

CHAPTER 34

SUBDIVISIONS

ARTICLE I - GENERAL PROVISIONS

34-1-1 **PURPOSE AND INTENT.** The purpose of this Code is to prescribe procedures for the subdivision or resubdivision of land within the unincorporated areas of the County of St. Clair, and comprise the procedures, requirements, standards and specifications with respect thereto. It is intended to encourage development and promote an attractive living environment through good planning and construction practices.

34-1-2 **VARIATIONS AND EXCEPTIONS.** Whenever the area to be subdivided is of such unusual size or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements of these regulations would result in real difficulties, substantial hardship or injustices, such requirements may be varied or modified by the County Engineer with the advice and consent of the Subdivision Committee so that the developer may subdivide his property in a reasonable manner. But at the same time, the public welfare and interest of the County and surrounding areas are thoroughly protected and the general intent and spirit of these regulations are enforced. Such variations shall be incorporated in the subdivision plat, approved by the County Engineer and recorded.

34-1-3 **DISCLAIMER OF LIABILITY.** Except as may be provided by statute, no officer, board member, agent or employee of the County 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 Code.

34-1-4 **PENALTIES.**
(A) Any person, firm or corporation violating this Code shall, upon conviction, be fined not more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense; and a separate offense shall be deemed committed on each day during, on, or which a violation occurs or continues.
(B) It shall be illegal to sell or offer to sell, any lot, tract, or property which does not conform to the requirements and regulations of this Code and every such sale or attempt to sell, shall be subject to a fine of not less than **Fifty Dollars (\$50.00)** for each lot or tract.

ARTICLE II – ENFORCEMENT AND FEES

34-2-1 ENFORCEMENT.

(A) No plat of any subdivision shall be entitled to record in the office of the County Recorder of St. Clair County, until it has been approved in the manner prescribed herein.

(B) It shall be unlawful for any person, or agent, having control of any land within the unincorporated area of the County of St. Clair, Illinois, to subdivide land, except by a plat which is in accordance with the regulations contained herein.

(C) It shall be unlawful for the County Recorder to accept for recording, any plat of a subdivision within the unincorporated area of St. Clair County until the plat has been approved as required herein and such approval has been endorsed in writing on the plat.

(D) The County Board shall not permit any public improvements under its jurisdiction to be constructed or maintained within an area that has been subdivided after the adoption of this Code unless such subdivision has been approved in accordance with the requirements of the Code or any duly authorized variation thereof and properly recorded with the County Recorder of Deeds.

(E) After the adoption of this Code, no building permit shall be issued for any lot hereafter platted unless such lot has been platted in accordance with the requirements of this Code or any duly authorized variation thereof and properly recorded with the County Recorder of Deeds. **(See Chapter 7)**

(F) Failure on the part of the developer to comply forthwith with any order made under the provisions of this Code will result in injunctive action, notwithstanding the penalty provisions of **Section 34-1-4.**

34-2-2 FEES.

(A) Before the Preliminary Plat is approved by the County Engineer, there shall be attached a receipt from the County Engineer showing that the developer has paid a fee of **Forty Dollars (\$40.00)** for each lot or tract shown upon the preliminary plat and in no case shall the minimum fee be less than **Three Hundred Dollars (\$300.00)** per plat. Such fees shall be deposited with the County Treasurer for the General Corporate Fund.

(B) Before the Final Plat is approved by the County Engineer, there shall be attached a receipt from the County Engineer showing that the developer has paid a fee of **Twenty-Five Dollars (\$25.00)** for each lot or tract shown upon the final plat and in no case shall the minimum fee be less than **One Hundred Dollars (\$100.00)** per plat. Such fees shall be deposited with the County Treasurer for the General Corporate Fund.

ARTICLE III - DEFINITIONS

34-3-1 SELECTED DEFINITIONS.

Administrative Officer: The County Engineer shall be the Administrative Officer and shall approve or disapprove the plats required herein with the advice and consent of the Subdivision Committee.

Alley: A public access way, which affords a secondary means of vehicular access to the side or rear of properties abutting on a street.

Building Line: A line on a plat between which line and the street right-of-way no building or structure may be placed.

Comprehensive Plan: A plan or any portion thereof adopted by a local governmental entity to guide and coordinate its physical and economic development.

Cul-de-Sac: A short street having one end open for vehicular traffic and the other permanently terminated by a turn-around for vehicles.

Dedicate: To transfer the ownership of a right-of-way, parcel of land or improvement to the County or other public entity without compensation.

Detention Basin: A facility natural or artificial, that provides temporary storage for surface run-off accompanied by its controlled release.

Developer: Any person, firm, partnership, association, corporation, estate, or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision as herein defined.

Easement: A right to use another person's property, but only for a specifically named purpose.

Escrow Deposit: A deposit in cash or other approved securities to assure the completion of improvements within a subdivision.

Improvements: The furnishing of all materials, equipment, work and services, including plans and engineering services, staking, supervision and inspection necessary to construct all the improvements required in **Article X** of this Code or any other improvements that may be provided by the developer. All of such materials, equipment and services shall be provided at the developer'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 County Engineer.

Plans: All the drawings including general plans, cross-sections, profiles, working details and specifications which the developer prepares or has prepared to show the character, extent and details of the improvements required in **Article V** of this Code, and which plans shall conform to any requirements of the County Engineer for his consideration, approval or disapproval.

Plat: A map, drawing, or chart, plus all required supplemental material upon which the developer's plan is presented and which he submits for approval and intends in final form to record.

Plat, Final: A plat drawn in ink upon tracing cloth and conforming to the requirements of **Article VII**. (See Secs. 34-7-1 and 34-7-2)

Plat, Preliminary: A plat drawn upon tracing paper or other materials from which reproductions can be made and conforming to the requirements of **Article V, Section 34-4-3**.

Reserve: To set aside a parcel of land in anticipation of its acquisition by the County (or other government entity) for public purposes.

Retention: A facility natural or artificial, that provides permanent or long-term storage of surface runoff accompanied by a low release rate. (See Chapter 33 - Stormwater Code)

Right-of-Way: A strip of land which the owner/developer has dedicated to the County or other government entity for streets, alleys or other public improvements.

Roadway: That portion of the right of way within the limits of construction.

Setback Line: A line that is usually parallel to the front, side and rear lot lines establishing the minimum space to be provided as the front, side and rear yards.

Setback Officer: The County Engineer is designated as the Chief Enforcing Officer for the setback regulations of the County. (See Chapter 40 - Zoning Code)

Specifications: The Standard Specifications for Road and Bridge Construction, prepared by the Illinois Department of Transportation, as adopted and amended by the Department, which are in effect at the time the subdivision is being constructed, and the related "Highway Standards". Any term in such specifications referring to State Departments or officials or to persons contracting with the State shall be deemed to refer to applicable departments, officials, or persons in the County of St. Clair, and the term "contractor" shall specifically apply to the developer who is responsible for installing all of the improvements required in **Article X** of this Code even though the developer may

enter into agreements for such installing by other persons, firms, or corporations. "Engineer" shall be deemed to refer to the County Engineer.

Street, Arterial: A street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route, with intersections at grade, and which may have direct access to abutting properties, and on which geometric design and traffic control measures are used to expedite the safe movements of through traffic.

Street, Collector: A street which carries or is proposed to carry intermediate volumes of traffic from local streets to arterial streets and which may or may not be continuous.

Street, Local: A street used primarily for access to abutting properties, providing for minimum speeds and traffic volumes.

Structures: Unless otherwise defined, structures shall comprise all objects constructed of materials other than earth, required to be built or to be removed, but not including surfacing, base course, curbs, gutters, sidewalk and pavement.

Subdivision: For the purpose of these regulations, a subdivision is either:

(A) The division of land into **two (2)** or more lots, sites, or parcels, any of which is less than **five (5) acres** in area.

(B) Establishment of, or dedication of, a road, highway, street or alley through a tract of land regardless of its area.

(C) Division of land heretofore divided or platted into lots, sites, or parcels, provided, however, that the sale or exchange of parcels of land to or between adjoining property owners where such sale or exchange does not create additional lots shall not be considered as a subdivision, and provided further, that a contract of sale requiring conformity with this Code may be entered into.

Subdivision Committee: The Transportation Committee of the County Board shall be the Subdivision Committee and shall advise the County Engineer regarding the approval or disapproval of plats.

ARTICLE IV – GENERAL REQUIREMENTS

34-4-1 DEVELOPER COMPLIANCE TO REQUIREMENTS. Anyone desiring to subdivide land within the unincorporated portion of the County of St. Clair which subdivision is subject to the requirements of these regulations shall adhere to the following procedures:

(A) Prepare a plat of the subdivision in accordance with the requirements of **Articles V and VII** of this Code.

(B) If the subdivision lies within **one and one-half (1 ½) miles** of the corporate limits of any municipality that has adopted and is enforcing subdivision regulations or an official plan on file with the County, the developer shall also submit the preliminary plat to the Municipal Clerk of such municipality for action by the appropriate jurisdiction body(s) to determine if said plat conforms with or exceeds the subdivision regulations and with streets, alleys, and public ground requirements, or proposals of the official plan of such municipality. If the subdivision lies within **one and one-half (1 ½) miles** of the corporate limits of **two (2)** or more municipalities that have adopted and are enforcing subdivision regulations, then the Engineer shall decide which municipality the developer will submit the preliminary plat to according to state statute.

(C) The procedure and requirements for review of the preliminary plat by the municipality having jurisdiction shall be as prescribed by the Municipal Subdivision Control Code and in compliance with the provisions of the **Illinois Compiled Statutes**, as amended, **ninety (90) days** from the filing date, by the Plan Commission and **thirty (30) days** from the date of the next regular meeting of the governing body, following action of the Plan Commission. **(See 65 ILCS 5/11-12-8)**

(D) After the Municipality has approved the preliminary plat, or if the subdivision is within an area which has no subdivision control code is exercised by the municipality, then the preliminary plat shall be submitted to the County Engineer for his study and action. The County Engineer may confer with the Subdivision Committee upon the plat. If the County Engineer approves the plat, the developer shall proceed with the preparation of a final plat covering all or any part of the approved preliminary plat, with the plans for improvements, and with the installation of improvements required in **Article X** of this Code and the applicable provisions of the Municipal Subdivision Code.

(E) The final plat shall be submitted to and approved by the same agencies and the officials that approved the preliminary plat and also by the Zoning Department Manager, but no plat lying within **one and one-half (1 ½) miles** of a municipality having an official plan shall be entitled to recording unless it conforms with or exceeds the streets, alleys and public grounds requirements of such plan or unless it has been approved by the Plan Commission of that municipality. The procedure and requirements for review of the final plat by the municipality having jurisdiction shall be as prescribed by that municipality's subdivision control code and in compliance with the provisions of the Illinois Compiled Statutes, as amended. **(See 65 ILCS 5/11-12-8)**

(F) When the final plat is submitted to the County Recorder, it shall be accompanied by a certificate from the County Clerk, showing that there are no delinquent

or unpaid general or special taxes nor any delinquent or unpaid special assessments upon any part of the subdivided area.

(G) The final plat, together with such certificates as may be required by the County Engineer and any accompanying subdivision restrictions shall be presented for recording to the County Recorder within **sixty (60) days** after their approval by the County Engineer. Any plat that is not so filed within such period shall not be entitled to recordation without re-approval.

(H) Whenever any subdivision contains not more than **two (2) lots**, neither of which has an area of less than **one (1) acre**, and no new streets or alleys are dedicated, the developer need submit only a final plat to the Zoning Department Manager and then to the County Engineer for their approval.

(I) Preliminary plat approval will remain in effect for a **one (1) year** period. The applicant may during this period submit all of or part of said preliminary plat for final approval. Whenever a large tract is intended to be developed in stages and only part of the tract is to be submitted for final approval, a preliminary plat for subdivision of the entire tract shall be submitted. The applicant may, by written mutual agreement with the County Engineer, have final approval of the last part of the plat delayed for a period not to exceed **three (3) years** from the date of the preliminary plat approval. All terms and conditions under which the preliminary plat approval was granted will not be changed.

(J) Whenever a municipality has adopted an official major street plan for any area lying within **one and one-half (1 ½) miles** of its corporate limits, and of such major street system lying within, or adjacent to, the streets in the subdivision shall be dedicated to their proper width as shown on the plan.

(K) Wherever any highway, constructed by the Illinois Department of Transportation or the County, which is the maintenance responsibility of the Illinois Department of Transportation, traverses or adjoins the subdivision, the developer shall reserve a right of way having a width of not less than **sixty (60) feet** from the centerline of such highway and in similar instances and manner, he shall reserve a right of way having a width of not less than **fifty (50) feet** from the centerline of any County Highway and **thirty (30) feet** from the centerline of any Township Highway in St. Clair County.

(L) Wherever, the Illinois Department of Transportation, the County or a Township has gone on record as desiring the relocation and/or the construction of a new highway, or where a community has duly recorded with the County a comprehensive plan or official map defining the location of streets, the developer shall reserve rights-of-way for the construction of such streets or highways with rights-of-way alignments to be as prescribed by the appropriate jurisdiction agency. The following street standards shall be considered as minimum requirements. Street rights-of-way may be increased because of limitations imposed by topography and/or other physical characteristics and design requirements.

<u>Street Classification</u>	<u>Right-of-Way</u>	<u>Minimum Surface Width</u>
Freeway (Full Access Control)	Special Design	--*
Arterial (Limited Access Control)	Special Design	--*
Primary Highway	120 ft.	--*
Major Collector	100 ft.	--*
**Minor Collector (Parking one-side)	60 ft.	36 ft.
Local Residential	50 ft.	30 ft.

*Minimum requirements should the predicted ADT be above 1000 vehicles per day (See IDOT Design Manual for additional information.)

Minimum surface width shall be not less than **twelve (12) feet per traffic lane and **eight (8) feet** per parking lane, except as indicated.

ARTICLE V – PRELIMINARY PLATS

34-5-1 PRE-APPLICATION CONFERENCE. Before submitting a preliminary plat, the developer is encouraged to confer with the County Engineer, and officials of other units of government which would be affected by the proposed subdivision to initiate pre-planning activities and to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of detailed plans, surveys, and other data. **(NOTE: A sketch plan is extremely useful at this stage.) (See Chapter 33 - Stormwater Code)**

34-5-2 WRITTEN REQUEST. The developer desiring to subdivide a tract of land shall file a written request to the County Engineer for preliminary review of such subdivision and a general description of the location and size of the tract to be platted; the intent as to character type and use of the property and structures to be developed; the deed restriction proposed, if any; and if appropriate, a description of any unique hardship or difficulty limiting the physical development of the property under consideration.

34-5-3 REQUIRED INFORMATION. The preliminary plat shall be drawn to a scale of not smaller than **one hundred feet to one inch (100' = 1")**, unless another scale is approved by the County Engineer, and shall show the following:

(A) North point and a small key map showing the relation of the subdivision to section or sections in which it is located. The key map shall also show the location of any corporate limits of a municipality lying within **one and one-half (1 ½) miles** or less of the subdivision;

(B) The location and width of existing streets within or adjoining the subdivision. Streams and normal watercourses, existing sanitary and storm water sewers, water mains or other underground facilities within or adjoining the subdivision and any other data regarding physical conditions that are needed to properly study and act upon the proposed plan shall also be shown.

(C) The proposed location and width of new streets and alleys, and provision for off-street parking.

(D) The title under which the proposed subdivision is to be recorded, and the names of all proposed streets and the name of the developer and the engineer, landscape architect or surveyor.

(E) Where the topography has a significant bearing upon the street grades and the plan of utilities in the proposed subdivision, and where it would be impossible for the County Engineer to understand the relation of the plan to the existing topographic conditions, contour lines at not greater than **one (1) foot** intervals shall be shown on the preliminary plan.

(F) Lots and easements, as required by this Code and by the Statutes of the State of Illinois in effect at that time, and any other information necessary to show that the plat conforms to the Statutes of the State of Illinois in effect at that time.

(G) A statement to the effect that "THIS PLAT IS NOT FOR RECORD" shall be printed or stamped upon all copies of the preliminary plat.

(H) Approval of the Zoning Administrator.

(I) Approval of the Township Highway Commissioner having jurisdiction in the area of development.

(J) Approval of the Soil and Water Conservation District.

(K) Within **thirty (30) days** after filing of the plat with the County Engineer and after the last item of supporting information is filed and after inspection of the site, the County Engineer shall approve or disapprove the preliminary plat. **Three (3) copies** of the approved preliminary plat shall be filed with the County Engineer and a signed copy of the approved plat will be returned to the developer.

ARTICLE VI - IMPROVEMENT PLANS

34-6-1 FILING. After preliminary plat approval, but prior to submission of the final plat, the developer shall file with the County Engineer for approval, **two (2) copies** of the plans, specifications, and supporting data for all improvements to be installed in or in conjunction with the proposed subdivision.

34-6-2 INFORMATION REQUIRED. All improvement plans and supporting data shall be prepared, signed and sealed by a professional engineer. Improvement plans shall consist of black or blue line prints not larger than **twenty-four (24) by thirty-six (36) inches**. All plans shall be presented at a minimum horizontal scale of **one hundred (100) feet to one (1) inch** and a minimum vertical scale of **five (5) feet to one (1) inch**. Said plans and/or supporting data shall provide all the information listed below. All dimensions shall be to the nearest **one-hundredth (0.01) of a foot** and all angles shall be to the nearest second.

(A) Title page with a key map showing the relationship of the subdivision to the surrounding area including the corporate limits of any municipality lying within **one and one-half (1 ½) miles** of the subdivision.

(B) Title block showing names and addresses of developer and engineering firm as well as the engineer's seal.

(C) North arrow, graphic scales, and dates.

(D) **One (1)** or more bench marks in or near the subdivision to which the subdivision is referenced.

(E) Existing and proposed survey monuments.

(F) Plans, profiles and cross-sections of streets showing names, right-of-way and pavement widths, existing and proposed elevations, paving details, grades, curbs and gutter, storm sewers, inlets, catch basins, sidewalks, and any other improvements to be constructed within or in conjunction with the development.

(G) Horizontal and vertical curve data.

(H) Plan of drainage system including watershed outlines with drainage computations, detention and retention basins showing drainage areas, location of storm sewers, culverts, drainage channels, swales, slopes, pipe sizes, invert elevations, underground drains, outlet locations and velocity reduction techniques. **(See Chapter 33 - Stormwater Code)**

(I) Plan of sewage disposal system showing pipe locations, sizes, force mains, invert elevations, manhole locations, lift stations, etc.

(J) Proposed locations for fire hydrants where applicable.

(K) Proposed street lighting throughout the development.

(L) Plan for the control of erosion and sedimentation in conformity with the Stormwater Code in **Chapter 33**.

(M) A digital copy of the approved Improvement Plans shall be submitted in a format approved by the County GIS Coordinator of the Data Processing Department.

ARTICLE VII - FINAL PLATS

Every person who proposes to subdivide any land within the County's subdivision jurisdiction shall comply with the provisions of the subsections below; provided, that said requirements shall not be applicable to land that is specifically exempted from such requirements by "An Act to revise the law in relation to plats" **Illinois Compiled Statutes, Chapter 765, Section 205/0.01 et seq.** amended from time to time.

34-7-1 TECHNICAL REQUIREMENTS.

(A) A land surveyor registered in the State of Illinois shall prepare every final plat.

(B) The final plat may include all or only a part of the project area portrayed on the approved preliminary plat.

(C) The final plat shall be drawn on linen tracing cloth or other material of comparable durability, at a scale of not less than **one hundred feet to one inch (100' = 1")**, where practical, provided that the resulting drawing conforms to state statutes.

(D) All dimensions shall be shown in feet and decimals of a foot; all angles shall be shown in degrees, minutes and seconds.

(E) A digital media copy of the approved Final Plat shall be submitted in a format approved by St. Clair County GIS Coordinator of the Data Processing Department.

34-7-2 INFORMATION REQUIRED. The final plat, together with the supporting data, shall provide all the following information.

(A) Name of subdivision and description of property subdivided, including school district boundaries, the section, township and range in which the subdivision is located, points of compass, scale of plan and name of owner or owners of the subdivision. The error of closure of the parcel described must not be greater than **one (1) in five thousand (5,000)**.

(B) The location, width and course of all proposed streets and alleys and provisions for off-street parking.

(C) The location, width and course of all adjoining streets and alleys.

(D) All dimensions necessary for locating the boundaries of the subdivision, lots, streets, alleys and of any other area for public use.

(E) Reference to all monuments known and permanent marking of the external boundaries of the tract to be divided or subdivided.

(F) Building lines, right-of-way for public use, easements for sewers, utilities and drainage.

(G) Approval of 9-1-1 Coordinator must be endorsed upon the final plat insofar as street names and house numbers are concerned.

(H) Certification by a registered land surveyor, licensed under the laws of the State of Illinois, to the effect that the plat represents a survey made by him and that all the necessary survey monuments, dimensions and other essential information required by this Code and the Statutes of the State of Illinois are correctly shown thereon.

(I) Certification before a Notary Public by the owners in fee of all the property embraced within the plat, acknowledging the plat to be their free and voluntary act, dedicating to the public use forever the streets and drainage easements shown thereon, dedicating the easements shown thereon for the construction and maintenance of municipal and public utility services, and stating that building lines shown thereon will be referred to in all future conveyances of lots in the subdivision. In addition, the dedication or reservation to the public of any right-of-way lying along any public road adjacent to the boundary or boundaries of the plat.

(J) Certification by County Clerk, that he has examined the plat and search of records of his office to ascertain whether all redeemable sales for unpaid taxes or special assessments have been paid as required by law upon all of the property embraced within said plat and that he certifies that there are no redeemable tax sales or unpaid forfeited taxes against any of the real estate included in the plat and thereby approves the same for assessment purposes.

(K) Certification by the County Health Department with respect to sewage disposal systems of platted land not served by a public sewer system.

(L) Certification by the Illinois Department of Transportation with respect to roadway access where such access is to be a state highway.

(M) Certification by the Township Highway Commissioner having jurisdiction for the proposed improvement and/or roadway access where such access is to a township highway.

(N) Certification by the Soil and Water Conservation District with respect to stormwater detention and erosion control.

ARTICLE VIII - ASSURANCE OF COMPLETION

34-8-1 **FINAL PLAT APPROVAL.** The County Engineer shall not approve any final plat of subdivision (and, hence, said final plat shall not be entitled to recording) until:

(A) All improvements required in the approved preliminary plat have been completed by the subdivider/developer, and inspected and accepted by the County Engineer; or

(B) In accordance with this Article, the subdivider/developer has provided the County with legal assurance to guarantee the satisfactory completion of all required improvements.

(C) The plans for all such improvements shall have been submitted to and approved by the County Engineer, the Township Highway Commissioner having jurisdiction, or any other County or State official or agency which is required to pass upon them before the improvements are started or before the legal assurance to guarantee satisfactory completion is filed with the County.

(D) A digital media copy of the final plat and development plans in a format approved by the County GIS Coordinator of that Data Processing Department has been submitted for use by said Department.

34-8-2 **FORMS OF ASSURANCE.** At the option of the County Engineer, the required legal assurance shall be either a performance bond or an escrow deposit. Every performance bond may be reviewed by the State's Attorney. Each performance bond shall be posted with the County Clerk. Escrow deposits shall be placed in a financial institution and the blank forms shall be obtained from the County Engineer, the executed forms verifying the deposit shall be filed with the County Engineer prior to plat approval.

34-8-3 **AMOUNT OF BOND OR DEPOSIT.** The amount of the performance bond or escrow deposit shall be equal to the County Engineer's estimate of the cost of construction the uncompleted portion of the required improvements. Any escrow deposit may be in the form of:

(A) Cash, Cashier's Check or Certified Check.

(B) An irrevocable letter of credit or commitment from a lending institution guaranteeing to the County the availability of the escrow funds from time to time upon demand; or

(C) Certificates of deposit, treasury bills, or other readily negotiable instruments approved by and made payable to the County Treasurer.

34-8-4 **ELIGIBLE SURETIES.** No person shall be eligible to act as a surety unless he has been approved by the County Treasurer. The Treasurer shall conduct spot audits of all sureties. Any surety who fails to perform shall be ineligible to act as a surety for any subdivision improvements within the County's jurisdiction for a period of **two (2) years**.

34-8-5 **TERM OF ASSURANCE, EXTENSION.** The initial term of any performance bond or escrow agreement shall not exceed **two (2) years**. If all the required improvements have not been completed by the end of the **two (2) year** period, the County Engineer may either extend said bond/escrow agreement for **one (1) year** or may proceed as provided in **Section 34-8-7**.

34-8-6 **RELEASE OF BOND/ESCROW DEPOSIT.** The performance bond/escrow deposit shall not be released until:

- (A) The County Engineer has determined that all required improvements have been satisfactorily completed; and
- (B) Said improvements have been accepted by the County Engineer, the Township Highway Commissioner, and any other agency having jurisdiction.

34-8-7 **FAILURE TO COMPLETE IMPROVEMENTS.**

(A) If all the required improvements have not been completed by the end of the **two (2) year** period or **three (3) year** period, in the case of an extension, the County Engineer shall:

- (1) Require the surety to perform on the bond and to pay to the County an amount equal to the cost of completing the required improvements (as estimated by the County Engineer) or the amount of the bond not heretofore released, whichever is less; or
- (2) Order the County Treasurer to retain all escrow funds needed to complete all the required improvements, and to return the balance if any of such funds to the subdivider/developer; or
- (3) Require the subdivider/developer to submit a new performance bond/escrow deposit in an amount sufficient to cover any increase in the cost of constructing the required improvements.

(B) If the surety fails to perform on the bond or the escrow agent fails to remit within **thirty (30) days** after written request, the County Engineer shall direct the State's Attorney to take immediate action to require performance.

34-8-8 **MAINTENANCE GUARANTEE.** Subsequent to completion and prior to final acceptance, the subdivider/developer shall post a maintenance bond with the County Engineer in a form approved by the State's Attorney.

(A) Said bond shall be in an amount determined by the County Engineer to be sufficient to guarantee the satisfactory condition of the required improvements for a period of **two (2) years**.

(B) If at any time during the guarantee period, the improvements are found to be defective, they shall be repaired or replaced at the developer's expense.

(C) The developer's maintenance bond will be released upon final inspection of any repairs deemed necessary by the County Engineer or Township Highway Commissioner.

(D) It shall be the developer's responsibility to request a final inspection **sixty (60) days** and not later than **thirty (30) days** before the end of the guarantee period.

ARTICLE IX – STANDARDS OF DESIGN

34-9-1 RELATION TO ADJOINING STREET SYSTEMS. The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas or their proper projection where adjoining land is not subdivided insofar as they may be deemed necessary for public requirements. The width of streets in new subdivisions shall be not less than the minimum width established herein.

The street and alley arrangements shall be such as not to cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenience access thereto. Residential streets shall be so designed as to discourage through traffic, but offset streets shall be avoided.

34-9-2 MINIMUM WIDTH OF STREET BY MUNICIPALITY. Whenever a subdivision is located within **one and one-half (1 ½) miles** of an incorporated municipality having a population in excess of **three thousand (3,000) persons**, the minimum width of minor streets shall be **fifty (50) feet**, except that where there are unusual topographic or other physical conditions, the County Engineer may require a greater width for a minor street.

34-9-3 DEAD-END STREET. A dead-end street, where no provision is made for future extension because of platted lots, may not exceed **one thousand (1,000) feet** in length, provided, however, that this length can be modified in areas of excessive grade where a connection cannot reasonably be provided. At the closed end of such dead-end street, there shall be a turn-around having a radius of not less than **fifty (50) feet**.

34-9-4 ALLEY RIGHT-OF-WAY. The rights-of-way of all alleys shall not be less than **twenty (20) feet** in width. Dead-end alleys shall not be permitted, except where such dead-end alleys only provide, or provide the only access to off-street parking or access to buildings for services.

34-9-5 SUBDIVISION ADJOINING NON-ACCESS HIGHWAY. Whenever the subdivision adjoins a non-access highway, constructed by the Illinois Department of Transportation or the County, which is the maintenance responsibility of the Illinois Department of Transportation, the County Engineer, upon recommendation of the Illinois Department of Transportation, may require the reservation of a service road with a minimum right-of-way width of not less than **fifty (50) feet**, which road shall parallel the highway and may have connections thereto at locations jointly approved by the County Engineer and the Illinois Department of Transportation.

34-9-6 **STATE HIGHWAY PERMIT FOR ROAD ENTRANCES.** If the tract of land proposed to be subdivided or any part thereof lies adjacent to a highway over which the Department of Transportation of the State of Illinois has jurisdiction with respect to maintenance and upkeep thereof, and an entrance or entrances are desired from such highway to lots, streets, or alleys in such proposed subdivision, the developer shall submit to the County Engineer a written permit from the Department of Transportation granting him permission to obtain and construct such an entrance or entrances.

34-9-7 **EASEMENTS.**

(A) **Rear Lot Easements.** Easements of not less than **ten (10) feet** in width shall be provided on each side of all rear lot lines, and along side lot lines where necessary, for storm and sanitary sewers, gas, water and other mains and for electric and telephone lines or for other public utilities. Easements of greater width may be required along or across lots when necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement. A **two (2) foot** easement shall be required on **one (1) side** of and adjacent to an alley to accommodate pole lines.

(B) **Storm Water Easements.** Adequate easements for storm water drainage shall be established along any natural drainage channel and in such other location as may be necessary to provide satisfactory disposal of storm water from streets, alleys and all other portions of the subdivision. The location and minimum widths of such easements shall be determined by the County Engineer. The maintenance of these drainage channels shall be the responsibility of the lot owner or adjacent lot owners and shall be so stated in all types of conveyances. **(See Chapter 33 - Stormwater Code)**

(C) **Trees in Easements.** No tree or structure shall be placed or erected in any easement for utility or drainage purposes and the proper authorities shall have free access to and use of the easements at any time.

34-9-8 **BLOCKS.** No block shall be longer than **fifteen hundred (1,500) feet**, and except in unusual instances, residential blocks shall not be less than **five hundred (500) feet** in length. Where a subdivision adjoins a major thoroughfare, the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

34-9-9 **LOTS.**

(A) **Access to Street.** Each lot shall have adequate access to a public street. Access to existing public roads will be constructed by the contractor/developer in accordance with an approved plan before final plat approval.

(B) **Lot Area.** Every lot shall have an area that meets the requirements of the zone district where it is located; provided, however, that in order that the public

health and welfare may be protected, the following additional requirements regarding lot widths and area must be observed. **(See Chapter 40 - Zoning)**

- (1) Lots which cannot reasonably be served by either a public or private sanitary sewer or a water system shall have a minimum width of **one hundred (100) feet**, measured at the building line, and a minimum area of **twenty thousand (20,000) square feet**. Lots that can reasonably be served by either a public or private water system or by a public or private sewer system, but not by both, shall have a minimum width of **seventy-five (75) feet**, measured at the building line, and a minimum area of **ten thousand (10,000) square feet**. **(See Chapter 40 - Zoning Code)**
- (2) In case of unusual soil conditions or other physical factors which may impair the health and safety of the neighborhood in which a subdivision may be located, upon recommendation of the State Department of Public Health, the County Engineer may increase lot area requirements as may be necessary.
- (3) The provisions of paragraph (2) of this Section as pertains to area and minimum width shall not apply to lots platted for the construction of so-called "Row Houses" or "Town Houses", being single-family houses separated by party walls. Lots specifically platted for such row or town housing shall have a minimum area of **fifteen hundred (1,500) square feet**, and a minimum width of **sixteen (16) feet** at the building line, and shall be governed by restrictions indenture providing for servicing of residences constructed thereon by both a public sanitary sewer system and public water system.
- (4) On all lots, building setback lines shall be a minimum of **twenty-five (25) feet** from the right-of-way line of all platted streets. (Corner lots shall have extra width to provide for the setback lines for both streets.) On all lots adjacent to existing public roads or highways, building lines shall be in accordance with established setback regulations.
- (5) **Off-Street Parking.**
 - (a) Except as provided in subparagraph (b) following, each lot shall have an area reserved for off-street parking of motor vehicles, such area to be connected to a public street or dedicated alley, so as to permit ready access thereto. The area of off-street parking required shall be governed by the number of dwelling units to be constructed upon such lots so as to make **one (1)** off-street parking space available for each dwelling unit.

- (b) Any lot employed for multiple dwelling units designed for temporary use of transients or tourists shall provide for an off-street parking area of sufficient size to accommodate not less than **seventy-five percent (75%)** of the total number of dwelling units.
- (c) The above provisions will not apply when centralized off-street parking is provided for multiple dwelling units upon adjacent land permanently reserved for such use so long as this use is continued, and of sufficient area to accommodate motor vehicles of tenants or guests according to the percentage above established.

34-9-10 MANUFACTURED HOME PARKS. In the event titles to spaces in manufactured home parks are conveyed, or are to be conveyed, the requirements of this Code shall apply. In such cases, each manufactured home space shall be considered a lot and shall have a minimum area of **six thousand (6,000) square feet**. Manufactured home parks are subject to the rules and regulations of the Illinois Department of Public Health. **(See Chapter 40 - Zoning Code)**

34-9-11 PUBLIC RESERVATIONS. When a school board, park board or governing body of a township, county or municipality goes on record as desiring to purchase ground in the subdivision for a park, school or other public area, such area shall either be dedicated to the proper agency or it shall be reserved for acquisition within a **thirteen (13) month** period. If, within this **thirteen (13) month** period, an acquisition price cannot be agreed upon or condemnation proceedings have not been instituted, the owner or developer may subdivide, sell or dispose of the land.

34-9-12 LAND SUBJECT TO FLOODING OR CONTAINING POOR DRAINAGE FACILITIES. No plat will be approved for a subdivision that is subject to periodic flooding or that contains extremely poor drainage facilities and which would make adequate drainage of the streets impossible. However, if the developer agrees to make improvements which will, in the opinion of the County Engineer, make the area completely safe for residential occupancy, and provide adequate street drainage, the preliminary and final plats of the subdivision may be approved. **(See Chapter 33 - Stormwater Code)**

ARTICLE X – MINIMUM IMPROVEMENTS REQUIRED

34-10-1 STREET IMPROVEMENTS. All streets shall be graded as hereinafter provided.

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 below set forth, and in a manner which will provide complete and adequate drainage of all streets, alleys and public grounds in the entire subdivision; including any such work which may be necessary in order to provide adequate and satisfactory drainage along the side of any existing public road or street which lies adjacent to the subdivision.

In general, all such new streets within the subdivision and all work to be undertaken thereon shall be constructed according to the Standard Specifications for Road and Bridge Construction adopted and amended by the Illinois Department of Transportation and the related Highway Standards, all of which are in effect at the time the subdivision is being constructed, except as provided herein.

(A) **Roadway and Side Slopes.** The roadway shall be considered to be that part of the improvement which lies between the property lines, and which roadway shall not be less than **fifty (50) feet** in width and shall be constructed substantially in accordance with the typical cross-sections shown on Standards hereto attached; and turn-arounds or cul-de-sacs at the end of dead-end streets shall be laid out and constructed substantially in accordance with Standard No. 5, hereto attached. The roadway shall be seeded in accordance with Standard Specifications. The contractor and/or developer shall assume responsibility for maintaining the roadway, including the seeding, the removal of earth, crushed stone or other debris from the pavement, curb and gutter and other drainage facilities for a period of **one (1) year** after acceptance by the Township Highway Commissioner or the County Engineer or one of his representatives. **(See Attached Standards.)**

(1) Alleys shall not be less than **twenty (20) feet** in width, of which area not less than **eighteen (18) feet** in width shall be paved in accordance with standards and specifications herein provided, except that such alleys shall not be required to have concrete curb and gutter.

(B) **Grading, Excavation and Embankment.** All excavation and construction of embankments shall be in accordance with the specifications. The embankment or fills shall be placed in **six (6) inch** layers and thoroughly compacted.

(C) The grades of all streets shall be not greater than **ten percent (10%)**. Vertical curves shall be designed for a minimum **thirty (30) miles per hour** speed limit with a minimum stopping sight distance of **two hundred (200) feet**. Where curvilinear horizontal alignment is utilized, the minimum centerline radius shall be **one hundred (100) feet**.

(D) **Erosion Control.** The developer shall conduct and schedule operations so as to avoid or minimize siltation of ditches, streams, lakes and reservoirs.

Erosion control features shall be constructed concurrently with other work as may be directed by the County Engineer in conformance with the Stormwater Code in **Chapter 33**.

34-10-2 PORTLAND CEMENT CONCRETE PAVEMENT. All rigid pavement shall consist of **six (6) inches** of unreinforced Portland Cement Concrete on **six (6) inches** of lime modified subgrade.

(A) Longitudinal joints shall be constructed in accordance with the Standard Specifications and the illustrations included herein.

(B) Transverse joint spacing shall not exceed **twenty (20) feet** and shall be constructed in accordance with the Standard Specifications and the illustrations included herein.

(C) Transverse construction joints shall be tied with #4 bars spaced at **twelve (12) inch** centers **thirty (30) inches** long and must be at least **five (5) feet** from a contraction or expansion joint.

34-10-3 BITUMINOUS CONCRETE PAVEMENT.

(A) All flexible pavement shall be constructed of **two (2) inches** of Bituminous Concrete Surface Course Class I – Type 2 on **four (4) inches** of Bituminous Base Course on a **six (6) inch** lime modified subgrade, in accordance with the applicable provisions of the standard specifications.

(B) Alleys where permitted shall have not less than **three (3) inches** of bituminous concrete surface on **eight (8) inches** of compacted base course and shall be constructed in accordance with the standards provided herein.

(C) If a subdivision consists of lots **one (1) acre** or more in size, the streets may be constructed of **eight (8) inches** of aggregate base course, Type A and A-3 bituminous surface treatment over a **six (6) inch** lime modified subgrade, all in accordance with the standard specifications and illustrations provided herein.

34-10-4 COMBINATION CONCRETE CURB AND GUTTER. Combination concrete curb and gutter shall be built in accordance with the detail shown on Standard No. 2 and in accordance with the standard specifications.

(A) Curb and/or gutter may be constructed monolithically or separately in conjunction with the Portland Cement Concrete Pavement.

(1) If constructed separately, **one-half (1/2) inch** round steel tie bars spaced at **thirty (30) inch** centers will be required to tie the gutter flag to the PCC Pavement.

(B) Contraction joints and expansion joints shall be installed in the curb and/or gutter, in prolongation with joints in adjacent PCC Pavement.

(1) Contraction joints, when sawed or template formed, shall be sealed in accordance with the standard specifications.

(C) When curb and gutter is constructed adjacent to flexible pavement, a **one (1) inch** expansion joint shall be installed at points of curvature for short-radius curbs and at construction joints.

(1) Contraction joints shall be placed between expansion joints at distances not to exceed **twenty-five (25) feet** and sealed in accordance with the standard specifications.

(D) The flow line of any combination curb and/or gutter section, shall have a fall of at least **0.3 of a foot per one hundred (100) lineal feet**, except where vertical curves in the grade line of the street make these provisions inapplicable with respect to the curb and gutter.

34-10-5 DRAINAGE AND STORM SEWERS.

(A) In addition to the installation of curbs and gutters as required by **Section 34-9-4** of this Article, the developer shall make adequate provisions for the disposal of storm water throughout the entire subdivision.

(B) Facilities shall be provided to satisfactorily accommodate the surface runoff incident to the **ten (10) year** design storm by utilization of the "rational method" or the "scs method" or both.

(C) Pipe Culverts/Storm Sewer materials and construction shall conform to the applicable sections of the standard specifications, and shall be either reinforced concrete pipe meeting the requirements of AASHTO M170, or pre-coated galvanized corrugated steel pipe meeting the requirements of AAASHTO M245 and M246, sheet-coated with polymer coating thickness of 1.010 in (0.25 mm) on both surfaces.

(D) The minimum diameter for across road culverts shall be **fifteen (15) inches**.

(E) The minimum diameter for storm sewers shall be **twelve (12) inches**.

(F) Minimum gradient shall be **0.3%**.

34-10-6 INLETS/CATCH BASINS.

(A) Inlets shall be placed at locations required to handle the run-off within certain design controls and wherever necessary so that surface water is not carried across any street or intersection.

(B) Inlets/Catch Basins shall be constructed in accordance with Standard No. 3, hereto attached.

(C) Maximum permissible encroachment of water on the pavement shall be **ten (10) feet**.

34-10-7 **IMPROVEMENTS OF A HIGHER TYPE.** The requirements above set forth, with respect to street drainage and surfacing, are to be considered as minimum requirements and nothing contained herein shall be construed to mean that the developer cannot construct or provide improvements of a higher type, if he so desires.

34-10-8 **STREET SIGNS.** Signs shall be erected at all street intersections giving names of streets. The signs shall be of an approved material sufficient in size to accommodate **four (4) inch** lettering. They shall be mounted on **four by four inch (4" x 4")** creosoted wood posts, **two (2) inch** galvanized pipe posts or standard "U" channel painted or galvanized sign posts (minimum weight 2.6 pounds per foot) **three (3) feet** in the ground and extending above the surface **seven (7) feet**. All signs shall be reflectorized and approved by the Township Highway Commissioner having jurisdiction.

ARTICLE XI – STANDARDS FOR UTILITIES

34-11-1 WATER SUPPLY. Whenever a subdivision is located within **one and one-half (1 ½) miles** of an incorporated municipality or any other public agency having an approved public water supply that is within reasonable distance of the subdivided area, such subdivision shall be provided with a complete water distribution system and be constructed under the supervision of the public agency or utility supplying the water and shall be in accordance with the regulations of the Illinois Department of Public Health.

34-11-2 FIRE HYDRANTS. When a public or private water distribution system is provided, fire hydrants shall be installed by the developer as part of the water distribution system. Installation of hydrants shall be accomplished in such manner that each lot is within **four hundred (400) feet** of the fire hydrant when measured along the center line of the right-of-way. No fire hydrant shall be placed on a main smaller than **six (6) inches** in diameter. Hydrants installed shall be of the type approved by the Fire Chief of the fire district having jurisdiction.

34-11-3 SANITARY SEWERS. Whenever a subdivision is located within **one and one-half (1 ½) miles** of an incorporated area or other public agency and where public sanitary sewers are within a reasonable distance of the subdivided area, each lot in the subdivision shall conform to the plans and specifications and be under the supervision of the public agency operating the system to which it is connected. If the connection is made to a private system serving another subdivision, then the new system shall conform to the plans, specifications and requirements of the Illinois Department of Public Health and the approval of the agency shall be secured.

Whenever the developer provides a private system of sanitary sewers and a treatment plant, such system and plant shall conform to all standards, specifications and requirements of the Illinois Department of Public Health and the approval of the agency shall be secured.

Whenever septic tanks are permitted, the system shall comply with the applicable regulations or recommendations of the Illinois Department of Public Health and the County Health Department.

34-11-4 PROVISIONS FOR MAINTENANCE AND OPERATION. Where the subdivision is to contain sewers, sewage treatment plants, water supply system, park areas, or other physical facilities which will not be maintained by existing public agencies, adequate provision shall be made for the continuing maintenance, supervision, operation and reconstruction of such facilities by the lot owners in the subdivision, subject to the regulations of the Department of Public Health of the State of Illinois where applicable.