANNED  
DEVELOPMENT: A tract of land which is developed as a unit under single Ownership or control which includes two (2) or more main or principal Structures.

PLAT: A map, plan, or layout showing the Subdivision of land into Lots.

PLAT OFFICER: The Plat Officer of the Village of Dunlap.

**PRELIMINARY**

**PLAT:** The preliminary drawing indicating the proposed layout of the subdivision to be submitted to the Plan Commission and Village Board for their consideration.

**PROPERTY:** The general term denoting either singularly or in combination, an Area, Lot, parcel, tract, Plat, or otherwise designated portion of land.

**RIGHT-OF-WAY:** The entire dedicated tract or strip of land that is to be used by the public for circulation or service.

**SCHOOL:** A Building or group of Buildings and all associated Structures, facilities, and grounds in or on which instruction in subjects that are fundamental and essential in general education, and are under the supervision of the State of Illinois Superintendent of Schools.

**SIDEWALK:** That paved portion of the Right-Of-Way designed and intended for the movement and use of pedestrian traffic.

**STANDARD**

**SPECIFICATIONS:** Published improvement construction standards and specifications as adopted or referred to by the Village.

**STREET:** A thoroughfare within the Right-Of-Way which affords the principal means of access to abutting Property. A Street may be designated as; an avenue, a boulevard, drive, highway, arterial, lane, parkway, place, road, thoroughfare, or by other appropriate name. Streets are identified according to type of use, by the Major Thoroughfare Plan as follows:

(A) **ARTERIAL:** A Street designated facility serving speeds for trip lengths generally in excess of three miles.

(B) **COLLECTOR:** Street meant to serve secondary traffic generators, to collect and distribute traffic between Arterials and Minor Streets.

(C) **MINOR:** A Street primarily designed to provide Access to butting Property; and to gather individual trips for delivery to a Collector Street.

**SUBDIVIDER**

**(DEVELOPER):** Any person or corporation or duly authorized agent of the Owner who undertakes the subdivision of land as defined herein.

SUBDIVISION,  
SUBDIVIDE:

Any division of development of any part, Lot, Area, or tract of land by the Subdivider into Lots, two (2) or more in number, for the purpose, whether immediate or future, of conveyance, transfer, improvement, or sale, with the appurtenant Streets, Alleys, and Easements, dedicated or intended to be dedicated to public Use or for the Use of the purchasers or Owners within the part, Lot, Area or tract divided. The division of land into Lots, two (2) or more in number, each Lot with Area greater than five (5) acres, and not involving any new Street, Alley, Easement, or other means of access, shall not be deemed a Subdivision for the purpose of this Ordinance.

SUBDIVISION  
DESIGN  
STANDARDS:

The basic land-planning principles established as guides for the preparation of preliminary Plats.

SUPERINTENDENT: The Superintendent of Public Works of the Village of Dunlap.

U.S.G.S: United States Geological Survey.

U.S.G.S.  
QUADRANGLE  
MAP:

A topographic map as prepared by the U.S.G.S.

VILLAGE BOARD: The President and Board of Trustees of the Village of Dunlap.

VILLAGE CLERK: The Clerk of the Village of Dunlap.

VILLAGE  
ENGINEER:

The Engineer of the Village of Dunlap as may be designated from time to time by resolution of the President and Board of Trustees of the Village of Dunlap.

(Ord. No. 03-04, 9-10-03)

**§12.01.07 Interpretation.**

(A) In their interpretation and application, the provisions of this Title shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and general welfare.

(B) Where the conditions imposed by any provisions of this Title upon the subdivision of land are either more restrictive or less restrictive than any other applicable law, Ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

(C) This Title is not intended to abrogate any Easement, covenant, or any other private agreement, provided that where the regulations of this Title are more restrictive or impose higher standards or regulations than such Easements, covenants, or other private agreements, the requirements of this Title shall govern.

(D) No subdivision of land which was not lawfully existing at the time of the adoption of this Title shall become or be made lawful solely by reason of the adoption of this Title, and to the extent and in any manner that said subdivision of land is in conflict with the requirements of this Title, said subdivision of land remains unlawful hereunder.

(E) Nothing contained in this Title shall be deemed to be a consent, license, or permit to use or subdivide land.

(F) The provisions of this Title are cumulative and additional limitations upon all other laws and Ordinances heretofore passed or which may be passed hereafter, covering any subject matter in this Title.

(Ord. No. 03-04, 9-10-03)

**§12.01.08 Separability.** It is hereby declared to be the intention of the Village that the several provisions in this Title be separable in accordance with the following:

(A) If any court of competent jurisdiction shall adjudge any provision of this Title to be invalid, such judgment shall not affect any other provision of this Title not specifically included in said judgment.

(B) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Title to a particular subdivision of land, such judgment shall not affect the application of said provision to any other subdivision of land not specifically included in said judgment.

(Ord. No. 03-04, 9-10-03)

**§12.01.09 Suitability of Land for Subdivision.**

(A) Land subject to flooding and land deemed to be topographically unsuitable shall not be subdivided for residential purposes, nor for such other uses as may increase danger to health, life, or Property, or aggravate erosion of Flood Hazard.

(B) The Commission shall not recommend the approval of the subdivision of land if, in the opinion of the Superintendent of Public Works or the Village Engineer and upon adequate investigation conducted by the Commission, it is determined that subdivision and development of the site as proposed would be detrimental to the best interests of the public.

(C) No land shall be subdivided or a plan developed for any use unless access to the land over Streets existing or will be provided by the Subdivider or Developer.

(Ord. No. 03-04, 9-10-03; Ord. No. 13-06, 8-14-13)

**§12.01.10 Connection to Village Utilities.** Storm sewers, sanitary sewers and water mains shall not be connected to or tied into Village storm sewer, sanitary sewers or water main until (1) the subdivision has been annexed to the Village, (2) construction plan approval has been granted by the Village Engineer, (3) all fees and assessments have been paid, (4) all necessary permits for such connections have been granted by the appropriate governing agency, and (5) inspection has been made by an authorized agent for the Village.

(Ord. No. 03-04, 9-10-03)

**§12.01.11 Public Lands.**

(A) Planned public improvement sites may be indicated on the Official Map or may be required by the Village as part of the approval of the subdivision. Such public improvements may include, but are not limited to, roadways and the widening of existing roadways, School sites, park and recreational Area sites, public Building sites, storm drainage sites, bikeways, and utility Easements.

(B) Whenever the Official Map or the Village has indicated the necessity to provide public improvements within a proposed subdivision, the Plan Commission and the Village Board shall require that certain lands be designated for such public purpose before granting approval to such Plat. Furthermore, such site shall be held for that specific public improvement for a period of one year from the date of Final Plat approval by the Village Board.

(C) Whenever a site for public improvements has been indicated on an approved Final Plat the appropriate public agency shall acquire such land or commence proceedings to acquire such land by condemnation within one year from the date of Final Plat approval; and if the public agency does not do so within such period of one year, the land so designated may then be used by the Owner in any manner consistent with this Title.

(Ord. No. 03-04, 9-10-03)

**§12.01.12 Vacation of Plats, Streets.**

(A) In cases where an application is made to the Village Board to vacate any subdivision or part thereof, prior to the sale of any Lot in the subdivision, the Board may by Ordinance order the vacation of all or part of the said subdivision. When Lots have been sold, the Plat may be vacated providing all the owners of Lots in said Plat join in the execution of said application.

(B) In cases where an application is made to the Village Board to vacate any Street, Alley, or public place, the Board may in such cases order the Street, Alley, public place, or part thereof to be vacated and receive from the owner or owners of Property abutting on such Street, Alley, or public place or part thereof so vacated, compensation in an amount which, in the judgment of such Board shall be equal to the benefits which will accrue to the owner or owners of such abutting Property by reason of such vacation; provided, that such order of vacation shall be passed by the affirmative vote of at least two-thirds (2/3) of the members of the Board.

(C) In all cases where application for vacation of any subdivision, Street, Alley, public place, or part thereof, is made to said Board, such application shall be referred to the Village Attorney, who shall make an investigation of the premises described in such application. The said Attorney shall make a search to determine whether title is in the applicant's name and determine whether any Lots or parcels of ground would be adversely affected by such vacations.

(Ord. No. 03-04, 9-10-03)

**§12.01.13 Outlots.** Outlots, sublots, unbuildable and/or unusable Lots shall not be dedicated to the Village without consent of the Plan Commission and the Village Board. Said Lots shall remain the Property of the Homeowner's Association or the Developer. (Ord. No. 03-04, 9-10-03; Ord. 13-06, 8-14-13)

**§12.01.14 Administration.** The following offices of the government of the Village are concerned with the administration of this Title. Specific duties are outlined as follows:

(A) Plat Officer: The Plat Officer shall be the enforcing officer of this Title, and it shall be his duty to enforce the provisions hereof. The Plat Officer may call upon any department or official of the Village to furnish him with such information and assistance as he may deem necessary to effect the proper enforcement of this Title, and it shall be the duty of such department or official to furnish such information and assistance whenever required. In the furtherance of such authority, the Plat Officer shall:

1. Maintain permanent and current records of this Title, including amendments thereto;
2. Receive and file all subdivision applications, preliminary Plats, and supporting data;
3. Forward copies of the preliminary Plat to the Plan Commission for its recommendations and report;
4. Forward copies of the preliminary Plat to the Village Board for its consideration;

5. Receive and forward subdivision Construction Plans and specifications to the Village Engineer for his review;
6. Receive and file all Final Plats;
7. Forward to the Plan Commission and Village Board all Final Plats for their approval or disapproval; and
8. Make all other determinations required of him by the regulations contained herein.

(B) The Plan Commission: The Plan Commission shall be entrusted with the following responsibilities:

1. Review and recommend approval or disapproval or necessary modifications of all preliminary and final subdivision Plats;
2. Recommend to the Village Board the granting or denial of requests for variations or exceptions subject to the provisions of this Title;
3. Recommend to the Village Board from time to time such amendments to this Title as the Commission may deem necessary or advisable; and
4. Make all other determinations required of them by the regulations contained herein.

(C) The Village Engineer: The Village Engineer is hereby vested with the following responsibilities in regard to subdivision control:

1. Approve or disapprove all engineering plans and specifications relative to subdivision improvements;
2. Recommend the amount of the guarantee to be provided by the Subdivider;
3. Make periodic and final inspections of subdivision improvements;
4. Report his finding on all of the above to the Plat Officer; and
5. Make all other determinations required of him by the regulations contained herein.

(D) The Village Board: The Village Board is vested with the following responsibilities in regard to subdivision control:

1. Approval or disapproval of all preliminary and Final Plats referred to it by the Plan Commission;

2. Amend the regulations of this Title when found necessary and
  3. Institute appropriate proceedings to enforce the provisions of this Title;
  4. Approve or disapprove intended dedications or public reservations of land;
  5. Order the vacation of a Street, Alley, or other public place and fix compensation therefore;
  6. Act upon variance recommendations referred to it by the Plan Commission; and
  7. Make all other determinations required by the Board by the regulations contained herein.
- (E) The Village Clerk: The Village Clerk is vested with the following responsibilities in regard to subdivision control:
1. To collect and keep records of any fees and charges as required by the regulations contained herein;
  2. To record in the Peoria County Recorder's Office all approved Final Plats;
  3. To receive and administer performance guarantees; and
  4. To make all other determinations required by the regulations contained herein.
- (F) The Village Attorney: The Village Attorney is vested with the responsibility to review and recommend approval or disapproval of performance guarantees to the Village Board.
- (G) The Plat Officer: The Plat Officer is hereby vested with the duty and responsibility to review preliminary Plats and Final Plats such that the Final Plat will be in a form suitable for recordation in the County Recorder's Office and that the requirements of this Title are met.

(Ord. No. 03-04, 9-10-03)

**§12.01.15 Enforcement.**

- (A) No Owner or agent of the Owner of any parcel of land located in a proposed subdivision shall transfer or sell such parcel before a Plat of said subdivision has been approved by the Village Board and filed with the Peoria County Recorder of Deeds.

(B) The subdivision of any Lot or any parcel of land by the use of metes and bounds description with the intent of evading this Title, for the purpose of sale, transfer or lease shall be subject to all of the requirements and regulations contained in this Title.

(C) No Building permit shall be issued for the construction of any Building located on a Lot or plot subdivided or sold in violation of the regulations of this Title.

(D) No preliminary or Final Plat shall be approved which does not comply with all applicable provisions of this Title.

(Ord. No. 03-04, 9-10-03)

**§12.01.16 Penalties.**

(A) Any person who shall violate any of the provisions of this Title shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each violation, and each day such violation is permitted to exist shall constitute a separate offense.

(B) The County Recorder of Deeds shall not record maps, Plats, Subdivisions, deeds or leases, to convey Property contrary to the provisions of this Ordinance.

(C) In case any map, Plat, or Subdivision is recorded or attempted to be recorded, or any deed or deeds recorded conveying Property according to such map, Plat, or Subdivision, the proper authorities of the Village, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful conveyance of said Property or to restrain, correct, or abate such violation to prevent the occupancy of any Buildings or Structures erected on said premises or to prevent any illegal act, conduct, business or Use in or upon such premises.

(D) Whenever it shall come to the knowledge of the Plat Officer that any provisions of this Ordinance have been violated, it shall be his duty to notify the Governing Body of this fact and the Governing Body shall immediately take appropriate action, and prosecute the same to final judgment, against the person offending.

(E) In case of violation of this Ordinance, the proper authorities of the Village, or any person, the value or Use of whose Property is, or may be, affected by such violation may, in addition to other remedies, institute any appropriate action or proceedings in equity to prevent the unlawful conveyance of the Property which is the subject of such violation and to restrain, correct, or abate such violation.

(F) The Plat Officer shall have the power to make such orders, requirements, decisions, and determinations as are necessary to enforce this Ordinance.

(Ord. No. 03-04, 9-10-03; Ord. No. 09-3, 6-10-09 §31)

**§12.01.17 Modifications.**

(A) **GENERAL:** Where the Plan Commission finds that extraordinary hardships may result from strict compliance with this Ordinance, it may recommend to the Governing Body a modification of the regulations so that substantial justice may be done and the public interest secured: provided that such modification will not have the effect of nullifying the purpose of the Comprehensive Plan or this Ordinance.

(B) **LARGE SCALE DEVELOPMENT:** The standards and requirements of this Ordinance may be modified by the Plan Commission in the case of a plan or a program for a Planned Development for a community, or a neighborhood unit, which in the judgment of the Plan Commission shall exceed the minimum requirements for adequate public space and improvements for circulation, recreation, light, air and service needs of the tract when fully developed and populated and which also provides such covenants or other legal provisions as will assure conformity to the purposes of the Comprehensive Plan.

(C) **APPLICATIONS REQUIRED:** Applications for any such modification, except those initiated by the Plan Commission, shall be submitted in writing by the Subdivider at the time when the Preliminary Plat is filed for the consideration of the Plan Commission. The petitions shall state fully the grounds for the application and all the facts relied upon by the Engineer.

(D) **ACTION BY GOVERNING BODY:** In recommending modifications wherever provided for in this Ordinance, the Plan Commission may prescribe such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so modified. The recommendation of a modification by the Plan Commission shall be conditional and subject to the final approval of the Governing Body.

(Ord. No. 03-04, 9-10-03)

**§12.01.18 Invalid Plats.** No Plat of any subdivision shall be valid or entitled to record unless and until the same has been approved by the Village Board in accordance with the procedure hereinafter provided, and no Plat of a subdivision shall be approved without compliance with the standards of design and specifications for improvement required herein. (Ord. No. 03-04, 9-10-03)

**§12.01.19 Unlawful Division.** From and after the effective date of this Title, no Lot or tract of land located within the Village or within the Area of jurisdiction of the Village shall be subdivided without complying with this Title and the Illinois Revised Statutes. (Ord. No. 03-04, 9-10-03)

**§12.01.20 Building Within Proposed Street Extensions.** No permanent Building or structure or permanent improvement of any type shall be erected within the extension of Street Right-Of-Way indicated on the Official Map of the Village. Such extensions are for the purpose of regulating the traffic flow within the Village in accordance

with the best interests of public health, safety, and general welfare.  
(Ord. No. 03-04, 9-10-03)

**§12.01.21 Engineering and Inspection Fees.** The Village Board shall require the Village Engineer to review and approve Preliminary and Final Plats, Construction Plans and specifications for the public improvement; to provide on-site inspection of the construction of said public improvements; and to certify that said public improvements were built in accordance with the approved plans and specifications. These fees shall be borne by the Developer, and are included in the fees assessed under Section 23(C) of the Subdivision Code. (Ord. No. 03-04, 9-10-03; Ord. 13-06, 8-14-13)

**§12.01.22 Amendments.** The Plan Commission shall from time to time prepare and recommend in writing to the Village Board such changes or additions to the provisions and regulations herein contained for subdivision control as it may deem necessary or advisable. Such changes or additions shall become effective after their adoption by the Board by the passage of an amendment to this Title. (Ord. No. 03-04, 9-10-03)

**§12.01.23 General – Procedure.**

(A) No land which is located within the Village, or which is located entirely or in part within one and one-half miles of the nearest limits of the Village, or which is located outside the Village limits that is subject to a pre-annexation agreement between the Village and the property owner shall, after the effective date of the Ordinance, be subdivided and filed for record, nor any Street laid out, nor any improvements made to the land, until the Plat or Plats of the Subdivision or Development Plan for a Commercial Planned Development or for a Residential Planned Unit Development shall have been certified to and approved by action as specified herein. The layout of the proposed Subdivision or Development Plan for a Commercial Planned Development shall be in conformity with the Comprehensive Plan.

(B) A Subdivider, before proceeding with the formal procedure outlined in this Chapter, is urged to ascertain the problems and requirements affecting the subdivision of his Property. This may best be accomplished by a meeting with the Plan Commission, Plat Officer and possibly the Village Engineer to determine general compliance and understanding of all related Village requirements.

(C) **FILING FEES FOR SUBDIVISIONS AND SURVEY PLATS:** The Subdivider or Developer shall pay a filing fee as set forth below for every preliminary plat, preliminary plan, or combination thereof, submitted pursuant to requirements of Village's Subdivision Ordinance. No fee shall be refunded in the event any plat or plan is disapproved by the Village Board.

1. Subdivisions of five (5) or less parcels consisting of subdivisions and resubdivisions of land within the contiguous unincorporated territory not more than one and one-half miles beyond the corporate limits of the Village or outside the Village limits that is subject to a pre-annexation agreement between the Village and the property owner:

\$1,000.00.

2. Subdivisions of more than five (5) parcels consisting of subdivisions and resubdivisions of land within the contiguous unincorporated territory not more than one and one-half miles beyond the corporate limits of the Village or outside the Village limits that is subject to a pre-annexation agreement between the Village and the property owner: \$1,000.00 plus \$50.00 per lot.

3. Subdivisions of five (5) or less parcels consisting of subdivisions and resubdivisions of land within the Village Corporate Limits: \$250.00.

4. Subdivisions of more than five (5) parcels consisting of subdivisions and resubdivisions of land within the Village Corporate Limits: \$250.00 plus \$50.00 per lot.

5. A survey plat: \$100.00.

(Ord. No. 03-04, 9-10-03; Ord. No. 13-06, 8-14-13)

**§12.01.24 Pre-application.** Prior to the filing of a preliminary Plat, the Subdivider may submit material to the Plat Officer relating to the proposed subdivision in order to avail himself of the advice and assistance of the Village staff, without the expense and time of a formal application. It is suggested that for a maximum benefit the material should include as a minimum:

(A) General subdivision information that describes the existing condition of the site and the proposed development. This information may include data on existing covenants, land characteristics, available community facilities and utilities, information describing the subdivision proposal, such as number of residential Lots, typical Lot width and depth, proposed protective covenants, utilities, Street improvements, existing zoning, surrounding land use, and a general location map showing the subdivision's location to/or in the Village.

(B) A sketch plan showing in simple form the proposed layout of Streets, Lots, and other features in relation to existing conditions. The sketch plan does not require formal application, fee, or filing of the Plat.

(C) Within ten (10) working days after receipt of the pre-application data, the Plat Officer shall inform the Subdivider that the plans and data as submitted or as modified do or do not meet the requirements of this Ordinance. When the plans and data do not meet such objectives, the Plat Officer shall state the reasons in writing and deliver a copy to the Subdivider.

(Ord. No. 03-04, 9-10-03)

**§12.01.25 Preliminary Plat.** The Subdivider shall, after the above pre-application procedure, cause to be prepared a Preliminary Plat together with any other supplemental material.

(A) CONTENTS OF PRELIMINARY PLAT:

1. A Preliminary Plat of the Subdivision shall be accurately drawn to a scale of one hundred (100) feet to one (1) inch. The Preliminary Plat shall be twenty-four (24) inches by thirty-six (36) inches in size.

The following information shall be shown on the Preliminary Plat. The lack of any information shall be cause for disapproval of a Preliminary Plat.

2. REQUIRED EXISTING DATA:

(a) Public Land Survey: The Preliminary Plat shall be tied to at least one point of the Public Land Survey System.

(b) Boundary Lines and Lot Lines: By bearings and distances.

(c) Existing Easements: Location, width and purpose.

(d) Existing Streets: On and adjacent to the tract by name, Right-Of-Way width, location, type, width and elevation of surfacing; curbs, gutters, culverts, and Sidewalks.

(e) Existing Utilities: On and adjacent to the tract; location, size and invert elevation of Sanitary Sewers, Storm Sewers, and where existing, location and size of water mains; location of gas lines; fire hydrants, electric and telephone poles, and Street lights; if any of the above are not available at site, indicate direction and distance to the nearest ones and furnish statements of availability.

(f) Other Existing Conditions: Water courses, marshes, rock outcrop, wooded Areas, Dwellings, Buildings and other significant features.

(g) Proposed Public Improvements: Streets or other major improvements planned by public authorities for future Construction on or near the tract.

(h) Ground Elevations: On mean sea level datum plan show contours at vertical intervals as follows:

Slope of six (6) percent or less – Two (2) foot interval

Slope of over six (6) percent – Five (5) foot interval

(i) Title and Certificates: Present tract designation; title under which Subdivision is to be recorded; names and addresses of Owners; acreage, scale, north arrow, datum, benchmarks, certification of registered professional engineer or surveyor and date of survey.

3. REQUIRED PROPOSED DATA;

(a) Streets: Names, Right-Of-Way and Street widths, approximate Grades and gradients.

(b) Easements: Location, width and purpose.

(c) Utilities: Location, type and approximate size; this information may be shown on a separate exhibit.

(d) Lots: Lot lines, numbers and Block numbers.

(e) Sites-(Non-Public): If any, for shopping centers, churches, industry, Multi-Family Dwellings or any other non-public Use exclusive of Single-Family Dwellings.

(f) Sites – (Public): If any, to be dedicated or reserved for parks, playgrounds or other public Uses.

(g) Setback lines: Give dimensions of minimum Setback lines.

(h) Site Data: Including number of residential Lots, typical Lot size, and acres in other public and non-public land Uses.

(i) Title, Scale, North Arrow and Plat Date.

(j) Other Preliminary Plans: When required by the Plan Commission, the Preliminary Plat shall be accompanied by profiles showing existing ground surface and proposed Street Grades; typical cross sections of the Streets and Sidewalks: a Preliminary Plan of proposed Sanitary and Storm Water Sewers, and water mains with Grades and size indicated, if available.

(k) Draft of Protective Covenants: Whereby the Subdivider proposes to regulate land Use in the Subdivision and otherwise protect the proposed development.

(l) Zoning: Show zoning classification of the Subdivision and adjacent Area.

(m) Storm water retention plans and supporting calculations to show compliance with Chapter 5-6 (l)

(B) Three (3) copies of the Preliminary Plat and any supplementary material shall be submitted to the Plan Commission with written application for the conditional approval of the Preliminary Plat at least ten (10) working days prior to the meeting at which it is to be considered.

(C) Following:

(a) review of the Preliminary Plat and supplementary material submitted for conformity thereof to this Ordinance by the Plan Commission; and

(b) negotiations with the Subdivider on changes deemed advisable and the kind and extent of improvements to be made by the Subdivider, the Plan Commission shall express its conditional approval, if any, or if disapproved, shall express its disapproval and its reasons in writing and deliver a copy of such reasons to the Subdivider.

(D) The action of the Plan Commission shall approve or disapprove the Preliminary Plat within ninety (90) days from the date of application and such action be noted on two (2) copies of the Preliminary Plat, to which shall be attached any conditions required. One (1) copy shall be returned to the Subdivider and the other retained by the Plan Commission.

(E) Conditional approval of the Preliminary Plat shall be construed to be an expression of approval of the general layout submitted as a guide to the preparation of the Final Plat and to be assurance to the Subdivider that the Final Plat will be approved if it conforms to the terms of the conditionally approved Preliminary Plat. If the Plan Commission rejects the Preliminary Plat, the Subdivider shall have the right to appeal the decision to the Village Board, which may sustain the Plan Commission's decision or may modify or reverse, in whole or in part, the decision. If the Village Board approves the Preliminary Plat, then the Plat Officer shall be directed to endorse the Plat.

(F) The cost of the Village Engineer's review of the Preliminary Plat and supportive information will be borne by the Developer.

(Ord. No. 03-04, 9-10-03)

**§12.01.26 Final Plat.** Within one (1) year after conditional approval of the Preliminary Plat, or such additional time as the Plan Commission may designate, the Subdivider may submit an intended Final Plat of the Subdivision and two (2) reproductions thereof to the Plat Officer.

(A) The Final Plat shall conform to the Preliminary Plat as approved and it may constitute only that portion of the approved Preliminary Plat which the Subdivider proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of this Ordinance.

(B) Final approval of the Final Plat shall be granted by the Plat Officer on the basis of its conformity with the Preliminary Plat as approved, and with all pertinent laws, rules, regulations and particularly with the technical requirements of Chapters 4 and 5 of this Ordinance and with the Comprehensive Plan of the Plan Commission.

(C) In the event only a portion of the approved Preliminary Plat is presented for final approval, the Plat Officer may notify the Subdivider in writing whether or not the preliminary approval of the unrecorded portion has been renewed for one (1) year. In the absence of such written notification, the Subdivider may within one (1) year apply to the Plan Commission for extension of the conditional approval of the Preliminary Plat without being required to pay additional fees.

(D) Within sixty (60) days after the approval of the Final Plat by the Plat Officer, said Plat shall be filed with the County Recorder of the County and if not so filed shall have no validity and shall not be recorded without recertification by the Plat Officer. All Plats (original tracings of said Plats) after being recorded shall become the Property of the County. One reproducible copy of the Final Plat shall be filed with the Plat Officer; at the time of filing with the County Recorder, the Plat Officer shall keep a record copy of such Final Plats.

(E) Contents of Final Plat:

1. The original drawing of the Final Plat of the Subdivision shall be twenty-four (24) inches by thirty-six (36) inches. It shall be drawn at a scale of one hundred (100) feet to the inch. Four (4) black or blue line prints and one (1) reproducible print shall be submitted with the original Final PLAT.

2. The following information shall be shown:

(a) Primary control points or descriptions and "ties" to such control points to the Public Land Survey System, to which all dimensions, angles, bearings, and similar data on the Final Plat shall be referred.

(b) Tract boundary lines, Right-Of-Way lines of Streets, Easements and other Rights-Of-Way, and Property lines of residential Lots and other sites; with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angle of all curves.

(c) Name and Right-Of-Way width of each Street or other Rights-Of-Way.

(d) Location and Right-Of-Way widths of existing and/or platted Streets adjacent to the tract.

(e) Location, dimensions and purpose of all Easements.

(f) Consecutive numbers for each Lot or site within all Subdivisions having the same name.

(g) Purpose for which sites, other than residential Lots, are dedicated or reserved.

- (h) Minimum Setback line on all Lots and other sites.
- (i) Location and description of monuments.
- (j) Names of record Owners of adjoining unplatted land.
- (k) Reference to recorded Subdivision Plats of adjoining platted land by book and page.
- (l) Certification by Illinois registered land surveyor as to accuracy of survey and Plat.
- (m) Statement by Owner certifying that he has title to land being Subdivided.
- (n) Statement by Owner dedicating Streets, Rights-Of-Way, Easements, and any sites for public uses.
- (o) Title, scale, north arrow, and date.
- (p) Other Data: Such other certificates, affidavits, endorsements, or dedications as may be required by applicable codes, ordinances and/or statutes pertaining to zoning, dedicated Streets, and drainage facilities.
- (q) The cost of the Village Engineer's review of the Final Plat and supportive information will be borne by the Developer.

Omission of any of the above items shall be cause for disapproval of a Final Plat. (Ord. No. 03-04, 9-10-03)

**§12.01.27 Boundary Survey.** Any parcel of land may be divided into two (2) parts, either of which part if less than five (5) acres, for the purpose of ownership transfer or Building development by recording with the County Recorder an adequate boundary map made thereof by a registered Illinois Land Surveyor. Such boundary map shall bear a certification of the County Clerk that there are no delinquent or unpaid general taxes and/or special assessments against the lands described on this boundary map.

Such boundary map shall bear the signature of the Plat Officer and shall be drawn with waterproof, non-fading ink on good quality reproducible media, eighteen (18) inches by twenty-four (24) inches or larger in six (6) inch multiples. No such boundary map shall be entitled to record or have validity until it has been signed by the Plat Officer. The Plat Officer shall keep a record and copy of such boundary maps. After one such boundary map dividing a tract of land in one ownership at the time of passage of this Ordinance has been signed by the Plat Officer, he shall not sign another boundary map dividing said land. Further division of said land shall be recorded only by means of a map or Plat of Subdivision as provided in this Ordinance, which map or Plat of Subdivision shall include

the parcel previously divided off by boundary map. (Ord. No. 03-04, 9-10-03)

**§12.01.28 Construction Plans.** The Subdivider shall submit three (3) sets of detailed construction drawings and estimates of cost to the Plan Commission simultaneously or prior to submission of the Final Plat. The drawings shall be in accordance with all design standards of this Title and applicable Local, County and State Design Standards.

(A) CONTENTS OF CONSTRUCTION DRAWINGS:

1. All drawings shall be prepared by or under direct supervision of an Illinois Registered Professional Engineer and signed and sealed by same.

2. All drawings shall be neatly drawn on reproducible twenty-four inch by thirty-six inch (24" x 36") sheets at a suitable scale and shall consist of a minimum of:

- (a) Plan and profile for Streets.
- (b) Cross sections for Streets.
- (c) Plan and profile for sanitary sewers.
- (d) Plan and profile for storm sewers.
- (e) Plan for water mains and appurtenances.
- (f) Plans for Street lights.
- (g) Construction details.
- (h) Specifications.

3. All plan views shall include all utilities including Sidewalks, where required, to clearly relate the position of each item in relation to the others.

4. Each sheet shall be numbered and contain basic information as to project name, north arrow, scale and date.

5. All Lots shall be clearly numbered and relate exactly to the Final Plat.

6. The basis of design shall be submitted for all construction including drainage calculations.

7. All construction details, including standard details, shall be shown with required dimensions and general notes.

8. Plans and supportive documents shall include information to fully describe the following elements:

- (a) Project boundary with legal description and Area.
- (b) Contours at two (2) foot intervals for slopes of six (6) percent or less and at five (5) foot intervals for slopes greater than six (6) percent.
- (c) Proposed parking Lots, if any, including capacity, drainage and

landscaping.

- (d) Pedestrian circulation features.
- (e) Landscaping and buffer Areas.
- (f) Community facilities, parks, recreational Areas and Areas to be in common ownership.
- (g) Location of fire hydrants such that no Dwelling is farther than 300 feet from a fire hydrant.
- (h) Descriptive data concerning the existing and proposed sanitary sewers, water mains and storm drainage facilities, including size and location.
- (i) Phasing program for all recreational and other common facilities, landscaping and other open space improvements.
- (j) Building set backs and Lot sizes.
- (k) Names of Streets and Right-Of-Way lines with accurate dimensions and curve data.
- (l) Location, dimensions and purpose of all Easements.
- (m) Location and description of monuments.
- (n) Restrictive covenants (if any) in a form suitable for recording.

9. Additional information required for commercial sites:

- (a) Square footage of commercial or office Buildings.
- (b) Storm water control calculations shall be based upon the assumption of 100% of the useable Lot Area having impervious surface.
- (c) Location of fire hydrants such that no point on the perimeter of Buildings is farther than one hundred-fifty (150) feet from a fire hydrant.
- (d) Market and feasibility studies for principal uses indicating proposed rental rates and expected service Areas.
- (e) An overall plan indicating all of the above, suitable for recording.

10. A pre-construction meeting is to be held with the Village Superintendent of Public Works, Village Engineer, Subdivider, Subdivider's Engineer and General Contractor to discuss the public improvements, Construction Plans and specifications, bonding, scheduling and testing requirements, prior to start of construction activities.

(B) PLAN COMMISSION ACTIVITIES:

1. After receipt of the written application and accompanying Construction Plans and supportive material, the Plan Commission shall study the proposal to determine conformity with the Comprehensive Plan, zoning and other applicable regulations. The Plan Commission shall also submit a set of the Construction Plans, specifications and supportive material to the Village Engineer for review.

2. Following such study, unless complete conformity is found, the applicant shall be notified in writing of any discrepancies. After such notification, applicant may desire to meet with the Plan Commission and/or other individuals designated by the Plan Commission, to discuss any discrepancies.

3. Once all discrepancies have been resolved, the applicant shall submit three (3) copies of the revised Construction Plans, specifications and supporting material to the Plan Commission for approval.

4. The Plan Commission shall approve or disapprove the Construction Plans within ninety (90) days from the date of application. Any action needed shall be noted on two (2) sets of the Construction Plans, to which shall be attached any conditions required. One (1) shall be returned to the applicant and the other shall be retained by the Plan Commission.

If the Plan Commission rejects the Construction Plans, the applicant shall have the right to appeal the decision to the Village Board, which may sustain the Plan Commission's decision or may modify or reverse, in whole or in part, the decision. If the Village Board approves the Construction Plans, then the Plat Officer shall be directed to endorse the Construction Plans.

5. The cost of the Village Engineer's review of the Construction Plans shall be borne by the Developer.

6. If the Construction Plans are for a commercial site, within sixty (60) days of approval of the Construction Plans by the Plat Officer, the approved overall plan sheet shall be filed with the Peoria County Recorder's Office and if not so filed, it shall have no validity and shall not be recorded without recertification by the Plat Officer.

At the time of filing with the Peoria County Recorder's Office, the Plat Officer shall keep a record copy of such overall plan.

(Ord. No. 03-04, 9-10-03)

**§12.01.29 Guarantee of Improvement.** The Final Plat shall contain a certificate by the Plat Officer certifying that the Developer has complied in one of the following alternatives:

(A) A good and sufficient bond or bank letter of credit has been posted with the Village Clerk in a penal sum sufficient to cover the amount of one hundred and ten (110) percent of the estimate, as prepared by a qualified engineer, of the probable expenditures necessary to complete the improvement; or

(B) All public improvements have been installed in accordance with the requirements of the Ordinance.

Up to eighty (80) percent of the guarantee may be released from time to time as construction is completed and conditionally approved.

Upon completion and conditional approval of all improvements, the Subdivider shall

provide a one (1) year written guarantee of the improvements and shall provide a financial guarantee in a form acceptable to the Village Board in one of the following ways.

1. Maintain twenty (20) percent of the existing guarantee in force.
2. Provide a new guarantee for twenty (20) percent of the original amount upon release of the original guarantee.

Upon final acceptance of the improvements by the Village Engineer, the Village Board shall release the guarantee.

(Ord. No. 03-04, 9-10-03)

**§12.01.30 Construction and Inspection.**

(A) After approval of the Construction Plans, the Subdivider shall submit copies of all required State and Local permits the Village Engineer.

(B) Upon receipt and approval of all required permits, the Village Engineer shall give written approval to the Subdivider to proceed with construction.

(C) The Subdivider shall be ultimately responsible for the final location, elevation, quality, and condition of all improvements and shall employ competent contractors and engineers for this requirement. The condition of the improvements at the time of inspection shall be the basis upon which the improvements are rejected or conditionally accepted.

(D) The Subdivider shall provide sufficient engineering inspection so that the Subdivider's engineer can certify that all construction was completed substantially in accordance with the approved plans.

(E) The Subdivider or his engineer or contractor shall notify the Village Engineer at least twenty-four (24) hours in advance of the following construction operations:

1. Grading.
2. Sanitary sewer construction.
3. Storm sewer construction.
4. Curb and gutter construction.
5. Base course construction.
6. Water main construction.

7. Sump drain line construction.
8. Street light construction.
9. Surface course construction.

(F) The Village Engineer shall periodically inspect the various stages of construction at his discretion and shall give conditional approval at the completion of each stage of work. The Village Engineer may require that various tests be made during construction in accordance with the applicable specifications including, but not limited to:

1. Grading – compaction tests.
2. Sanitary sewer – air test, T.V. test, lamping, visual, and mandrel.
3. Storm sewer – lamping and visual.
4. Curb and gutter – cylinders, slump, and air test.
5. Base Course – sieve, compaction test, and cores.
6. Water main – pressure test and visual.
7. Sump drain line – lamping, visual, and mandrel.

(G) All testing required by the Village Engineer shall be done by the Subdivider at the direction of the Village Engineer.

(H) Upon completion of construction and correction of defects, the Subdivider shall submit a written request for approval of all subdivision improvements except Sidewalks, along with a certification by his engineer that all improvements were completed in accordance with the approved plans.

(I) The Subdivider shall have his engineer prepare as-built Construction Plans and submit one (1) set to the Village Engineer for his records.

(Ord. No. 03-04, 9-10-03)

#### **§12.01.31 General – Design Standards.**

(A) The design of the subdivision shall be in harmony with and shall conform with the “Official Map” and shall be in accordance with good Subdivision Design principles not otherwise set forth herein.

(B) Natural features, such as distinctive trees or vegetation, streams, ponds, hilltops, bluffs, creek bottoms, and outlook views, shall be preserved and enhanced wherever possible. In laying out a Subdivision due consideration shall be given to such aesthetic

features existing within the tract being subdivided and which may add to the aesthetic quality of existing nearby Subdivisions.

(Ord. No. 03-04, 9-10-03)

**§12.01.32 Streets.** The course, width, grade and location of all streets shall conform to the Comprehensive Plan and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed Uses of the land to be served by such Streets and shall conform to the following Design Standards:

(A) Where not shown on the Comprehensive Plan, the arrangement of Streets in a Subdivision shall be reviewed by the Plan Commission and shall either:

1. Provide for the continuation or projection of existing principal Streets in surrounding areas; or
2. Conform to topographic or other conditions where continuance or projection of existing Streets is impractical.

(B) Minor Streets shall be so laid out that their use by through traffic will be discouraged.

(C) Where a Subdivision abuts or contains an existing or proposed Arterial or a railroad Right-Of-Way or rail crossings, Access thereto shall be limited to a minimum number of intersections and such Access intersections with Arterials and/or rail crossings shall be determined with due regard for sight distance, distance between intersections, approach Grades and requirements for future GRADE separations. No Street Grade shall be less than one-half (0.5) of one (1) percent or more than seven (7) percent on other Streets.

(D) Street Geometrics:

1. Street intersections with centerline offsets of less than one hundred twenty-five (125) feet shall be prohibited.
2. A tangent at least one hundred (100) feet long shall be introduced between curves on Arterial and Collector Streets where the curve radius is less than five hundred (500) feet.
3. Where connecting Street lines deflect from each other more than ten (10) degrees, they shall be connected with a curve with a radius adequate to assure sight distance.
4. Streets shall be laid out to intersect as nearly as possible at right angles and no Street shall intersect any other Street at less than sixty (60) degrees.

(E) Alleys shall not be permitted in residential districts.

(F) Street Right-Of-Way widths shall not be less than eighty (80) feet for Collector Streets and not less than sixty (60) feet for Minor Streets unless the Plan Commission approves a modification.

(G) Dead end Streets, designed to be so permanently, shall not be longer than six hundred (600) feet and shall be provided with a turn-around having an outside surface diameter of at least ninety (90) feet and a Right-Of-Way line diameter of at least one hundred (100) feet. In cases where topography of the land dictates, or other conditions exist, variances from the 600' may be granted by the Village Board.

(H) Private Streets and reserve strips shall be discouraged in platting Subdivisions. Every Subdivision shall be served from a publicly dedicated Street. Reserve strips controlling Access to Streets, shall be placed under the control of the Village or Township and be under such conditions as approved by the Village Board.

(I) All new Subdivisions along State and County Highways shall be arranged to provide Access to such Highways at intervals not less than thirteen hundred and twenty (1320) feet, except where impractical or impossible due to existing property divisions or topography or due to undue traffic concentration at points of access. Also Streets within such Subdivision shall be arranged to permit access to adjacent future Subdivisions without encroachment upon this regulation.

Ord. No. 03-04, 9-10-03)

### **§12.01.33 Easements.**

(A) Easements across Lots, centered on rear or side Lot Lines, or where necessary for utilities, watercourse, drainage way channel or stream shall not be less than ten (10) feet wide and shall be centered on Lot Lines, or adjacent to Lot Lines, where practicable. All Easements shall be shown on the Plat.

(B) No permanent buildings, fencing or trees shall be placed on the easements, however, the surface of said easements may be used for driveways and lawn improvements, providing they do not deny access to the Village of Dunlap for maintenance or inspection purposes. The granted easement includes the right of ingress and egress to and from said easement for the uses and purposes described in the easement. If the Village uses the easement for inspection, maintenance or construction purposes, they will only be responsible for replacement of backfill material, grading and seeding. Any other improvements that were installed by the property owner and removed due to said inspection, maintenance or construction purposes, will not be replaced by the Village, but by said property owner, if so desired.

(C) Legal fees incurred by the Village in enforcing easement rights shall, if incurred, be charged to the property owner and paid by the property owner. Unpaid fees and charges incurred by the Village will be filed as liens against property owner's real estate.

(Ord. No. 03-04, 9-10-03)

**§12.01.34 Blocks.** The length, width and shape of Blocks shall be determined with due regard to:

Provision of adequate Building sites for the special type of Use contemplated. Requirements as to Lot size and dimensions. Needs for convenient Access, circulation, control and safety of Street traffic. Limitations and opportunities of topography.

- (A) Block lengths shall not exceed thirteen hundred and twenty (1320) feet.
- (B) In cases where the Block length exceeds six hundred (600) feet and where deemed essential by the Plan Commission to provide pedestrian circulation to Schools, playgrounds, shopping centers and other community facilities, and Easement dedicated to the Village or Township for a cross walk shall be provided of not less than ten (10) feet wide.
- (C) Block width shall be wide enough to allow two tiers of Lots of a minimum depth of one hundred (100) feet.

(Ord. No. 03-04, 9-10-03)

**§12.01.35 Lots.**

- (A) All provisions of the Zoning Ordinance regulation concerning Lots shall apply including Lot area, width, and depth. The standards of the specific Zoning District of the area at the time of submission of the Final Plat shall be followed in determining minimum Lot requirements.
- (B) The Lot shape and orientation shall be appropriate for the location of the Subdivision and for the type of development and Use contemplated.
- (C) Double Frontage, and reverse Frontage Lots, shall be avoided except where essential to provide separation of residential development from Major Streets or to overcome specific disadvantages of topography and orientation.
- (D) Side Lot Lines shall be substantially at right angles or radial to Street lines.
- (E) No parcel, remainder, gore, outlot or remnant of land which is part of the tract being Subdivided shall be created which, by reason of Lot width, depth, Area, Frontage, topography, or lack of access thereto, cannot be used as a Zoning Lot, or be subject to further Subdivision in accordance with the terms of this Ordinance. Any remaining parcel or outlot which cannot be made to comply with the foregoing shall be eliminated by combining the area thereof with one or more adjoining Lots which do comply, or by

conveying same for appropriate public use to a public body, subject to its acceptance of same.

(Ord. No. 03-04, 9-10-03)

**§12.01.36 Street Names.** A proposed Street which is in alignment with or joins an existing and named Street shall bear the name of the existing Street. In no case shall the proposed name of the Street duplicate the name of an existing Street within the area. The use of the suffix "Street", "avenue", "boulevard", "driveway", "place", or "court", or similar description, shall not be distinction sufficient to constitute compliance with the subsection. Names that sound similar to existing names or that could be confused or difficult to understand in emergency situations are not to be used. House numbers shall be assigned in accordance with the provisions of the Village depending upon the location of the Subdivision.

(Ord. No. 03-04, 9-10-03)

**§12.01.37 General – Required Improvements.**

(A) The improvements outlined in this Chapter are required in the development of all Subdivisions and commercial site Plans.

(B) Any proposed improvement which deviates from or is not defined by these specifications shall be submitted to the Plan Commission for review and consideration.

(C) Standard detailed drawings of types of Streets, curbs, sewer and water appurtenances, etc., are shown at the end of this Title and shall be incorporated into all construction activities.

(Ord. No. 03-04, 9-10-03)

**§12.01.38 Erosion Control.** During construction and until such time as permanent vegetation is established, the Subdivider shall employ soil erosion control measures in accordance with generally accepted engineering practices. Such measures shall protect storm sewer facilities and Streets from sedimentation and prevent the flow of sediments outside of the Subdivision.

(Ord. No. 03-04, 9-10-03)

**§12.01.39 Grading.**

(A) All grading, site work or installation of any required improvements shall be done in such manner as to prevent flooding, washing, erosion, silting, or other impairment of adjacent properties, storm drainage channel, bodies of water or adjoining Streets.

(B) No trees, tree stumps, brush or similar material shall be buried or used as fill in any

area of a Subdivision to be traversed by a road, or a public utility, or which is likely to be in or adjacent to an individual sewage disposal system or similar use.

(Ord. No. 03-04, 9-10-03)

**§12.01.40 Sanitary Sewer System.**

(A) The Subdivider shall provide the Subdivision with a complete sanitary sewer system which shall be connected with the Municipal sanitary sewer system, if possible.

(B) When no Municipal sanitary sewer system is available or is not reasonably accessible to the Subdivision, the Subdivider shall provide the Subdivision with a complete sanitary sewer system which shall be connected to a sanitary sewer system approved by the Illinois Department of Public Health and/or the Illinois Environmental Protection Agency.

(C) When no approved sanitary sewer system is available, or is not reasonably accessible to the Subdivision, one of the following methods of sewage disposal shall be used:

1. A complete sanitary sewer system shall be constructed and connected to a treatment plant provided by the Subdivider, in accordance with the requirements of the Illinois Environmental Protection Agency, with adequate provision for the operation and maintenance of said plant.

2. Private sewage disposal systems on individual Lots consisting of septic tanks and tile absorption fields or other approved sewage disposal systems laid out in accordance with the provisions of Illinois Department of Public Health's "Private Sewage Disposal Licensing Act and Code", 1996 and any subsequent revisions thereto, shall be constructed.

(D) Whenever a private sewage disposal system is to be utilized, the Subdivider shall require as a condition of the sale of each Lot in the Subdivision that the private sewage disposal system be constructed by the Owner of the Lot before occupation of the Lot occurs.

(E) No storm sewers, sump drain lines, footing tile lines, etc., shall be connected to sanitary sewer lines.

(F) Sanitary sewer pipe shall have a minimum diameter of eight (8) inches for main line sewers and six (6) inches for lateral sewers, and shall be of the following material:

1. Sanitary sewer pipe six (6) inches to twenty-four (24) inches in diameter laid in depths from four (4) feet to twenty-eight (28) feet shall be PVC pipe and shall be SDR 26, D3034 material. Laterals will use SDR 26 solvent weld fittings.

(G) A tee and lateral shall be constructed for each individual Lot or parcel in the Subdivision and shall be a minimum of six (6) inches in diameter. The six (6) inch lateral shall extend to twelve (12) feet beyond the Right-Of-Way line. A service riser may be required by the Village Engineer if the depth of the main line sewer is excessive. The material for the lateral pipe shall be as specified in Subsection 6-4 (F). PVC fittings shall be SDR 26.

(H) Manholes shall be built where sewers change in size, slope, or direction, and at a maximum spacing of four hundred feet (400'). Manholes shall be precast concrete as detailed in the "Dunlap Subdivision Details". Brick manholes require the prior approval of the Village Engineer.

(I) All sanitary sewer construction shall be done in accordance with the "Standard Specifications for Water and Sewer Main Construction in Illinois", latest edition. All sanitary sewer trenches shall be backfilled with approved material and compacted by approved methods.

(J) Sanitary sewer mains shall be placed at the centerline on all Streets. Under special circumstances, the sanitary sewer may be placed behind the curb in the front yard, with easy access to the street. Sanitary sewers shall not be located along rear lot lines. Variances from this standard will only be granted by the Village Board.

(K) If larger size sewers are required by the Village to serve areas other than the Subdivision, the cost difference may be paid by the Village, if approved by the Village Board.

(L) Sanitary Sewer Lift Stations shall only be allowed if approved by the Village Board and only if there are no other feasible alternates. If a lift station is approved, it shall be enclosed in an approved building and shall be equipped with a stand-by generator. These improvements shall be installed by the Developer.

(M) Upon completion of the sanitary sewer system, the Subdivider's Engineer shall certify that the sanitary sewer system has been constructed in accordance with the approved Plans and specifications and shall furnish the Village with copies of the as-built Plans.

(Ord. No. 03-04, 9-10-03)

#### **§12.01.41 Water Main Supply System.**

(A) The Subdivider shall provide the Subdivision with a complete water main supply system which shall be connected to the Municipal water supply.

(B) If connection to the Municipal system is not reasonable or feasible, the Subdivider shall provide a complete water main supply system connected to a community water supply

system approved by the Illinois Department of Public Health or Illinois Environmental Protection Agency with satisfactory provision for the operation and maintenance thereof.

(C) If connection to an approved community water supply system is not reasonable or feasible, the Subdivider shall provide an individual water supply on each Lot in the Subdivision in accordance with minimum standards approved by the Illinois Environmental Protection Agency, Illinois Department of Public Health or other appropriate regulatory agency.

(D) If the Subdivider provides an individual water supply for each Lot, he shall require, as a condition of the sale of the Lot, that the water supply is constructed prior to occupation of the Lot by the Owner.

(E) Water main shall be PVC, Class 150 or Class 200, unless approved otherwise by the Village Engineer. PVC water main shall be installed with an appropriate tracer wire. Tracer wire shall be green insulated copper wire and shall be a #12 gauge for open trench construction and a #10 gauge for directionally bored water main.

(F) Water mains shall be a minimum of six (6) inches in diameter, unless otherwise approved by the Village Engineer. Larger size water mains shall be provided if required to adequately serve the proposed Subdivision. If larger size mains are required by the Village to serve areas other than the proposed Subdivision, the cost difference may be paid by the Village in accordance with the current policies in effect at the time the Subdivision is considered.

(G) Fire hydrants shall be located in such a manner that no structure within the setback lines on a Lot would be no more than three hundred (300) feet from a fire hydrant, (one hundred-fifty (150) feet in a commercial development). The location of fire hydrants shall be at Lot lines and block corners.

(H) Gate valves and boxes shall be provided to adequately valve the water system.

(I) The water mains shall be located generally on the south and west sides of Streets, between the Sidewalk and curb with a minimum cover of four (4) feet six (6) inches. Whenever possible, the water main shall be placed on the opposite side of the street than the underground electric lines.

(J) All Street crossings shall be backfilled with an approved trench backfill material and mechanically compacted in eight (8) inch lifts to a point five (5) feet behind the curb.

(K) All water main and service construction shall be performed in accordance with the "Standard Specifications for Water and Sewer Main Construction in Illinois", latest edition.

(L) An individual water service shall be installed for each Lot or Parcel in the Subdivision in accordance with the "Dunlap Subdivision Details". Curb boxes shall not be placed within four (4) feet of an electric transformer. The top of the curb box shall be

installed to the final finished grade. If curb boxes are buried or damaged, the Developer shall be required to raise and/or repair damaged curb boxes.

(Ord. No. 03-04, 9-10-03)

**§12.01.42 Storm Drainage System.**

(A) The Subdivider shall provide the Subdivision with a storm drainage system that is acceptable to the Village Engineer, which shall include storm water detention.

(B) The storm drainage system shall be adequate to properly drain the Subdivision and all other upstream areas that are tributary to the Subdivision. Runoff from such upstream areas shall be calculated as if they were fully developed according to their existing zoning classifications.

(C) The storm drainage system shall be designed using a minimum five (5) year storm at the upstream end of the system and a minimum ten (10) year storm for the remainder of the system and shall provide for flood routes.

(D) The storm drainage system discharge onto adjacent downstream properties shall be designed so as not to increase the rate of runoff in conformance with the drainage laws of the State of Illinois.

(E) The storm drainage system discharge points shall be provided with erosion control and velocity dissipation structures adequate to prevent damage to downstream properties.

(F) The standard drainage structures included in the "Dunlap Subdivision Details" shall be used unless special structures are required.

(G) All storm sewer construction shall be performed in accordance with the "Standard Specifications for Road and Bridge Construction" of the State of Illinois, latest edition. All storm sewers shall be backfilled with approved trench backfill material and compacted by approved methods.

(H) All field tiles encountered during construction shall be repaired as directed by the Village, with the size, location, and depth indicated on the as-built Plans.

(I) Storm water detention facilities shall be designed using the Rational Method to calculate run-off, (a different method may be used if approved by the Village Engineer). The run-off rate shall be no greater after development than it was before development. Detention storage shall be required for a minimum of a ten (10) year, thirty (30) minute storm.

(Ord. No. 03-04, 9-10-03)

**§12.01.43 Sump Drain Line System.**

- (A) The Subdivider shall provide the Subdivision with sump drain lines to drain the sump pump discharge lines from each individual Lot or Parcel in the Subdivision, except where natural drainage discharge is available, providing discharge will not flow into the public street.
- (B) Manholes or cleanouts shall be provided on the sump drain lines at a maximum spacing of three hundred (300) feet. Sump drain lines shall be discharged into drainage swales or storm sewer inlets or manholes.
- (C) A tee and lateral shall be provided for each Lot or Parcel in the Subdivision to which the Lot Owner's sump pump drain line shall be connected.
- (D) All sump drain line construction shall be in accordance with the standard drawing in the "Dunlap Subdivision Details".

(Ord. No. 03-04, 9-10-03)

**§12.01.44 Streets.**

- (A) Streets shall be provided in accordance with the appropriate Street sections contained in the "Dunlap Subdivision Details". If Streets larger than that required for the Subdivision are necessary and appropriate, the Village may participate if approved by the Village Board.
- (B) All Street construction shall be done in accordance with the "Standard Specifications for Road and Bridge Construction" of the State of Illinois, latest edition, in accordance with the approved construction plans and in accordance with the "Dunlap Subdivision Details".
- (C) All underground utilities that lie or cross under the proposed pavement shall be constructed prior to any street construction. Trenches shall be backfilled with approved material and compacted by approved methods to a point five (5) feet behind the curb.
- (D) Streets with an aggregate base course shall be constructed so that the aggregate base can be exposed through one winter season prior to being surfaced. Developer has the option of placing the 1 ½" of binder course over the aggregate base prior to the winter season exposure.
- (E) Sidewalks shall be constructed in conjunction with the construction of the house, and same shall be completed when the house construction is completed. For those Lots that have not had construction, when construction on any subdivision section has been on going for five years and when (80) percent of the lots of said subdivision section have had construction on said lots, then the Owner of a Lot in that Subdivision shall complete the installation of a Sidewalk within ninety (90) days of the date of being notified of same by the Village. In the event an Owner does not comply with the construction of said Sidewalk

within the time period states above, then the Village may, at its option, complete said installation and bill the Owner for the cost of same. In such case the Owner shall, within five (5) days of the submission of a bill, pay the Village for same. In the event payment is not made, then the Village may institute legal proceedings for the collection of said amount and may also file a complaint for violation of the terms of this Section.

Sidewalks shall be at least four (4) feet in width, (five (5) feet wide if curbside sidewalks). Sidewalks shall be located within the dedicated Right-Of-Way and at least five (5) feet from the curb line unless the Plan Commission recommends that another location is warranted due to topography or other considerations. Sidewalk alignment on Lots abutting other Subdivisions or Lots having existing Sidewalks shall be so constructed to provide continuous and contiguous pavement. Sidewalks shall be constructed of Portland Cement Concrete having a minimum thickness of four (4) inches.

(F) The Subdivider shall provide and install the Subdivision with Street signs, the type, height, and design as approved by the Plan Commission, at the intersections of all Streets.

(G) All Street construction shall be subject to final inspection and acceptance by the Village Engineer.

(H) Street improvements shall be provided in accordance with the following criteria:

<u>TYPE</u>	<u>R.O.W. WIDTH</u>	<u>PVM'T WIDTH</u>	<u>AGGR. BASE</u>	<u>BITUM. SURF.</u>	<u>CONC. PVM'T</u>
Commercial/Industrial Collector	80'	38'	10"*	4.5"	10"***
Residential Collector	80'	38'	8"*	4"	8"
Minor Commercial/ Industrial	60'	34'	8"*	4"	8"
Minor Residential	60'	34'	8"	3"	7"

\*Bituminous Base Course

\*\*Reinforced Concrete

NOTES:

1. Pavement width shown is from face to face of curb.
2. Curb and gutter required on all Streets.
3. Sidewalks required on all residential Streets.

(Ord. No. 03-04, 9-10-03)

**§12.01.45 Monuments.** Monuments, such as steel pipes, shall be placed by an Illinois Registered Land Surveyor at all Block corners, angle points, points of tangency of curves in Streets, and at such intermediate points as shall be required by the Village Engineer.

Permanent survey markers may be required at important survey points, such as land section corners. Such markers shall be approved by the Village Engineer.

(Ord. No. 03-04, 9-10-03)

**§12.01.46 Inspection and As-Built Plans.**

(A) It shall be the responsibility of the Developer to provide for the services of an Illinois Registered Professional Engineer to supervise the construction of the public improvements which are required under this Ordinance. The Superintendent shall be advised two (2) working days in advance of any connection to the existing sewer or water systems, and also prior to the commencement of testing of new improvements. A certified copy of the final test results for the water and sanitary sewer shall be filed with the Superintendent before commencement of any Street improvements. The Superintendent shall be notified two (2) working days in advance of the commencement of construction of curb and gutter and asphalt surfacing. Upon completion of the sub-grade, the Superintendent or the Village Engineer shall witness the test rolling of the sub-grade with a fully loaded gravel truck furnished by the Contractor or Developer and the areas that fail the test rolling shall be repaired in an approved manner. If the Developer, Contractor and/or Developer's Engineer disagree with any decision or recommendation of the Village Officials, the Developer and his Engineer may file a certificate guaranteeing work for an additional one (1) year period and proceed with construction unless the Village recommendation is in accordance with the IEPA standards or the Illinois Department of Transportation Specifications in which case no variance shall be allowed without the approval of the Village Board.

(B) Upon completion of the construction of sanitary sewer, storm sewer, water mains, streets, curbs, gutters, street lighting, sidewalks or any other public improvements, the Developer's Engineer shall certify in writing to the Village Engineer that the installed improvements have been completed in accordance with the approved Plans and specifications. The Village Engineer shall then certify, in writing, to the Village Board that the improvements have been made in accordance with the approved Plans and specifications and shall recommend acceptance of the development. An accurate map or maps showing the exact as-built locations of all water and sewer mains, together with manhole locations, shutoff valves, house service connections and other similar facilities being a part thereof, shall be prepared by the Developer's Engineer or the Village Engineer. The Developer shall reimburse the Village for these professional services. Maps and/or drawings showing all other public improvements shall be filed also with the Plat Officer.

(Ord. No. 03-04, 9-10-03)

**§12.01.47 Official Map; Purpose.** The Official Map is hereby made a part of this Ordinance and is intended to designate public sites, and Streets that may be required by the Plan Commission or Subdivision Plats. The designation of such public sites on Final Subdivision Plats may be required by the Plan Commission prior to approval provided that such public site is indicated on the Official Map for fifteen (15) days prior to the date of application for final approval of the Subdivision Plat. Limits to which such areas designated for public use on the Official Map may be restricted from development are as specified herein. (Ord. No. 03-04, 9-10-03)

**§12.01.48 Designation and Acquisition of Public Sites and Open Spaces.** Whenever the reasonable requirements provided by this Ordinance including the Official Map shall indicate the necessity for providing for a School site, park site, Street, or other public lands within any proposed Subdivision for which approval has been requested, and no such provision has been made therefore, the Governing Body may require that lands be designated for such public purpose before approving such Plat. Whenever a Final Plat of Subdivision of or part thereof, has been approved by the Governing Body as complying with the Official Map and there is designated therein a public site, the corporate authorities having jurisdiction shall acquire such land by condemnation within one (1) year from date of approval of such Plat, and if it does not do so within such period of one (1) year, the land so designated may then be used by the Owners thereof in any other manner consistent with this Ordinance including the Official Map and the Zoning Ordinance so adopted. (Ord. No. 03-04, 9-10-03)

**§12.01.49 Amendments to Official Map.** Amendments to the Official Map shall be in accordance with Section 7-3 of this Ordinance. Any public or semi-public agency may request the establishment of a future public site or Easement on the Official Map. When such proposed site is not included in the Comprehensive Plan, the requesting agency shall indicate to the Plan Commission the need for the site in the particular location specified. The Plan Commission shall study the request and shall report to the Governing Body as to the consistency of the proposed site with the Comprehensive Plan. (Ord. No. 03-04, 9-10-03)

**§12.01.50 Appeal.** Whenever a Subdivider or Developer is aggrieved by the decision of the Plat Officer with regard to the Final Plat, he may file an appeal to the Village Board from such decision within ten (10) days of the date thereof. Such appeal is to be filed with the Village Clerk and forwarded by the Village Clerk to the Plan Commission for its recommendation for action by the Village Board. The Village Board may affirm or reverse, in whole or in part, the decision of the Plat Officer, and in that instance, shall have all the powers and duties of the Plat Officer. (Ord. No. 03-04, 9-10-03)

**§12.01.51 Severability.** The provisions of this Ordinance are hereby declared to be severable, and if any of its provisions shall be held to be invalid or unconstitutional or otherwise void for any reason, such decision shall not affect or impair any of the remaining provisions hereof, and it is hereby declared to be the intent of the Village that this Ordinance would have been adopted if such invalid, unconstitutional or otherwise void

provisions had not been included herein. (Ord. No. 03-04, 9-10-03)

**§12.01.52 Repeal of Conflicting Ordinances.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency. (Ord. No. 03-04, 9-10-03)

**§12.01.53 Amendments.** This Ordinance may be amended in whole or in part by the Governing Body provided that no such amendment shall be adopted without a public hearing having been held by the Plan Commission. Not less than fifteen (15) days notice of the proposed hearing, and the time and place thereof, shall be given by publication in a newspaper of general circulation in the Village of Dunlap. The provisions of the proposed amendment need not be advertised in full. A brief summary of the amendment, setting forth the principal provisions of the proposed changes and a reference to the place or places where copies of the proposed amendment may be examined, shall be incorporated in the official notice.

The hearing shall be informal, but all persons desiring to be heard in support or opposition shall be afforded such opportunity, and may submit their statements, orally, in writing, or both. The hearing may be recessed to another date if not concluded, if notice of the time and place thereof is publicly announced at the hearing or is given by newspaper publication not less than five (5) days prior to the recessed hearing.

Within thirty (30) days after the close of the public hearing, the Plan Commission shall make a report to the Village Board of Trustees on the amendments to this Ordinance.

(Ord. No. 03-04, 9-10-03)