

APPENDIX B
SUBDIVISION CONTROL ORDINANCE

Subject	Chapter
Title, Purpose, Jurisdiction, Interpretation.	1
Rules and Definitions	2
Required Improvements and Design Standards	3
Construction and Post-construction Requirements	4
Improvement Policies.	5
Reserved	6
Pre-application and Concept Plan	7
Preliminary Plat and Preliminary Plan.	8
Final Plat and Final Plans	9
Administration	10
Enforcement	11
Variations and Exceptions	12
Planned Unit Developments	13
Appeals	14
Amendments	15
Fees and Penalties	16
Zoning Map, Plan, and Drawings	17
Severability, Effect, Date of Effect	18
Appendices	19

CHAPTER 1

TITLE, PURPOSE, JURISDICTION, INTERPRETATION

SECTION:

10-1-1: Title

10-1-2: Purpose

10-1-3: Jurisdiction

10-1-4: Interpretations

10-1-1: **TITLE:** This ordinance, to be known as the *VILLAGE OF SHABBONA SUBDIVISION CONTROL ORDINANCE*, comprehensively amending the prior village of Shabbona subdivision control ordinance passed April 27, 1987, and subsequently amended. (Ord., 4-26-2004)

10-1-2: **PURPOSE:**

- A. To promote the public health, safety, and general welfare; to conserve, protect, and enhance property values; to preserve the natural beauty and topography of the village and surrounding areas; to secure the most efficient use of land; and to facilitate the adequate development of public improvements.
- B. To provide for orderly growth and development; to afford adequate facilities for the safe and efficient movement of traffic; to safeguard against flood damage; and to guide and time the sequence of future growth and development in accordance with the plan and in accordance with the financial ability of the village to provide essential off site public services and capital improvements.
- C. To prescribe rules and regulations governing the subdivision and platting of land; the preparation of plats; the location, width and course of streets and highways; the installation of utilities, street pavements and other essential improvements; and for the provision of necessary public grounds for schools, parks, playgrounds, and other public open space.

- D. To establish procedures for the submission, consideration, approval, and recording of plats; improvement plans; and to provide the means for enforcement. (Ord., 4-26-2004)

10-1-3: **JURISDICTION:** Whenever any subdivision, resubdivision, or planned unit development of land, including special uses, shall hereafter be planned within the incorporated limits of the village or within one and one-half ($1\frac{1}{2}$) miles of the incorporated boundary of the village, said plans, proposed improvements and all procedures relating thereon shall in all respects be in full compliance with the regulations hereinafter contained in this ordinance.

All lands to be dedicated to the village for use as streets, highways, easements, parks, stormwater management and other public purposes shall be referred to the village engineer before being accepted by the village board. (Ord., 4-26-2004)

10-1-4: **INTERPRETATIONS:** In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion and effectuation of the purposes set forth in section 10-1-2 of this chapter.

Nothing herein shall repeal, abrogate, annul or in any way interfere with any provision of law, rules or regulations other than the subdivision regulations aforesaid, and then only to the extent stated herein. Where this ordinance imposes greater restrictions or requirements than ones imposed or required by other provisions of laws, rules, regulations, covenants or agreements between parties, or which impose restrictions greater than those imposed by this ordinance, said easements, covenants, deed restrictions or agreements, in all respects, shall conform to the provisions herein contained. (Ord., 4-26-2004)

CHAPTER 2

RULES AND DEFINITIONS

SECTION:

10-2-1: General Application

10-2-2: Rules

10-2-3: Definitions

10-2-1: **GENERAL APPLICATION:** In the application of these regulations, the rules and definitions contained in this chapter shall be observed and applied, except where the context clearly indicates otherwise. (Ord., 4-26-2004)

10-2-2: **RULES:**

- A. Words in the present tense shall include the future, and words in the singular include the plural, and the plural the singular.
- B. The word "shall" is mandatory, not discretionary.
- C. The word "may" is permissive.
- D. The masculine gender includes the feminine and neuter. (Ord., 4-26-2004)

10-2-3: **DEFINITIONS:** Whenever a word or term defined hereinafter appears in the text of this ordinance, its meaning shall be construed as set forth in the definition thereof; and any word appearing in parentheses directly after a word herein defined shall be construed in the same sense as that word.

APPENDIX:

Documents that supplement and explain the concepts expressed in this ordinance which are referred to in this ordinance and which are approved by the village board by resolution from time to time.

BLOCK:	A tract of land bounded by streets, or by a combination of streets, public parks, cemeteries, railroad rights of way, shorelines of waterways, or corporate boundary lines of the village.
BUILDABLE LAND:	Gross acreage of parcel minus all floodplain and wetland areas as defined by the current comprehensive plan.
BUILDING:	Any roofed structure designed or intended for the support, enclosure, shelter or protection of persons; when divided into separate parts by unpierced walls extending from the ground up, each part is a separate "building".
BUILDING SETBACK:	The minimum horizontal distance between a right of way line and the nearest wall in a building or side of a structure facing such street line or edge of the area of operation of a principal use when no building or structure is involved.
COMMON OWNERSHIP:	Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family, owns an interest in each corporation, firm, partnership, entity, or unincorporated association.
CONCEPT PLAN:	A drawing or any other accompanying information which shows existing and proposed development conditions as described in this ordinance.
CORINGS:	Examination and analysis of the completed surface and/or subsurface of a finished pavement structure by removing a core of said pavement structure by drilling.

**CRITICAL PARCEL
OR LOT:**

Parcels or lots on which the grading is critical to drainage on adjacent property and those parcels or lots containing or adjacent to a stormwater overflow route or those parcels containing or adjacent to an intermittent stormwater flow route. Designation of each critical parcel or lot shall be noted on the preliminary engineering plan, final engineering grading and drainage overlay. Proposed and final lot grading plan shall be required by the builder for review and approval (lot grading ordinance).

CUL-DE-SAC:

A minor street of short length, having only one outlet, and having a suitable turnaround terminus for safe and convenient reversal of traffic movement.

CURB:

The permanent edge of a paved surface designed to separate the vehicular travelway from the parkway.

DATUM PLANE:

A reference level from which ground elevations are based. The "datum plane" is mean sea level as established by the United States geological survey (USGS).

**DETENTION
BASIN:**

A normally dry bottom stormwater storage area that is designed to temporarily store water only when excess stormwater runoff occurs.

DEVELOPER:

Any person, firm or entity who either applies for, or is actually subdividing land, erecting structures on land, or causing any improvements be made to land, including the reconfiguration of the land surface. The term "developer" also includes an owner of such land, a subdivider, builder, or any other person, firm, or entity having an interest in such land. Developer must have a demonstrated contractual interest in the land.

DEVELOPMENT:	The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.
EASEMENT:	A grant by a property owner for the use of a strip of land by the general public, a corporation, or a certain person for a specific purpose or purposes.
ELEVATION:	The vertical distance measured from a point on the ground to the datum plane.
FINAL PLAT:	The plan or plat of subdivision intended for recording, and any accompanying material as described herein.
FLOOD FRINGE:	That area in the floodplain, either side of the floodway, where flow velocities are low or zero.
FLOOD ROUTE:	The overland route that floodwaters would naturally flow through a site.
FLOODPLAIN:	Those areas along rivers and streams subject to periodic flooding. The floodplain is defined by the flood boundary and floodway map prepared by the federal emergency and management agency (FEMA).
FLOODWAY:	The channel of the watercourse and those portions of the adjoining floodplain which are reasonably required to convey the 100-year flood.
FRONTAGE:	The side of a lot abutting a street.
GRADE:	When referring to building height, the average level of the finished surface of the ground adjacent to the exterior walls of a building or structure. When referring to streets, the slope of a road, street or other public way specified in percent (%).

GRADING:	The shaping of the ground surface by cutting, filling and leveling to planned grades. Normally, this operation is required in order to convert a site from one land use to another. Also "fine grading".
GROSS LAND AREA:	The entire area of present ownership of a development, including lots, streets and alleys, measured to the centerline of any bounding streets, if such is the limit of present ownership, or measured to the edge of public right of way.
INTERESTED PARTY:	Landowner or developer who verifies to the village attorney that he is a contract purchaser or owner of the subject parcel.
LOT:	A parcel of land (whether legally so described or subdivided as one or more lots or parts of lots) located within a single block, occupied by or intended for occupancy by one principal building and accessory outbuildings for principal use, and having its principal frontage upon a street which is either a lot of record, or a part of a subdivision duly recorded at the DeKalb County recorder's office.
LOT, CORNER:	A lot abutting upon two (2) or more streets at their intersection.
LOT LINE, FRONT:	That boundary line of any lot which is along an existing or dedicated street lot line and which is established as a front lot line on the plat of record filed by the owner, subdivider, or builder.
LOT LINE, REAR:	That boundary line of a lot which is most distant from and is, or is approximately, parallel to the front lot line. If the rear lot line is less than ten feet (10') in length, or if the line forms a point at the rear, the rear lot line shall be deemed to be a line ten feet (10') in length within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE:	Any boundary of a lot which is not a front or rear lot line.
MUNICIPAL CODE:	The Shabbona village code.
NONRESIDENTIAL SUBDIVISION:	A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of this ordinance.
OFFICIAL PLAN:	The comprehensive plan or any portion thereof prepared by the plan commission and adopted by the village board in accordance with law.
OPEN SPACE:	Any parcel or area of land or water essentially unimproved, or otherwise devoid of buildings or other structures and paved areas, and set aside, dedicated, designated, or reserved for public or private use or enjoyment of owners and occupants of land adjoining or neighboring such open space.
OWNER:	Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to the land sought to be subdivided or improved under this ordinance.
PARCEL:	A contiguous area of acreage of land which can be described as provided for in the plat act. ¹
PARKWAY:	A strip of land within a street right of way lying between the edge of pavement and the right of way line.
PEDESTRIAN WALKWAY OR CROSSWALK:	A right of way across or within a block for use by pedestrians, whether designated as a pedestrian walkway or crosswalk or however designated, and may include utilities where necessary.

¹ 765 ILCS 205/0.01 et seq.

PERSON:	Any person, firm or corporation, public or private, the state of Illinois and its agencies or political subdivisions, and the United States of America, its agencies and instrumentalities, and any agent, servant, officer, or employee of any of the foregoing.
PLAN COMMISSION:	Members of the Shabbona plan commission as constituted by ordinance and appointed by the mayor and approved by the village board of trustees.
PLAN, CONCEPT:	A general map or drawing on which the subdivider's design for the subdivision of land is presented for discussion purposes prior to the preparation of the preliminary plan.
PLAN, PRELIMINARY:	The proposed engineering improvement drawings and other documents presented for review and approval as described in this ordinance.
PLANNED UNIT DEVELOPMENT (PUD):	A parcel of land or contiguous parcels of land of size sufficient to create its own environment, controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the environment of which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located.
PLAT:	Is defined in the Illinois plat act, 765 Illinois Compiled Statutes 205/0.01 through 205/14, including any updates, addendums, and supplements to date of final plat.
PLAT, FINAL:	The engineering improvement drawings and other documents presented for review and approval as described in this ordinance.
PRELIMINARY PLAT:	A preliminary map or drawings indicating the proposed layout of the subdivision or site plan which is submitted to the plan commission and village board for consideration and preliminary approval.

RECORD DRAWING:	A reproducible drawing or drawings showing all improvements as they were constructed (including lengths, rim, and invert elevations, additions and changes of locations, materials and dimensions, services, stormwater storage survey and calculations), and is intended to serve as a permanent village record and reference for future locating and maintenance. "Record drawings" shall include all sheets contained in the original set of approved final plans, plus addendums and added exhibits sheets.
RECORDED:	Placed on record by the recorder of deeds, DeKalb County, Illinois.
RESUBDIVISION:	The relocation of property boundaries, or the reallocation of property in a plat of record. The dissolution of property lines not accompanied by the relocation of new property lines shall not constitute resubdivision.
RETENTION POND:	A stormwater storage area having a normal water surface elevation and a permanent standing water depth.
RIGHT OF WAY:	A strip of land dedicated to the public and occupied or intended to be occupied by a street. The use of the term "right of way" for land platting purposes shall mean that every right of way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right of way, and shall not be included within the dimensions of areas such as lots or parcels. Rights of way intended for streets, alleys, crosswalks, water mains, sanitary or storm sewer mains, or any other use involving maintenance by a public agency, shall be dedicated to the public use by the preparer of the plat on which such right of way is established.
ROADWAY:	That portion of a road or street which is improved, designed or ordinarily intended for vehicular use.

SETBACK:	The minimum distance maintained between a road right of way and the nearest supporting member of any structure on the lot.
SIDEWALK:	A paved or otherwise surfaced walkway intended for pedestrian traffic use only.
SITE:	The location of a lot or parcel of land or a contiguous combination thereof where improvement work is to be performed as a single unified operation.
SITE DEVELOPMENT:	Any work, including grading and building construction, to be performed on a lot(s) or a parcel of land(s) which will result in improving the character of said land.
SOIL TESTING:	Determination and analysis of the subsoil conditions of a specific land area by use of soil borings and testing.
STANDARD PARCELS OR LOTS:	Parcels of land or lots not designated as "critical parcels or lots" on which the drainage runoff from the front yards will drain to the street and the drainage runoff from the rear yards to a stormwater facility. Drainage runoff from the side yards shall drain from the property in question to the front yard or to the rear yard without draining onto adjacent property.
STREET:	A publicly or privately owned right of way or easement which affords a means of access by vehicles to abutting and local properties, whether designated as a street, avenue, highway, road, boulevard, lane, or similar terminology, but excepting driveways to buildings. Streets are generally classified as follows:

A. Primary Street: A street which is intended to serve as a large volume trafficway for both the immediate village area and the county and as a principal or major arterial, parkway, highway, or equivalent term to identify those streets comprising the basic structure of the street plan.

B. Major Collector Street: A street which collects and distributes vehicle traffic between the local street system and primary streets. A "major collector street" will have moderate continuity (generally 1 to 3 miles) and may serve intercommunity travel.

C. Minor Collector Street: A street whose primary function is to collect and distribute local subdivision traffic to major collectors and primary streets. Direct residential driveway access to these streets shall be minimized.

D. Local Streets: The following are local streets serving primarily a land access function:

1. Minor Street: A street of limited continuity used primarily for access to abutting and local residential and commercial properties.

2. Industrial Service Street: A street of limited continuity used primarily for access to abutting and local industrial or office research properties.

3. Frontage Road: A minor street paralleling, adjacent and often within the right of way of a primary street which provides access to local street systems and protection from traffic.

4. Cul-De-Sac Street: A minor street of short length, having only one outlet, and having a suitable turnaround terminus as approved by the appropriate authority to provide for the safe and convenient reversal of traffic movement.

5. Half Street: A street of less than the total required width along one or more property lines of a subdivision.

6. Private Street: A street which is not publicly owned or dedicated for public use, or an easement of access to private property.

SUBDIVIDER:

A person, corporation, or group acting as a unit, or any agent thereof, dividing or proposing to divide land so as to constitute a "subdivision" as defined in this section. The subdivider or owner shall be generically referred to as "developer".

SUBDIVISION:

The division of land into two (2) or more parts, any of which is less than five (5) acres, exclusive of all rights of way for the purpose of development, or if an easement of access or a new road is involved, any division of land. The term includes any division of land that attempts to avoid the requirements of this ordinance. Where appropriate to the content, the term "subdivision" shall relate to the process of subdivision, or to the land subdivided, and shall include resubdivisions.

VILLAGE:

Shall refer to the village of Shabbona, DeKalb County, Illinois, unless otherwise specifically stated.

**VILLAGE
ADMINISTRATOR:**

The mayor or such person that may be appointed to the position of village administrator from time to time.

**VILLAGE
ATTORNEY:**

The individual or firm appointed or contracted by the village board to provide legal services as specified or required by this ordinance.

VILLAGE BOARD:	The mayor and village board of trustees of the village of Shabbona, DeKalb County, Illinois.
VILLAGE ENGINEER:	The individual or firm appointed or contracted by the village board to provide engineering services as specified or required by this ordinance.
VILLAGE PLANNER:	The individual or firm appointed or contracted by the village board to provide land planning and landscaping services as specified or required by this ordinance.
VILLAGE SUBDIVISION ENFORCEMENT OFFICER:	The village staff member appointed by the village board to perform all review and administrative services specified or required by this ordinance.
WETLANDS:	<p>Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification, wetlands must have one or more of the following three (3) attributes:</p> <p>A. At least periodically, the land supports predominantly hydrophytes;</p> <p>B. The substrate is predominantly undrained hydric soil; and</p> <p>C. The substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year. (Ord., 4-26-2004; amd. 2009 Code)</p>

CHAPTER 3

REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

SECTION:

- 10-3--1: General Provisions
- 10-3--2: Required Improvements
- 10-3--3: Minimum Standards And Specifications
- 10-3--4: Block Standards
- 10-3--5: Lot Standards
- 10-3--6: Easements
- 10-3--7: Streets
- 10-3--8: Site Grading And Drainage
- 10-3--9: Public Utilities
- 10-3-10: Storm Sewers And Sump Pump Drains
- 10-3-11: Stormwater Management
- 10-3-12: Erosion And Sedimentation Control Plan
- 10-3-13: Floodplain Regulations
- 10-3-14: Field Drain Tile Survey
- 10-3-15: Wastewater Facilities
- 10-3-16: Water Facilities
- 10-3-17: Sanitary Sewer And Water Service Lines
- 10-3-18: Off Street Parking And Loading
- 10-3-19: Landscaping And Trees

10-3-1: **GENERAL PROVISIONS:**

- A. Conformance To Applicable Rules And Regulations: The design of a subdivision and improvements shall conform to the comprehensive plan (as amended from time to time), the official village map, village ordinances (including, but not limited to, zoning, floodplain, subdivision control, stormwater, sewer, water, public ways and properties, and annexation ordinances), fire protection district ordinances, planning and development policies, and all applicable rules, regulations, specifications and standards of the village of Shabbona and the state of Illinois and other duly constituted agencies. No deviation from the approved plans

and specifications by the parties involved (developers, engineers, planners, etc.) will be made without prior approval of the village.

- B. Undevelopable Land: Land which the plan commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography including topographical limitations which prevent the subject property from reaching the sanitary sewer, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the plan commission, upon recommendation of the village engineer, or upon recommendation of other governmental authority, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.

C. Preservation Of Natural Features:

1. General: Due regard shall be given to the preservation of natural features within a proposed development, such as large trees, watercourses, wetlands, historical and similar community assets, which, if preserved, will add attractiveness and value to the property. The developer shall take every precaution required to preserve said natural features in the planning and construction of said development.

2. Preservation Of Existing Trees: The petitioner shall not remove trees from the subject property during the annexation or subdivision approval process. When parcels proposed for development include trees measuring six inches (6") in caliper or larger, a tree preservation and protection plan shall be prepared and submitted to the village for review and approval (by the village administrator), and shall include the following:

a. Show the location, size, condition and species of all existing trees within the construction zone and within thirty feet (30') of proposed construction, which are six inches (6") in caliper or larger. (Ord., 4-26-2004)

b. Identify all existing trees, six inches (6") in caliper or larger, proposed to be removed. Any tree within fifteen feet (15') of trench or building pad will be assumed as unsalvageable due to construction and due to anticipated root and canopy disturbance. (Ord., 4-26-2004; amd.

2009 Code)

c. Identify the means and methods to be used for protecting and preserving trees designated to be saved.

3. Evaluation Of Existing Trees:

a. The ability to save existing trees on the site shall be evaluated by the developer and the village to determine which trees shall be saved and which trees may be removed due to one or more of the following conditions:

- (1) Provide essential grade changes.
- (2) Provide for surface water drainage and utility installations.
- (3) Locate proposed structure(s) without causing unreasonable economic hardship.
- (4) Observe good forestry practices, i.e., the number of healthy trees that the parcel will support.
- (5) Pose a safety hazard to pedestrian or vehicular traffic or threaten to cause disruption of public services.
- (6) Pose a safety hazard to buildings, both existing and proposed.
- (7) Are diseased or weakened by age, storm, fire or other injury.
- (8) Are willows, silver maples, cottonwoods, box elders, or other fast growing softwood trees determined by the village to be short lived or of poor quality.

b. All existing trees determined to be saved shall be identified on the preservation and protection plan and shall be preserved and protected during the development.

4. Tree Replacement: In the event that a tree identified for preservation is destroyed or damaged during construction, such tree shall be replaced with a tree that is at least the same size caliper as the tree removed, or be replaced with smaller trees, each with a minimum caliper of three inches (3"), as measured twelve inches (12") above grade,

which add up to the caliper of the original tree. Any tree removal which occurs within one year prior to application for annexation shall also be subject to provisions for like replacement, as outlined above.

5. Other Tree Preservation Requirements:

a. Approval of a development plan shall be withheld until all of the information required by this section has been submitted, and the evaluation of existing trees on the subject property has been completed by the village or a certified arborist.

b. The village shall, at its discretion, have the right to retain a professional arborist to review tree preservation plans and to submit a written report to the village. All expenses incurred by the village for the use of the tree consultant shall be reimbursed by the developer.

c. The village shall have the right to inspect the subject property at any time during the construction process in order to verify that the developer and contractor have protected trees in accordance with the approved tree preservation plan. (Ord., 4-26-2004)

d. Any person, private company or public company failing to adhere to the provisions of the approved tree preservation plan shall be subject to a fine of fifty dollars (\$50.00) per inch caliper, but not less than seven hundred fifty dollars (\$750.00) per tree which has been cut down, and termination of all construction activity, until such time as all provisions of this ordinance have been met to the satisfaction of the village. (Ord., 4-26-2004; amd. 2009 Code)

D. Parking: Any off street parking improvements required to be constructed as part of the proposed subdivision improvements shall be in accordance with the requirements of the zoning ordinance of the village. Depth and width of all lots shall be adequate to provide off street parking and loading spaces as required by the zoning ordinance.

E. Boundary, Lot, And Right Of Way Line Monumentation:

1. Permanent monuments shall be placed at the corners or changes in bearing of the exterior boundary, at the points of curvature or points of tangency of streets, at a minimum of two (2) points, preferably along the rear lot line, of all blocks, and at such other points as shall be required to enable ready establishment of lines within the subdivision. Developers shall follow the terms of the Illinois plat act, 765 Illinois Compiled

Statutes 205/0.01 through 205.14, inclusive.

Permanent monuments shall be of concrete having a six inch (6") minimum diameter with one no. 4 vertical bar in its center, and be at least forty two inches (42") in length. Monuments shall be set flush with adjacent ground.

2. Iron pipe markers, not less than three-fourths inch ($\frac{3}{4}$ ") in diameter and twenty four inches (24") in length, shall be set at all lot corners and all other required points not marked by permanent monuments. The iron pipes shall be set flush with the finished ground elevation.

3. After construction of all improvements and before final acceptance by the village, the subdivider shall replace or verify the existence of all monuments and markers, and "red top" stake with 1 x 3s at all lot corners.

4. If property corners fall within an interference, the interfering structure shall be "scribed" to permanently establish the property corner. (Ord., 4-26-2004)

10-3-2: **REQUIRED IMPROVEMENTS:** The following improvements shall be provided as part of the development of a proposed subdivision:

A. Street pavement structure improvements shall be bituminous concrete flexible type pavement or a Portland cement concrete rigid type pavement consisting of the following:

1. Concrete curb and gutters.
2. Stable and compacted subgrade.
3. Base and subbase course, as required.
4. Bituminous concrete binder and surface courses for flexible type pavements.
5. Portland cement concrete surface courses for rigid type pavements.

Note: Subsections A1 through A4 of this section are required prior to issuance of a building permit.

- B. Portland cement concrete sidewalks.
- C. Street lighting.
- D. Landscaping and trees.
- E. Street signs and pavement markings (including temporary requirements prior to building construction).
- F. Any traffic safety installation such as guardrailing, etc.
- G. Public utilities for telephone, electric, cable television, and natural gas.
- H. Site and lot grading.
- I. Storm sewer systems and sump pump drainage system.
- J. Stormwater storage and management.
- K. Erosion control.
- L. Wastewater facilities.
- M. Water facilities.
- N. Water and sanitary sewer service lines.
- O. Flood protection. (Ord., 4-26-2004)

10-3-3: **MINIMUM STANDARDS AND SPECIFICATIONS:** The construction of improvements, materials used, and the methods for land development required in this ordinance shall comply with the most restrictive provisions of the standards set forth in the following documents (current edition):

- A. All applicable village ordinances, standards, and specifications as adopted, and DeKalb County stormwater control ordinance, as amended from time to time.
- B. "Standard Specifications For Road And Bridge Construction", Illinois department of transportation (IDOT).

- C. "Standard Specifications For Water And Sewer Main Construction In Illinois", Illinois Society of Professional Engineers et al.
- D. "Illinois Design Standards For Sewage Works", IEPA, division of water pollution control.
- E. "Technical Policy Statements", IEPA, division of public water supply.
- F. "Recommended Standards For Water Works", Great Lakes Upper Mississippi River board of state sanitary engineers ("10 States Standards").
- G. "Procedures And Standards For Urban Soil Erosion And Sedimentation Control In Illinois", the urban committee of the association of Illinois soil and water conservation districts ("Green Book").
- H. "Standards And Specifications For Soil Erosion And Sediment Control", IEPA ("Yellow Book").
- I. "U.S. Soil Conservation Service Field Engineering Handbook".
- J. DeKalb countywide stormwater control ordinance.

Where standards are not specifically set forth, improvements shall comply with standards established by the village board. (Ord., 4-26-2004; amd. 2009 Code)

10-3-4: BLOCK STANDARDS:

- A. Determination Of Block Dimensions: The length, width, and shape of blocks shall be determined with due regard to:
 - 1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - 2. Zoning requirements as to lot sizes and dimensions within the corporate limits of the village.
 - 3. Needs for convenient access, circulation, control and safety of pedestrian and street traffic.
- B. Block Dimension Restrictions: The length, width, and shape of blocks

shall be such as are appropriate for the locality and the type of development contemplated, but block length in residential areas shall not be less than three hundred fifty feet (350'), nor exceed one thousand feet (1,000'), nor have less than sufficient width to provide two (2) tiers of lots of appropriate depth between street lines, except for blocks with one tier of lots which meet the double frontage requirements of this ordinance. Double frontage lots shall not be allowed except where subject lots back to a major collector or arterial roadway, and such lots shall be a minimum of twenty percent (20%) deeper than the average throughout the subdivision.

- C. **Blocks Located In Industrial/Commercial Areas:** Blocks or portions thereof intended for commercial or industrial use shall be designated as such, and the plans shall show adequate off street areas to provide for parking, loading docks, and other such facilities, as provided in the village zoning ordinance.
- D. **Pedestrian Crosswalks:** Pedestrian crosswalk rights of way not less than twelve feet (12') wide shall be required at centers of blocks having a length in excess of eight hundred feet (800') and where deemed necessary by the plan commission to provide for pedestrian circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. (Ord., 4-26-2004)

10-3-5: LOT STANDARDS:

- A. **Lot Arrangement:** The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography, soils, flooding or other conditions, in securing permits to build on all lots in compliance with the zoning ordinance, the floodplain ordinance, and wastewater treatment and disposal system rules and regulations. Subdivisions shall contain no leftover pieces, corners, or remnants of land.
- B. **Lot Size Requirements:** Lot dimensions and areas within the village corporate limits and the one and one-half ($1\frac{1}{2}$) mile jurisdictional boundary shall conform to the requirements of the village zoning ordinance. If the county zoning ordinance is more restrictive with regard to a lot in the one and one-half ($1\frac{1}{2}$) mile jurisdictional boundary, then the county zoning ordinance shall apply. No lot shall be created for residential or nonresidential uses that does not comply with the minimum lot area and width of the zoning district in which it is located, unless otherwise granted as part of a planned development or special use.

Depth and width of all lots shall be adequate to provide space for off street parking and loading spaces as required by the zoning ordinance. Excessive depth in relation to width shall be avoided. A proportion of two and one-half to one ($2\frac{1}{2}:1$) shall normally be considered a desirable maximum, except where special circumstances exist due to an odd shaped parcel.

- C. **Lots Affected By Surface Water:** Lots abutting a stormwater retention/detention pond, watercourse, drainageway, channel or stream shall have a minimum width or depth as required to provide an adequate building site and to afford the minimum usable area required in this ordinance or the Shabbona zoning ordinance for front, side and rear yards. The storage high water line shall not encroach upon the privately owned lot area.

Watercourses, stream channels, floodways and water storage areas shall not be included in the computation of required lot areas where it is proposed that such watercourses are to traverse the lot interiors. The plan commission, whenever possible, shall require that lot lines do not overlap onto the 100-year floodplain corridor of an adjacent watercourse.

- D. **Lot Drainage:** Lots shall be laid out so as to provide positive drainage away from all building sites, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from a lot or lots to an adjacent lot or lots.
- E. **Proximity To Dedicated Street:** All lots, tracts and parcels shall front on a publicly dedicated street as required by the village zoning ordinance.
- F. **Double And Reverse Frontage:** Double frontage lots are forbidden except where lots back upon a primary street, and in such instances, vehicular access between the lots and the primary street is prohibited.
- G. **Side Lot Line:** Side lot lines shall be approximately at right angles or radial to the front lot line and/or at right angles to the back lot line.
- H. **Corner Lots:** Corner lots shall be sized to accommodate the building setbacks as set forth in the zoning ordinance. A corner lot shall be deemed to have two (2) front yards. The classification of the remaining two (2) yards shall be determined by the classification of the yard abutting it. If a yard abuts a side yard, it shall be deemed a side yard. If

a yard abuts a rear yard, it shall be deemed a rear yard.

At the village board's discretion, a five foot (5') reduction in both front setback lines may be allowed when the home is to be placed at forty five degrees (45°) to the intersecting streets.

- I. Flag Lots: Lots which meet the minimum area and dimension provisions of the zoning ordinance, except, that the buildable portion of the lot is accessible to a street right of way by means of a narrow strip of land, shall be prohibited. (Ord., 4-26-2004)

10-3-6: **EASEMENTS:**

- A. Utility Easements: Easements for the installation, operation and maintenance of utilities shall be provided as follows:
 1. Along all boundary lines of the subdivision having a width of not less than ten feet (10').
 2. Along all back lot lines having a width of not less than ten feet (10').
 3. Along side and front lot lines where required. Easements for water, sanitary sewer, and storm sewer lines shall have a minimum width of ten feet (10'). Easements for electrical, street lighting, telephone, cable television and gas shall have a minimum width of five feet (5').
 4. On abutting lots, side lot line easements shall be provided on each side of the lot line of the minimum width specified above.
 5. Utility easements shall be laid out so as to provide continuity from right of way to right of way. All rear yard utility easements shall be a total of twenty feet (20'), ten feet (10') on each adjoining lot, and accessible to a public right of way.
 6. On wooded sites, utility easements shall be located and be of sufficient width so as to minimize environmental damage.
 7. Utility easements and any easement provisions to be incorporated into the final plat or in the deed documents shall be reviewed and approved by the utility companies responsible to furnish the proposed services. Also, the wording of the utility easement certificate on the final plat shall be approved by the village administrator and the village

engineer.

8. Along front lot lines, utility easements of not less than ten feet (10') shall be provided on each lot.

B. Drainage And Stormwater Management Easements:

1. Drainage easements shall be provided at the side and rear of all lots to accommodate drainage from each lot. The width of drainage easements shall be not less than ten feet (10') wide along each rear lot line (totaling 20 feet) and five feet (5') along each side lot line, except where a wider easement is required to contain a stormwater overflow route.

2. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, or other body of water, appropriate dedications or easements, with adequate width to accommodate observed, computed or anticipated stormwater drainage through and from the subdivision, shall be made. The width of the easement or dedication shall be dependent on the area of land drained by the watercourse and shall allow access for construction and maintenance equipment. In general, the easement shall conform substantially with the lines of the watercourse and shall include the floodplain, where applicable, plus an additional area not less than twenty feet (20') wide adjoining both edges of the floodplain.

3. All permanent stormwater management facilities for a subdivision shall be protected by easements or dedications for drainage and shall permit ingress and egress for maintenance. All side lot lines shall have a minimum ten foot (10') easement centered on the lot line. All lot lines adjacent to nonsubdivided lands shall have a twenty foot (20') easement for drainage.

4. No construction of structures, dams, embankments or channels (except as indicated on the improvement plans) and no planting of trees, shrubbery or other vegetation, which hinder the flow of water or otherwise inhibit the intended purposes, shall be allowed within any drainage or stormwater management facility easement. In the event the area within such easements is obstructed, reshaped, regraded or restricted for uses other than as intended or as shown on the improvement plans, the village will cause to have any alterations corrected at the expense of the party or parties causing said obstruction, restriction, regrading or alteration.

5. Where possible, drainage easements shall be separate and distinct from utility easements.

6. Drainage and stormwater management easements shall be adequately maintained so as to provide for removal of accumulation of vegetation, silt, debris or other material which may interfere with the flow characteristics of drainageways or the essential features of retention or detention facilities.

C. Landscaping And Conservation Easements:

1. A screen planting easement may be required between residential and commercial or industrial lots, or along lot lines to discourage the undesirable development of residential lots fronting on traffic arteries. If such easement is to be used for public utilities, the easement shall be of sufficient width (25 feet minimum) to accommodate appropriate screen planting without interfering with utility service or maintenance.

2. Easements will be required to protect areas designated for the restoration of site flora as referenced in the village zoning ordinance requirements for greenbelt and open space protection.

3. The village requires a fifty foot (50') setback along certain street frontages; refer to zoning ordinance for requirements.

D. Temporary Turnaround Easements: Temporary easements shall be provided for construction of temporary turnarounds on streets which are designed to have a temporary terminus and are to be extended in the future. When the street is extended, said temporary easements shall be considered voided and released for other uses and purposes.

E. Pedestrianway Easements: Easements or dedications shall be provided for pedestrianways where deemed appropriate by the village board. Pedestrianway easements shall be maintained to permit their continued use.

F. Line Of Sight Easements At Intersections¹: At all intersections, line of sight easements shall be established to protect clear sight distance not to exceed three feet (3') above centerline grade within the triangular area formed at the intersection of any street right of way lines by a

1. See also appendix A, subsection 9-6-1A of this code.

straight line drawn between said right of way lines at a distance along each line of twenty five feet (25') from their point of intersection. No obstructions will be permitted within said easement which exceeds three feet (3') above centerline grade. (Ord., 4-26-2004)

10-3-7: **STREETS:**

A. General Provisions:

1. The subdivision of land, including the arrangement, character, extent, width, grade and location of all streets, alleys, or other land to be dedicated for public use, shall conform to the standards of this ordinance and shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and in their appropriate relation to the proposed uses and densities of the land to be served by such streets. No extension of any existing streets or alleys shall be blocked or offset within the village or within one and one-half ($1\frac{1}{2}$) miles of its corporate limits. Streets shall conform to the official plan of the village where possible and shall not be planned so as to overburden existing streets by channeling excessive traffic onto existing streets. Private streets shall not be permitted unless approved as part of a planned unit development by the village board of trustees. Private streets shall be covered by a special service area (SSA) taxing authority, which shall be structured to cover all maintenance costs.

2. Wherever the tract to be subdivided and/or developed borders on and will utilize existing street frontage, then said existing street frontage, including the existing pavement, should be fully improved by the developer in accordance with the requirements as specified in this ordinance or by the village board. When a proposed subdivision utilizes an existing village street, that proposed subdivision shall upgrade the existing street to meet the subdivision control ordinance provisions outlined herein.

3. Street alignment should respect the natural features of the site, should avoid excessive cuts or fills, and should preserve wooded area, large trees, and wetlands wherever possible.

4. All streets shall be provided to afford convenient access to all lots within the subdivision and shall front all lots, tracts and parcels.

5. If the tract of land proposed to be subdivided or any part thereof lies adjacent to a roadway over which the Illinois department of

transportation, DeKalb County highway department, or a township highway department has jurisdiction with respect to maintenance and upkeep thereof, and an entrance or entrances are desired from such street to lots, streets, roadways or alleys in such proposed subdivision, the developer shall prepare and submit the appropriate permit application to said highway department. The permit application granting permission to obtain and construct such an entrance or entrances shall be submitted to the village engineer and reviewed prior to submittal to the proper highway departments by the developer.

6. On primary and collector streets where traffic volume and safety considerations warrant or where required by other government authority having jurisdiction, paved acceleration, deceleration, passing and turning lanes shall be provided by the developer.

Residential streets shall be laid out so that their use by through traffic will be discouraged. When a traffic signal is warranted and required, each development shall escrow its proportionate share of that future signal cost, based upon traffic impact.

7. No street names may be used which will duplicate or be confused with the names of existing streets. The village retains the right to name all streets which shall be approved by the plan commission and the village board. Proposed streets which are obviously in alignment with or continuations of existing streets already named shall bear the name of such existing streets, provided the continuation is in the same general direction. Street name signs of a type approved by the village board shall be provided by the developer/subdivider at all street intersections in accordance with detailed standards within this ordinance.

8. Separation of entrances, as well as ingress/egress specific geometrics, shall be per direction of the plan commission and village board, as recommended by the village engineer.

9. No permanent building or structure shall be erected or constructed within a street right of way, extended street lines, or planned street right of way.

10. Rural type streets, streets having no concrete curb and gutter and having roadway ditches for drainage will be permitted where they presently exist and the village board wishes to preserve rural character.

B. Standard Specifications: All new streets within the corporate limits of the

village, dedicated or platted after the effective date of this ordinance, shall be improved with roadway pavement including subgrade, subbase, base course, surface course, curb and gutter, and all other related work in accordance with this ordinance and the latest edition of the "Standard Specifications For Road And Bridge Construction", Illinois department of transportation.

- C. Location: Streets shall be located per the direction of the village board, with the recommendation of the staff and plan commission. Wherever such a planned street is located within a proposed subdivision, the street shall be designed and located in the place and with the width indicated for that street classification as shown on the comprehensive plan, or as defined by the village engineer. Where the street is not shown on the official street plan, the arrangement of streets in the subdivision shall:

1. Extend to existing adjoining streets, unless extension thereof would not be practical, and shall be located to coordinate with other proposed developments.

2. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area.

3. Conform to a plan for the area or neighborhood approved or adopted by the village board to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

- D. Abutting Planned Or Existing Highway Or Railroad:

1. Where a subdivision borders on or contains an existing or proposed primary street or railroad, the village board, upon recommendation of the plan commission, may require a frontage or reversed frontage road with screen planting contained in a nonaccess reservation, which shall have a minimum width of ten feet (10'), but actual width may increase if determined by recommendation of the plan commission and approved by the village board in order to provide adequate separation and screening from the primary street or railroad.

2. Should a proposed subdivision border on or contain a railroad or other limited access right of way, the village may require the location of a street approximately parallel to and on each side of such right of way at a distance suitable for the development of appropriate use of the intervening land, such as a park proposed in residential districts, or for

commercial or industrial purposes in appropriate districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separations.

- E. Reserve Strips: No strip or area shall be reserved along any portion of a street which will prevent adjacent property owners access thereto.
- F. Half Streets: Half streets shall be prohibited.
- G. Dead End Streets: Permanent and temporary dead end streets shall be generally designed as a cul-de-sac.
- H. Street Elevations: Street elevations shall conform to existing natural elevations wherever possible. The centerline elevation of the paved street surface shall be a minimum of one foot (1') above the 100-year floodplain elevation or detention facility HWL.
- I. Alleys: Proposed alleys in residential areas shall not be permitted.
- J. Cul-De-Sacs And Turnarounds:

1. Cul-De-Sacs:

a. General Requirements: At the discretion of the village board, a developer may be allowed cul-de-sacs within a residential development. A cul-de-sac designed to be permanent shall not be longer than three hundred feet (300'), measured along the centerline from the centerline of the intersecting street to the center of the cul-de-sac. Islands at the center of the cul-de-sac shall not be permitted. Tear shaped designed cul-de-sacs meeting the requirements herein stated will be required. (Ord., 4-26-2004)

b. Cul-De-Sac, Typical:

(1) Terminus of cul-de-sac shall be nearly teardrop with a right of way not less than one hundred twenty feet (120') in diameter, and throat right of way radius of not less than twenty nine feet (29').

(2) Paved circle shall be centered in the right of way and have a paved circle of not less than ninety feet (90') in diameter and a throat pavement radius of not less than forty five feet (45'). (Ord., 4-26-2004; amd. 2009 Code)

2. T Turnarounds: At all streets ending within a development, which are designated to be extended in future developments, the construction of a temporary T turnaround will be required at the street's end. No other T turnarounds will be permitted unless approved by the village board. The final plat shall provide for a temporary easement to accommodate the construction and use of said T turnaround until such time the street extension is completed and accepted by the village, at which time, said temporary turnaround easement shall be released.

The additional right of way required for temporary T turnarounds shall measure forty feet (40') in length and twenty feet (20') in width on each side and adjacent to the normal right of way width. The pavement for the top of the T shall be at right angles to the street, twenty feet (20') in width and paved for a distance of at least forty feet (40') out on each side of the street centerline.

- K. Street Right Of Way Widths: Right of way widths for designated streets shall conform to the following minimum requirements or to the requirements of the appropriate authority, whichever is greater:

Street Classification	Width Of Right Of Way
Primary	100 feet
Collector	80 feet
Local:	
Minor (all zoning)	66 feet
Frontage road	50 feet
Cul-de-sac turnarounds, typical	60 foot radius

- L. Pavement Widths:

Street Classification	Minimum Width As Measured From Back To Back Of Curbs
Primary	Per village and/or governing authority

Major collector	As determined by the village, 39 foot minimum B/C - B/C
Local minor (all zoning)	36 feet - B/C - B/C
Frontage road	36 feet - B/C - B/C
Cul-de-sac turnaround, all zoning	45 foot radius

M. Geometrics: The geometric design of all street improvements shall conform to the following criteria:

1. The grade (slope) of all streets shall not exceed the maximum gradient and shall not be less than the minimum gradient as set forth on table 1, "Minimum Standards For Street Design", of this section).

2. The minimum clear sight distance shall not be less than the distance set forth on table 1 of this section.

3. Curves in streets shall be permitted; provided, that where connecting street lines deflect from each other at any one point by more than ten degrees (10°), they shall be connected by a curve with a radius of not less than one hundred fifty feet (150') for local streets and two hundred fifty feet (250') for collector streets as measured to the street centerline.

4. A tangent of the minimum length listed on table 1 of this section shall be established between reverse curves on all streets.

5. The minimum centerline radius shall be as set forth in table 1 of this section.

6. The vertical curve length required shall be calculated by multiplying the algebraic difference in grades times the thirty (30) miles per hour "k" factor. The minimum vertical curve for a particular street classification is set forth in table 1 of this section.

7. Street jogs with centerline offsets of less than one hundred fifty feet (150') shall be avoided.

8. Streets shall be laid out so as to intersect as nearly as possible at right angles, unless warranted by special conditions and approved by the village.

9. Curved streets intersecting with primary and collector streets shall do

so with a tangent section of centerline one hundred feet (100') in length, measured from the right of way line of the primary or collector street.

N. Street Grades:

1. The design grade of all new streets in the village shall not exceed a maximum of seven percent (7%). Streets may have a minimum grade of no less than five-tenths of a percent (0.5%); provided, that adequate positive drainage is provided and shall be subject to approval by the village engineer.

2. Where an existing street is to be extended to the subdivision, the existing street grade shall be continued if at all possible, or a vertical curve shall be provided at the change in grade.

3. All final street grades are subject to the approval of the village engineer. The final grading plan shall show all street grades in percentage of slope. Profiles of new streets, including vertical curve data, shall be provided as requested by the village engineer.

4. All changes of grade shall be connected by a vertical curve of at least the minimum length as set forth in table 1 of this subsection.

5. Clear visibility, measured along the centerline of the street, shall be provided for at least five hundred feet (500') on all primary streets, four hundred feet (400') on collector streets, and at least two hundred feet (200') on all other streets. (Ord., 4-26-2004)

TABLE 1
MINIMUM STANDARDS FOR STREET DESIGN

Street Classification	Minimum Right Of Way Width	Minimum Pavement ¹ Width B/C - B/C	Minimum Radius Of Horizontal Curves	Minimum Length Of Vertical Curves	Minimum Tangent Between Horizontal Reverse Curves	Maximum Gradient Of Roadway	Minimum Gradient Of Roadway	Minimum Clear Sight Distance
Primary	100'	As required	250'	200' ²	200'	5%	0.5%	500'
Collector	80'	As required by village, 39' min.	200'	100' ²	100'	5%	0.5%	400'
Local, minor and industrial service	66'	36'	150'	100' ³	50'	7%	0.5%	200'
Cul-de-sac and turnaround	66' 120' diameter	36' 90' diameter	150'	50' ³	100'	7%	0.5%	200'
Frontage road (marginal access street)	50'	36'	150'	50' ³	100'	7%	0.5%	200'

10-3-7

10-3-7

Notes:

1. Pavement widths are measured back to back of curb.
2. 50 feet for each 1 percent algebraic difference of grade, but in no case less than 100 feet.
3. 40 feet for each 1 percent algebraic difference of grade, but in no case less than 100 feet.

(Ord., 4-26-2004; amd. 2009 Code)

O. Pavement Design And Construction Standards:

1. Required Pavement: All streets within the subdivision shall be improved with a bituminous concrete flexible type pavement or a Portland cement concrete rigid type pavement. Pavement width shall conform to subsection L of this section.

2. Design: The pavement shall be designed in accordance with the pavement design section of the "IDOT Design Manual" (April 1990, latest revision), published by the bureau of design, Illinois department of transportation, as modified herein, and constructed in accordance with the materials, equipment and methods covered by the Illinois department of transportation, "Standard Specifications For Road And Bridge Construction", latest revision.

3. Mandated Schedule For Public Paving Improvements:

May 15: Start

November 15: Paving complete

4. Flexible Pavements:

a. Pavement subgrade shall consist of a stable material having an Illinois bearing ratio (IBR) value of not less than 3.0. IBR tests will be required if, in the opinion of the village engineer, they are necessary to evaluate the subbase material.

b. Base and surface courses will be of such materials to give structural number (Dt) as specified for the type of pavement improvement designated below:

Type Of Street	Minimum Value (Dt)
Primary	Dt to be determined by traffic count and IBR tests (4.0 minimum)
Collector	3.6
Local residential	2.8
Local commercial	3.2

Frontage roads	2.8 minimum
Industrial	3.4
Cul-de-sac	(2.8 minimum) Same as connecting pavement

5. Rigid Pavement: Rigid pavement design shall be in conformance with the structural design of rigid pavements of the Illinois department of transportation, design manual.

6. Completion Of Underground Work: Prior to the construction of the roadway pavement, all of the major underground work shall be completely installed in place. All trenches which are under proposed roadway and curb shall be backfilled under and two feet (2') beyond roadway and curb with granular backfill material, jetted and/or tamped in an approved manner for settlement and compacted to not less than ninety five percent (95%) standard laboratory density. After jetting and any subsequent settlement, additional material shall be added as required.

All surface course shall be continuously crack sealed with approved hot bituminous sealant at interface of curb and pavement one year after placement of surface course and prior to village acceptance and closeout of public surety/one year maintenance.

7. Pavement Subgrade Requirements: The street subgrade shall be shaped and compacted as specified in section 212 of the IDOT standard specifications. The minimum compacted density shall be ninety five percent (95%) of its maximum density as determined by standard laboratory methods. Prior to construction of the base course, the subgrade shall be proof rolled with a fully loaded truck and witnessed by the village engineer. If precipitation occurs and the subgrading becomes saturated before the base course is constructed, then said proof rolling shall be repeated.

If the subgrade compaction testing and proof rolling indicate unsuitable or unstable subgrade areas, then said unsuitable or unstable areas shall be removed and replaced with acceptable compacted granular material. Upon approval by the village engineer, large areas of unstable subgrade may be stabilized by installing the subgrade geotech fabric, by in-place stabilization method, or by any other approved stabilization method.

8. Flexible Pavement Requirements:

a. Aggregate Base: After approval of the subgrade by the village engineer, the aggregate base shall be constructed in accordance with section 351 of the IDOT standard specifications for type A or type B construction. The material shall be crushed limestone or crushed gravel conforming to CA-6 gradation. (Recycled material or alternative material shall not be allowed as a substitute.) The compacted base course thickness shall be as calculated by the above stated method with the minimum thickness being twelve inches (12"). The aggregate base course material shall be compacted to not less than ninety five percent (95%) of the standard laboratory density. The aggregate base course shall be proof rolled one day prior to construction of the binder course with a fully loaded truck and witnessed by the village engineer.

If the base compaction testing and proof rolling indicate unstable base areas, then said unstable base areas along with any unstable subgrade shall be removed and replaced with acceptable compacted base course material and, if required by the village engineer, a subgrade geotech fabric meeting the requirements of section 210 of the IDOT standard specifications.

b. Bituminous Prime Coat: Prior to construction of the bituminous binder course, the completed aggregate base course shall be primed with a bituminous material, MC-30 or an approved equal, at a minimum application rate of 0.30 gallons per square yard.

c. Bituminous Concrete Binder Course: The bituminous concrete binder course shall be class I, mixture B or C, conforming to article 406.12 of the IDOT standard specifications. All work and materials shall be performed in accordance with applicable provisions of section 406 of the IDOT standard specifications. The minimum thickness of the completed bituminous binder course, as measured at any point on the pavement surface, shall be as follows:

- (1) One and one-half inches ($1\frac{1}{2}$ ") for local, minor, cul-de-sac, and frontage streets;
- (2) Two inches (2") for minor business and commercial streets subject to light traffic;
- (3) Two and one-half inches ($2\frac{1}{2}$ ") for collector streets and streets within business and commercial districts subject to heavy traffic; and

(4) Three inches (3") for streets within industrial districts.

d. Stabilization Period And Core Testing, Bituminous Binder Course: The binder course shall be subject to one winter period of traffic after placement before the construction of the final surface course. All manholes located within pavement where surface course is to be postponed shall be set to binder course level initially. Just prior to surface course installation, all such structures shall be final adjusted, all disturbed pavement areas poured with concrete (of minimum 6 inch thickness) to binder course level. Prior to the construction of the final surface course, core boring shall be made, in the presence of a representative of the village, through the existing binder course and aggregate base course. The corings shall be spaced as directed and shall be alternately staggered on each side of the centerline of the pavement. Coring shall be measured for thickness and results of the core borings shall be submitted to the village engineer for approval before proceeding with the final bituminous course. Any deficiencies in thickness of base and/or binder shall be corrected by an approved thickness of surface course or other method found acceptable to the village. All core borings shall be filled and compacted with bituminous asphalt. The cost of all borings shall be at the subdivider's expense.

e. Bituminous Concrete Surface Course: Prior to construction of the final bituminous surface course on previously constructed bituminous binder courses subject to extended traffic use, a bituminous tack coat shall be applied to said bituminous binder course surface.

The bituminous concrete surface course shall be class B (modified) or class I (modified) constructed on previously placed bituminous binder course. The work and materials shall conform to applicable provisions of section 405 or section 406 of the IDOT standard specifications. The bituminous mixture shall be shown on the plans or specified in the project specifications and approved by the village engineer. No recycled bituminous material will be permitted in the final bituminous surface course mixture unless approved by the village engineer.

The minimum thickness of the final completed bituminous surface course, as measured at any point on the pavement surface, shall be one and one-half inches ($1\frac{1}{2}$ ") on all proposed streets within the development.

9. PCC Rigid Pavement Requirements:

a. Portland cement concrete pavement shall be designed in accordance with the IDOT design manual for rigid pavement. The design

data and calculations shall be submitted to the village for approval. The minimum pavement thickness shall be seven inches (7").

b. All concrete rigid type pavement shall be constructed on a four inch (4") minimum compacted aggregate subbase.

c. Portland cement concrete pavements shall be constructed in accordance with applicable provisions of section 420 of the IDOT standard specifications.

d. Concrete curbs and gutters adjacent to the concrete pavement may be constructed integral with the pavement section.

10. Cul-De-Sac Requirements: The requirements for construction of cul-de-sac pavements shall conform with the connecting street's pavement requirements.

11. Frontage Roads Requirements:

a. The complete design of frontage roads, including specifications and designation of trafficways, driving lanes, pavement widths, thickness, materials, etc., shall be submitted to the village for review and approval.

b. When a frontage road is to be dedicated to public use, the specifications shall be in accordance with the design requirements for streets within the district it is located.

c. Where more than one owner or lessee is to use the same private frontage road, a covenant, whereby the owners of the property serviced thereby are jointly and severally liable for the maintenance thereof, shall be recorded before approval of the proposed development as defined herein.

12. Curb And Gutter:

a. General: A concrete curb and gutter section shall be constructed along the outside lines of all street pavements and parking lots unless waived by the village board.

b. Standard Curb Section: The curb and gutter section shall consist of a combination barrier concrete curb and gutter, type B-6.12. Combination curb and gutter shall be depressed at sidewalk ramps and known driveway approaches. Where driveway approaches are not known at the time of construction, the barrier curb shall be constructed

throughout with future removal of the curb by sawing at driveways and other access entrances.

c. Reinforcing Bars: All curb and gutter shall be reinforced with two (2) no. 4 reinforcing bars run continuously through its length, except at expansion joints.

d. Expansion Joints: Expansion joints shall be provided at all radius points, a maximum sixty foot (60') spacing, and ten feet (10') on each side of inlet structures. At expansion joints, provide two (2) no. 6 smooth dowel bars with end caps across said joint, and three-fourths inch ($\frac{3}{4}$ ") premolded, nonextruding joint filler.

e. Contraction Joints: Contraction joints shall be sawed at ten foot (10') spacing. Contraction joints shall be saw cut to a two inch (2") depth across entire curb and gutter, within four (4) days of placement. (Ord., 4-26-2004)

f. Standard Specifications: Concrete curb and gutter shall be constructed in accordance with sections 606 of the IDOT standard specifications. Concrete shall be class SI (formerly class X). Test cylinders shall be taken and the certified compression test reports submitted to the engineer for the village. Finished surfaces of all newly constructed curb and gutter shall be coated with antispall and curing compound as approved by the engineer for the village. (Ord., 4-26-2004; amd. 2009 Code)

g. Base: Concrete curb and gutter shall be constructed on a compacted aggregate base course having a minimum depth of four inches (4"). All curb repairs will be joint to joint. No shotcrete or epoxy repairs.

h. Curb Return Radius: All street intersections shall have a minimum curb return radius of twenty five feet (25') on local streets and thirty feet (30') on other street classifications unless otherwise required.

i. Temperature Constraints: No curb work pour shall commence unless the ambient air temperature is thirty nine degrees (39°) and rising, and when no frost or frozen base is present. Blankets are required where the temperature within twenty four (24) hours after pour is expected to drop below thirty nine degrees (39°).

P. Sidewalks And Pedestrianways Requirements:

1. Provisions: Sidewalks or pedestrianways shall be provided as follows:

a. Sidewalks in residential districts are required on both sides of all streets.

b. Sidewalks in commercial districts are required on both sides of all streets.

c. Sidewalks in industrial districts shall be provided as directed by the plan commission or the village board.

d. Pedestrianways or sidewalks may be required by the village through the center of blocks more than eight hundred feet (800') long, where deemed essential to provide circulation of access to schools, playgrounds, shopping centers, transportation, and other community facilities. Said pedestrianways or sidewalks shall be located within a right of way or easement at least twelve feet (12') in width.

e. Sidewalks will be required along major roadways such as state or county routes which are within or abutting the proposed development.

2. Sidewalk Or Pedestrianway Construction And Specifications:

a. Sidewalks shall be constructed of Portland cement concrete, have a minimum thickness of five inches (5") (6 inches at drives), and be at least five feet (5') in width.

b. The standard location for sidewalks shall be within the street right of way (ROW) with the outside edge one foot (1') off said ROW line. Pedestrianways may also be located one foot (1') off the street ROW line or within a pedestrianway easement.

c. Sidewalks shall be constructed in conformance to section 424 of the IDOT standard specifications. Concrete shall be class SI, 6-bag mix of four inch (4") maximum slump. Test cylinders shall be taken and certified compression test reports submitted to the village engineer. Finished surfaces of a newly constructed sidewalk shall be coated with antispall and curing compound as approved by the village engineer.

d. Bike paths shall have all topsoil removed, subgrade proof roll tested, ten foot (10') wide base of eight inch (8") thickness aggregate base TY "B" CA-6 and eight foot (8') wide bituminous path of two and one-half inch ($2\frac{1}{2}$ ") thickness bituminous surface course.

e. Sidewalks shall be constructed with a minimum three inch (3") thick compacted, crushed aggregate base with a CA-6 gradation.

f. Where continuous sidewalks are not constructed at the same time, three (3) no. 5 smooth dowel rods with expansion caps shall be installed between the previously constructed sidewalk and the sidewalk to be constructed.

g. All sidewalks shall be provided with concrete handicap ramps at all intersections and at pedestrianways in accordance with minimum state of Illinois and/or Illinois accessibility code, and/or federal ADA guidelines for accessible design.

Q. Street Lighting:

1. Provided By Subdivider: The subdivider shall provide, at his cost, adequate street lighting improvements throughout the subdivision in conformance with the following standards, rules and regulations, or as deemed necessary by the village to ensure adequate illumination of walkways and streets for pedestrian and vehicle traffic.

2. Intent: These street lighting rules and regulations are primarily intended for residential street lighting. Applicable regulations stated herein shall apply to commercial and industrial subdivisions. However, when planning for commercial and industrial subdivisions, the developer shall confer with the village for any special requirements.

3. General Provisions:

a. Street lighting, incorporated into development plans and prepared by an Illinois registered professional engineer, shall be submitted to the village for approval prior to construction. Plans shall show the location of all light poles, cable routes, power source and catalog cuts of poles and light fixtures.

b. The developer shall arrange with the local electrical power company for electric service and shall bear the expense of any charges by said power company to furnish service connections. The locations of the service connections shall be as mutually agreed between the power company, developer, and the village.

c. The developer shall be held responsible for coordination of all phases of the work and correcting any deficiencies to the satisfaction of the village.

d. The developer shall familiarize himself with the existing improvements in the areas where underground work is proposed, and shall direct his electrical contractor to exercise due precaution to protect said existing improvements. All parkways or other areas disturbed during construction shall be restored to the existing or proposed finished surface.

e. All underground cables planned along back and side lot lines shall be installed in a minimum ten foot (10') wide easement.

f. All street lighting improvements shall be completed and operating prior to the issuance of any occupancy permits for new buildings constructed in the subdivision, or as allowed by the village board.

g. The village shall be notified at least twenty four (24) hours prior to start of construction, and all street lighting work shall be approved by the village prior to final acceptance. All cable runs shall be left open and not backfilled until inspected by the village engineer. All repairs shall also be inspected by the village.

4. Design And Installation Requirements:

a. Location And Spacing: There shall be at least one streetlight at each street intersection, curve, at the end of cul-de-sacs, and at other locations deemed required by the village for public safety and for special conditions. The light pole shall be installed in the street right of way, three feet (3') back of curb to the face of the pole. Where possible, intermediate lights between intersections shall be located on alternate sides of the street. The maximum spacing between streetlights shall not exceed the following:

(1) Collector streets: Two hundred fifty feet (250'),

(2) Local residential streets: Three hundred feet (300').

b. Electrical Circuitry: Circuitry shall be one hundred twenty (120) volt, single-phase, 3-wire and installed in conformance with the requirements of the national electrical code as adopted by village ordinance.

c. Light Distribution: Luminaries of the type II distribution as approved by the illuminating engineering society (hereinafter for brevity

referred to as IES) shall be used except at intersections where type III or type IV IES distribution shall be used. The village may designate that IES type V distribution luminaries be used in the public interest under unusual or special conditions.

d. Individual Control: On individual controlled streetlights, the photoelectric control shall be mounted on top of the fixture and face north.

e. Group Control: The control of a group of units shall be limited to four (4), and the photoelectric control shall be mounted on the standard nearest the power supply.

f. Line Drop: Voltage drop shall be no greater than six percent (6%) from power supply to last unit with no wire size smaller than no. 10 type RHH or RHW underground service cable (USE).

g. Power Supply Location: Connection to the power supply shall be made to comply with Commonwealth Edison Company and the village requirements and regulations, as amended from time to time.

h. Power Supply Connection: Connections to power supply shall be made to comply with Commonwealth Edison Company and the village requirements and regulations, as amended from time to time.

i. Length Of Circuit: No circuit shall be greater than one thousand feet (1,000') from power supply to the most distant streetlight in the circuit.

j. Cable Power Supply To Light Pole Base: All cables installed as a part of the street lighting installation shall be direct burial copper cable of the type and size as hereinafter specified and shall be installed underground in a dedicated right of way or in a utility easement dedicated to the village.

k. Conduit: All street, sidewalk, and driveway crossings shall have one and one-half inch (1½") PVC schedule 40 conduit used as raceways for the underground cable. Also, conduit shall be provided at all surface drainage channel crossings and at other locations designated by the village engineer. All underground conduits shall be terminated with insulated bushings and sealed to prevent the entrance of debris.

l. Underground Streetlight Cable Installation: All underground cable shall be installed in a trench not less than three feet (3') from the

"back" edge of the curb away from the street; except, that in no case shall the underground cable be installed under a sidewalk, except for crossings. Cable shall be buried to a minimum depth of thirty inches (30") below the proposed finished grade, and shall be initially backfilled with at least three inches (3") of clean sand. The remaining trench shall be backfilled with excavated material free from lumps and foreign objects. All underground cable shall be continuous, and no splicing shall be made underground. All required splices shall be made above ground level. (Ord., 4-26-2004)

m. Light Poles: Precast poles shall be Centre-Con precast concrete pole MEQ-114-MOAEC8 pole height above grade of =23 feet per standard. (Ord., 4-26-2004; amd. 2009 Code)

n. Light Pole Wiring: Electrical wiring installed from the handhole in the base of the pole to the photoelectric cell and the luminaire shall be no. 12 AWG copper.

o. Fusing: All underground feeders shall be fused at or below their rated capacity. Each streetlight shall contain in-line fuse holders with proper fusing in series with each conductor to protect the luminaire located on that pole.

p. Luminaries: Luminaries shall be securely fastened to the top of the light pole with a slip fitter at a nominal mounting height of twenty five feet (25').

Luminaries shall be provided with an individual photocell and an adjustable lamp socket. The distribution pattern shall be IES type III-SCO.

q. Responsibility For Identification Of Light Poles: Developer shall be responsible for numeric identification of light poles; numbering to be provided by the public works department.

5. Materials And Equipment:

a. General: Materials and equipment to be incorporated in the street lighting installation shall be in accordance with the following standards or an approved equivalent.

b. Guarantee: Streetlight standards, luminaries, ballast, lamps and cables shall be guaranteed by the manufacturer or distributor for its proper use from one year from the date of acceptance. (Ord., 4-26-2004)

c. Poles: Type A Centre-Con precast concrete pole MEQ-114-MOAEC8. (Ord., 4-26-2004; amd. 2009 Code)

d. Luminaire: Luminaire shall be of the type with photoelectric control provisions as manufactured by ITT no. 313-55963DJ, one hundred fifty (150) watt, HPSV.

e. Lamp: Lamp shall be one hundred fifty (150) watt, one hundred twenty (120) volt high pressure sodium.

f. Cable And Wiring: Cable shall be multiconductor, type RHH-USE copper with six hundred (600) volt insulation. The outer covering shall be neoprene jacket compound for direct burial. Minimum wire size shall be no. 10 AWG copper for feeder cable and no. 12 AWG copper for wiring between fuse holder and luminaire.

Individual conductors within cable shall have color coded insulation (or striping) for identification as follows:

Black	120 V "hot" leg
White	Grounded neutral
Green (or bare copper)	Grounding conductor

g. Fuse Holder: HEB-AA line conductor and NET-AA neutral conductor.

h. Photocell: Tork no. 2007 (105 to 277 volt operation).

R. Parkway Restoration:

1. All parkways within the street right of way which are to have a finished earth surface shall be graded with topsoil, seeded or sodded.

All parkways between the sidewalk and curb shall be graded so as to have a minimum cross drainage slope of two percent (2%) to the curb line.

2. Unsuitable soil, stumps, boulders, and other debris, including broken or excess concrete, shall be removed from the parkway so as to provide an acceptable subgrade. Stumps shall be removed to a minimum of twelve inches (12") below the proposed finished grade.

3. After the parkway subgrade has been prepared, acceptable topsoil

material shall be placed to a minimum depth of six inches (6") and graded to proposed finish surface.

S. Street And Traffic Control Signs; Lighting At Intersections:

1. Street name signs shall be furnished and installed by the developer at all street intersections at the developer's expense. Street name signs shall be of type that is standard with the village and shall be approved and installed as directed by the village.

2. Traffic and pedestrian control signs such as stop signs, parking signs, pedestrian walk signs, etc., will be furnished and installed by the developer. The cost of said traffic and pedestrian control shall be included in the developer's improvement irrevocable letter of credit.

3. Temporary street signs shall be required prior to the issuance of the first building permit, as directed by the village.

4. All street intersections with an arterial roadway shall be interior lighted for visibility, per detail.

T. Pavement Marking: Where required for control and safety of vehicular and pedestrian traffic, and as directed by the village, thermoplastic pavement markings shall be placed on the pavement by the developer, at his expense, at all locations directed by the village, in conformance with the Illinois department of transportation "Manual On Uniform Traffic Control Devices".

U. Other Traffic Control And Safety Devices:

1. At intersections where the existing or proposed traffic warrants, traffic control signals shall be installed, at the developer's expense, in accordance with the Illinois department of transportation requirements. All traffic control signals shall be equipped with an approved infrared (strobe light) traffic preemption system as approved by the Shabbona fire protection district.

2. Where required for vehicular safety, guardrailing, retaining walls, berms, guard posts, etc., shall be installed by the developer, at his expense, as directed by the village.

V. Traffic Calming: All design of subdivision to subdivision street connections or long straight local road segments shall incorporate traffic calming design elements as directed by village board review including

reduction in street width at engineered locations, additional landscaping, speed tables, and paver accents at pedestrian crossings. (Ord., 4-26-2004)

10-3-8: SITE GRADING AND DRAINAGE:

- A. General Requirement: The excavation of, the filling of, or any combination thereof, of any lot or parcel within any subdivision shall be in accordance with the approved grading plan submitted as part of engineering plans for said subdivision. No appreciable change to the lot grading shall be allowed without the review and consent of the village engineer.
- B. Drainage Overlay: A reproducible Mylar drainage overlay drawing with certificate, as required by the Illinois plat act², shall be submitted to the village for approval with the final engineering plans. The drainage overlay drawing shall be at the same scale as the final subdivision plat with designated critical lots noted.
- C. Contents Of Grading Plan: The grading plan shall include the following:
 - 1. Bench mark locations and other control elevations based on USGS datum.
 - 2. Existing and proposed contour lines at a minimum of one foot (1') contour intervals, based upon detailed field verification of ground surface elevations by the design firm of record.
 - 3. Site and any affected adjoining properties drainage showing existing and proposed channels, swales, lakes, ponds, and structures with control elevations, slopes and cross sections. All existing field tiles shall be located to the property limits for incorporation into storm sewer plans.
 - 4. Top of foundation elevations and any opening elevations below top of the foundation for any existing or proposed buildings.
 - 5. Finished ground surface elevations at foundation corners, lot corners, top of curbs at property lines extended, drainage inlet structures, and at other ground control points.
 - 6. The parcel drainage shall be designed to flow away from the top of the

2. 765 ILCS 205/0.01 et seq.

foundations. Stormwater being directed to the side yard of the parcel shall be directed into a formed drainage swale having a minimum slope of two percent (2%) in front yard areas, one and one-half percent (1.5%) for all rear (and side yard swales to rear), and a maximum slope of six percent (6%). In the event that conditions dictate that some parts of the lot be higher than the structure foundation, the grading plan must show specific drainage configurations for the parcel specifying that all drainage is to be directed to flow away from the foundation in an acceptable manner.

7. Back lot line swales shall be graded to a positive outlet or inlet structure at a minimum flow line slope of one and one-half percent (1.5%) and shall have side slopes of six to one (6:1) or flatter. An inlet shall be provided along a rear yard swale at a maximum two hundred twenty five foot (225') spacing.

8. Construction and work such as walkways, driveways, landscaping or any structure shall be installed so that the construction of same will not interfere with drainage. All sidewalks, driveways, patios and other flat work shall be at an elevation relative to the foundation wall so that water will drain away from the structure on all sides and off the lot in a manner which will provide reasonable freedom from erosion and permanently pocketed surface water.

9. The flow from off site tributary areas that are tributary to an intermittent stream or overflow route that must pass through the parcel must be identified on the grading plan and must be designed in such a way to adequately convey the flow of all surface water for a 100-year storm frequency without damage to adjoining structures.

10. All overflow routes for the 100-year storm and for accumulated stormwater runoff from several lots or from off site catchment areas must be clearly designated on the grading plan, with the total width of the flow route contained within an easement for drainage purposes. Engineering grading plans shall call out the 100-year overflow elevation for all overflow tributary areas in excess of five (5) acres.

11. Critical parcels and lots shall be noted on the grading plan; all revisions noted, dated, and "clouded" to document.

- D. Grading Classification Of Lots: In a subdivision or a planned unit development, all rough grading within a given block (or area) must be completed prior to the issuance of any building permits. The developer shall certify in writing that all rough grading is complete within a given

block, watershed or other area in strict conformity with the grading plan as approved by the village. The village engineer, or his designee, shall verify grading is complete and so notify the village before building can proceed. All proposed drainageways, swales, detention facilities, and lot and block grading shall be complete to ensure minimum effect and disturbance upon properties adjoining said development or other portions within the development.

1. Critical Parcels: Those parcels designated as "critical" within said development (as designated and listed on the preliminary engineering plan) shall have a "building spot survey" performed immediately after the foundation has been poured and backfilled to ensure compliance with building setback requirements and to ensure that elevations of any openings in the foundation are in conformance with the approved grading plan requirements of high water restrictions as they relate to the grading plan or stormwater management plan. At the same time, the developer will ensure that the drainage pattern on a particular parcel has not been altered during the course of the foundation construction and backfilling so as to adversely affect the overall drainage plan. Any improper grading deemed by the village engineer to be a potential hazard to any property shall be corrected immediately upon his direction or shall be cause for suspension of work on the parcel.

After the structure on a parcel is substantially completed and final grading is completed, the builder shall furnish an occupancy survey, signed and sealed by a licensed professional engineer or licensed surveyor, to certify that the final ground elevations are in strict compliance with the elevations indicated on the approved grading plan.

The developer shall be responsible for the grading of each lot or parcel through all stages of construction to ensure that drainage from tributary areas is not blocked or hindered and that servient property is protected from damage by providing proper grading to a storm drainage facility in accordance with the approved grading plan.

2. Standard Parcels: Those parcels not designated as "critical" shall be considered as "standard" parcels within said development and shall have a "building spot survey" performed immediately after the foundation has been poured and backfilled to ensure compliance with building setback requirements and to ensure that rough grading has been substantially completed so that all drainage flows away from the building to side yards, front yards or rear yards in conformance with the approved grading plan. The village engineer, or his designated representative, shall visually inspect all standard parcels at the time rough grading is substantially

complete to ensure that yard areas have been rough graded properly before work is allowed to continue beyond the foundation point.

After the structure on a parcel is substantially completed and final grading is complete, the builder shall furnish an occupancy survey, signed by a licensed professional engineer, to certify that final ground elevations are in strict compliance with the elevations indicated on the approved grading plan. The builder shall pay a fee at this time, and the survey shall be provided five (5) working days before requested occupancy date.

3. Exceptions: In those cases where conditions, in the opinion of the village engineer, do not permit compliance with the approved grading plan, a revised grading plan must be submitted to the village in the same detail as the original submission requires. In the case of those parcels that need additional detail, the same shall be provided as required by the village engineer. (Ord., 4-26-2004)

10-3-9: **PUBLIC UTILITIES:** All utility lines for telephone, electric service, and cable television shall be placed underground entirely throughout a subdivided area. Said conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services. Further, all transformer boxes shall be located so as not to be unsightly or hazardous to the public. The utility lines shall be parallel to and not less than eighteen inches (18") from the property lines. Corner property markers shall not be disturbed by the installation of utility lines. All storm sewers shall be televised after all utilities have been installed and restoration is completed prior to acknowledgment of substantial completion. As built utility plans shall be provided to the village, ComEd, NiCor, SBC, and MediaCom Cable (or other as applicable) upon completion. (Ord., 4-26-2004)

10-3-10: **STORM SEWERS AND SUMP PUMP DRAINS:**

- A. An adequate system of stormwater drainage shall be constructed and installed, consisting of pipes, stormwater detention facilities, tiles, swales, manholes, inlets and other necessary facilities, that will adequately drain the subdivision and protect roadway pavements and buildings from flooding.
- B. Computations for the storm sewer system for on site and off site drainage shall be presented with the preliminary plat for approval.
- C. The drainage system shall include underground piping for sump pump

connections. Said piping (4 inch minimum) shall extend from either the front or rear of each building lot to the storm sewer system and include manholes and/or cleanouts for maintenance purposes. The sump pump drainage system shall be subject to the approval of the village engineer.

- D. All storm sewer runoff from adjacent areas shall be received and conveyed through the subdivision.
- E. Whenever any stream or important surface drainage course is located in any area which is being subdivided, the subdivider shall reserve an adequate drainage right of way as determined by the village and the Illinois department of transportation, division of water resources, along each side of the stream for the purpose of widening, deepening, sloping, improving, or protecting the stream.
- F. The storm sewer system shall be designed in accordance with the rational method (with runoff coefficient "C" values to be 0.25 for pervious and 0.95 for impervious areas) using a 10-year storm frequency or other methods approved by the village engineer. Culvert design and capabilities shall be determined according to the Illinois department of highways "Standard Design Methods" using a 25-year storm frequency.
- G. All manholes, catch basins, inlets, pipe, frames and grates shall be of the type approved by the village engineer. All storm sewers shall be placed within public rights of way or public utility easements. Storm sewers in side yards shall be avoided if at all possible and shall be subject to approval by the village engineer. Lids shall have the words "Storm Sewer" cast on the top.

Intercepting stormwater structures, including catch basins and inlets, shall be provided at intervals not in excess of three hundred fifty feet (350'), as measured along the flow line.

The stormwater drainage system shall be separate and independent of the sanitary sewer system. Storm sewers and appurtenant structures shall be constructed in accordance with the "Standard Specifications For Road And Bridge Construction", published by the Illinois department of transportation. All storm sewers shall be televised prior to acceptance.

- H. No water from footing tiles or basement sumps shall be pumped or discharged onto the ground surface. Such water discharge pipes shall be discharged directly into the storm sewer system.
1. Construction of discharge piping from footing tiles, sump pumps, storm

sewers, and appurtenant structures shall be in accordance with the "Standard Specifications For Road And Bridge Construction".

2. Pipe material for discharge pipe from the house and secondary drainage system shall be PVC with a minimum SDR of 35, ASTM 3034, four inch (4") minimum for sump pump pick up, and ten inch (10") diameter secondary storm sewer.

3. A piping shall be laid on a uniform grade with minimum grade of one-fourth inch ($\frac{1}{4}$ ") per foot and a minimum depth of cover of three feet (3'0").

4. A minimum four inch (4") diameter pipe shall service the house or building. The four inch (4") pipe may be installed along a common lot line and service two (2) houses or buildings. Said four inch (4") line shall be furnished with a cleanout at its terminus.

5. A minimum four inch (4") diameter pipe shall connect the junction box to the storm sewer system. If two (2) sump pump connections are joined, a six inch (6") diameter PVC SDR 35 line shall extend from that point. No more than two (2) lines may be joined. A minimum ten inch (10") diameter pipe shall be used as secondary drainage extension. In no case shall a small diameter sump line extend to discharge at a swale or basin. All sump discharge connections shall be to the public RCP storm sewer line only.

6. Dead ends of storm systems shall be provided with a minimum twenty four inch (24") diameter precast concrete inlet for cleanout purposes; design approved by the village engineer.

7. Any connection between the house sump pump discharge pipe and the secondary drainage system and between the secondary drainage system and storm sewer system shall be made with factory made fittings, wyes and tees. No cut-in of piping will be allowed. (Ord., 4-26-2004)

10-3-11: STORMWATER MANAGEMENT:

- A. Required Stormwater Management Facilities: The controlled release and storage of excess stormwater runoff shall be required in combination for all commercial and industrial development sites and for all residential development sites which exceed one acre in gross area, including rights of way, easements, and other dedicated lands. Any exceptions shall be evidenced by a prepared engineering drainage study subject to approval

by the engineer for the village.

- B. Timing Of As Builts And Restoration: All stormwater management areas shall be as constructed field verified immediately upon fine grading, with signed and sealed survey submitted. Upon written approval by the village engineer, all sod, seed and soil erosion blanket shall be placed.
- C. Release Area: The controlled release of stormwater runoff from all developments shall not exceed the existing safe storm drainage capacity of the natural downstream outlet channel or storm sewer system. The maximum, full release rate in cfs shall be a product of 0.15 times the total tributary watershed area (in acres). The rate at which stormwater runoff is transported into a designated stormwater management facility shall be unrestricted.
- D. Unhindered Conveyance To Excess Stormwater Facility: A natural or manmade channel system shall be designed with adequate capacity to convey the stormwater runoff from all tributary upstream areas through or around the development. This system shall be designed to safely carry the 100-year runoff peak generated from a 100-year, 24-hour type II storm.

Design of this system shall also take into consideration control of stormwater velocity to prevent erosion or other damage to the facility which will restrict its primary use. In the event that the area within this bypass channel is reshaped or restricted for use as a floodway, the appropriate governmental agency will cause removal or require the removal of such restrictions at the expense of the party or parties causing said restriction.

Should the development contain an existing natural waterway, this land configuration shall be preserved as part of the bypass channel system. All channels or ditches used in the bypass channel system shall have a maximum side slope ratio of four (4) horizontal to one vertical, and a bottom width adequate to facilitate maintenance and carry the flood or storm runoff without eroding velocities which shall be included in the plans for land development.

- E. Method Of Calculating Stormwater Storage Volume: The required volume for stormwater detention shall be calculated by means of a synthetic hydrograph and flood routing using technical release no. 55 (as published by the United States soil conservation service) and supplemented by the Illinois state water survey bulletin no. 70. The design storm for the detention basin and drainage system shall be a 100-year type II storm

distribution of twenty four (24) hour duration and 7.8 inch intensity. This volume shall be provided for the excess stormwater runoff that is tributary to the area designated for detention purposes. The stormwater release rate shall be considered when calculating the stormwater storage actual volume requirement. The control structure shall be designed to not exceed the stormwater release rate. Storage capacity obtained by excavating the natural ground within the 100-year floodplain may not be considered effective for stormwater management.

- F. Normally Dry Detention Basins Accepted: Only normally dry detention basins shall be considered, unless approval is granted by the village board of trustees for a basin designed to retain a permanent pool of water. Calculations shall be submitted for approval with the preliminary plat showing the method and parameters used in the determination of the basin size and calculations of the volume and area intended to be utilized on the site. The preliminary plat shall delineate the area to be used for the detention basin as set forth in the submitted calculations. A method of carrying stormwater from low intensity storms through storm sewers and underdrains around or under the pond shall be provided to reduce the number partial filling events. Also, a system of subsurface drains shall be provided with a positive gravity outlet to a natural channel or other storm sewer facility to reduce the time for dewatering the bottom soil of the pond. The bottom of the detention pond shall slope toward inlets, drainage tiles, or release structure at a minimum grade of two percent (2%).

Public access by easement to and over all detention areas and a perimeter easement shall be granted to the village in the recorded subdivision plat, as the village may deem necessary for access. In the discretion of the village board, in lieu of a public entity accepting ownership of the detention facility, such detention areas may be maintained by a special service taxing district comprising the entire subdivision.

- G. Secondary Use Of Detention Basin: Normally dry detention basins may be designed to serve a secondary purpose such as recreation, open space, or other types of uses that will not be adversely affected by occasional flooding. (Ord., 4-26-2004)
- H. Maximum Depth Of Water Storage And Minimum Freeboard: Maximum depths of planned stormwater storage within detention ponds shall not exceed four feet (4') for dry ponds or six feet (6') for wet where five to one (5:1) or flatter side slopes are called out or natural storm storage depth. The minimum freeboard (elevation difference between 100-year design

water level and top of berm) shall be one foot (1'). It shall be the responsibility of the design professional engineer of record to provide slope stability analysis, and in no case shall greater than four feet (4') storage be allowed if any side of the containment berm is less than five to one (5:1). Storage high water line shall not create a tail water which inundates the adjoining upstream property owner greater than predevelopment conditions. (Ord., 4-26-2004; amd. 2009 Code)

- I. Side Slope And Emergency Overflow: The maximum interior and exterior side slopes of the pond berm shall be four (4) units horizontally to one unit vertically. If slopes greater than four to one (4:1) are necessary to meet storage requirements or area restrictions, approval shall be obtained from the engineer for the village, and erosion control shall be provided in addition to the protection required to ensure public health, safety, and welfare. Design of shoreline shall be per the village standard detail.

Outlet control structures installed shall require little or no maintenance or attention for proper operation. Each stormwater storage area shall be provided with a method of emergency overflow in the event that a storm in excess of the 100-year return frequency storm occurs. This emergency overflow facility shall be designed to function without maintenance or attention for proper operation and shall become part of the natural or surface channel system described in the preceding paragraphs. Hydraulic calculations shall be submitted to substantiate all design features. Both outlet control structures and emergency overflow facilities shall be designed and constructed to fully protect the public health, safety, and welfare. Stormwater runoff velocities shall be kept to a minimum, and turbulent conditions at an outfall control structure will not be permitted without complete protection for the public safety.

- J. Storage On Paved Surfaces: Paved surfaces such as parking lots or streets that are to serve as stormwater storage areas shall have minimum grades of one percent (1%) and shall be restricted to storage depths of six inches (6") maximum. Rooftop or street storage shall not be permitted. (Ord., 4-26-2004)
- K. Compensatory Storage: Where developments form only a portion of a watershed or contain portions of several watersheds, the requirements for providing storage shall be based upon that proportion of the area being developed in a watershed, but if necessary to preserve an existing storage function for that watershed or those watersheds, the village shall require adequate compensatory storage if that existing storage would be eliminated. Compensatory storage at a ratio of at least 1.1:1 shall be

provided for any development in the floodplain. (Ord. 2007-05-21, 5-21-2007)

- L. Submission Of Approval Documents: Plans, specifications, and all calculations for stormwater runoff control as required hereunder shall be submitted to the village as part of the review and approval of the improvement plans.
- M. Sequence Of Construction: The facilities for stormwater runoff control shall be constructed prior to any site grading or street or drainage construction and shall include provisions for siltation control. (Ord., 4-26-2004)

10-3-12: EROSION AND SEDIMENTATION CONTROL PLAN:

- A. During the construction phase of land development, facilities shall be provided to prevent the erosion and washing away of earth. An erosion and sediment control plan shall be submitted for review and approval along with the improvement plans and specifications. The plan shall include the minimum criteria as outlined in the village current soil erosion control ordinance and as follows:
 - 1. List of type of soils as indicated on soil conservation service maps or soils report by a soils engineer.
 - 2. Earth movement plan including temporary stockpile locations and approximate quantities of materials.
 - 3. Method(s) of controlling erosion and sedimentation.
- B. These submissions shall be prepared in accordance with the standards and requirements contained in chapter 6, "Design Procedures And Specifications", of the publication entitled "Procedures And Standards For Soil Erosion And Sedimentation Control In Illinois", October 1981, as may be revised, prepared by the Northeastern Illinois erosion and sedimentation control steering committee and adopted by the DeKalb soil and water conservation district, which standards and requirements are hereby incorporated into this ordinance by reference. Copies of "Procedures And Standards For Soil Erosion And Sedimentation Control In Illinois" are available from the DeKalb soil and water conservation district. The plan commission may waive specific requirements for the content of submission upon finding that the information submitted is sufficient to show the work will comply with the objectives and principles

of this ordinance. (Ord., 4-26-2004)

10-3-13: **FLOODPLAIN REGULATIONS:** All foundation elevations, proposed grading, stormwater management facilities and structures shall be designed and constructed in conformance with the village floodplain ordinance³, and the DeKalb County stormwater ordinance. (Ord., 4-26-2004)

10-3-14: **FIELD DRAIN TILE SURVEY:** The submission of engineering drawings shall include a completed survey of field drain tiles within the proposed subdivision and drawings and specifications of proposed improvements to redirect drain tiles around conflicting improvements. The survey shall include pipe sizes and depths and shall be in accordance with current DeKalb County ordinances. (Ord., 4-26-2004)

10-3-15: **WASTEWATER FACILITIES:**

- A. Private disposal systems shall be prohibited.
- B. Wastewater disposal and collection systems shall conform to the Illinois environmental protection agency standards and regulations and to the DeKalb County department of public health standards.
- C. All sanitary sewers shall be extended to the property lines of the tract under development at the developer's expense, sized to provide sanitary service to the limit of the projected service area, with no recapture.
- D. All sewer pipe material, size and slope, manholes and appurtenances shall be subject to the approval of the village engineer and shall pass all tests prior to being placed in service. (Ord., 4-26-2004)

10-3-16: **WATER FACILITIES:**

- A. When located within the service area of a public water supply system, water mains, as specified by the Shabbona water ordinance⁴ or any other applicable village ordinance, shall be constructed throughout the entire subdivision in such a manner as to serve adequately all lots and tracts with connection to such public system, together with shutoff valves, fire hydrants, and all equipment installed in the manner prescribed by the

3. See title 8, chapter 6 of this code.

4. See title 7, chapter 2 of this code.

current Shabbona water ordinance.

- B. At least five (5) sets of the completed Illinois environmental protection agency (IEPA) application for water main extensions shall be submitted to the village at the same time as submittal of the final engineering plans and specifications of the subdivision improvements. Upon execution by the village, the developer shall be responsible to submit the required documents to IEPA for their review.
- C. Prior to acceptance of the water facilities, all mains shall be pressure and bacterial tested by methods and procedures approved by the village engineer. All costs of tests, inspections, and corrections shall be borne by the developer. (Ord., 4-26-2004)

10-3-17: SANITARY SEWER AND WATER SERVICE LINES:

- A. Sanitary sewer and water service lines located on the property line shall be constructed to connect with the utility service mains to serve each lot, tract or building site. Such service stub shall extend from the main to a point at the property public right of way line of the property to be served for water service, and one foot (1') beyond the right of way line for sanitary service. B-box shall be adjustable per village standard. The service line shall be of sufficient size to adequately serve the lot, tract, or building, and design calculations shall be submitted when requested by the village engineer. The minimum size service line shall be one inch (1") diameter for water service lines and six inch (6") diameter for sanitary sewer service lines. The type and manufacturer of water service line corporation stop and curb stop with box shall conform with the village standard or as approved by the village engineer.
- B. When possible, all sanitary sewer and water service lines shall be located at the approximate centerline of the lot of parcel to be served. The service line end shall be marked with a wooden post extending at least three feet (3') above finished grade. All water service boxes shall be adjusted to finished grade prior to acceptance by the village. (Ord., 4-26-2004)

10-3-18: OFF STREET PARKING AND LOADING: Any off street parking or loading facilities to be constructed as part of the proposed subdivision improvements shall conform with the requirements specified in the village zoning ordinance⁵. (Ord., 4-26-2004)

5. See appendix A, chapter 13 of this code.

10-3-19: LANDSCAPING AND TREES:**A. Tree Preservation:**

1. The location and type of all trees larger than six inches (6") in diameter measured twelve inches (12") above the ground shall be noted on the grading plan. Trees to be saved, transplanted, or moved shall be shown either directly on the grading plan or on an overlay. The village engineer may require changes to the grading plan or to the preliminary plans if, in his opinion, an essentially equivalent scheme employing tree walls or other such modifications may save desirable existing trees or other features.

2. The intent of this subsection is to avoid the unthinking clearing of a site simply to make it easier to install other improvements. The intent of this subsection is also to conserve as much of the rural or wooded atmosphere of the village as possible.

3. Trees to be preserved shall be determined upon the recommendation of the village planner based upon tree size, tree species, extent of existing tree mass, benefit to proposed development (i.e., screening/buffering undesirable views), and visual quality benefit to the village.

4. Trees to be saved that are badly damaged or destroyed by construction activities shall be replaced by three inch (3") diameter minimum trees on an inch for inch basis upon recommendation of the village planner and approval by the plan commission.

B. Site Landscaping: All parkways and front yards within the dedicated street area, drainage easement, or other public common use areas shall be graded, seeded or sodded, and planted in accordance with the village zoning ordinance, this ordinance, or as directed and approved by the village board.

After lot areas have been graded in accordance with the grading plan, the ground surface shall be temporarily seeded or planted with ground cover to control erosion.

C. Landscaping Plans: A landscape plan, prepared by a qualified landscape architect, shall be submitted with all applications for site plan review. The plan shall be subject to review and recommendation of approval by the village planner.

1. All areas of the site which are not paved shall be landscaped with trees, shrubs, ground cover, and flowers to:

- a. Slow surface water runoff.
- b. Restrict blowing trash and litter.
- c. Deter improper access or site use by the public.
- d. Improve the visual quality of the site.

2. The landscape plan shall include identification of species, size, and location of plant materials and all other landscape treatments including, but not limited to:

- a. Berms.
- b. Fences.
- c. Ground covers.
- d. Ornamental or accent lighting.
- e. Paving materials.
- f. Limits of seed and/or sod.
- g. Entrance treatment.

3. Trees and shrubs shall be keyed into a plant list.

4. Upon installation, trees shall not be less than the following sizes:

- a. Shade trees: Three inch (3") caliper, minimum, as measured twelve inches (12") above grade.
- b. Evergreen: Six feet (6') tall, minimum.
- c. Ornamental: Six feet (6') tall, minimum, if multistem. Two and one-half inches ($2\frac{1}{2}$ ") in caliper, minimum, if single stem.

5. Trees shall be planted throughout the subdivision along proposed streets, screenings, in common areas, and in open areas meant for use

by the public, and other areas shown on the landscaping plan.

6. In street parkways, shade trees shall be planted at an average interval of forty feet (40'). A minimum of two (3) trees per street frontage for lots of one hundred feet (100') or wider shall be required as approved by the village administrator.

a. Trees shall not be planted within four feet (4') of any sidewalk or other paved area within the parkway.

b. At street intersections, no tree shall be planted within twenty five feet (25') of the nearest right of way line intersection.

c. Trees shall not be planted within twenty feet (20') of a proposed or existing streetlight.

d. Shade trees shall not be spaced at intervals less than forty feet (40'). All single-family lots that are wider than one hundred feet (100') shall have two (3) trees, and spacing adjusted accordingly.

A minimum of two (2) tree species shall be planted randomly per block.

Decorative groupings of trees in commercial or multi-family residential developments may be substituted for interval planting upon review of the village planner and approval of the plan commission.

7. For lots with double frontages, a berming and landscape plan shall be required to provide screening as deemed appropriate by the plan commission.

8. Parkway shade trees shall be selected from the following recommended species:

<u>Common Name</u>	<u>Botanical Name</u>
Ash, autumn purple	Fraxinus americana (autumn purple)
Ash, Marshall's seedless	Fraxinus pennsylvanica lanceolata Marshall's)
Ash, Patmore green	Fraxinus pennsylvanica lanceolata (Patmore)
Ash, Rosehill white	Fraxinus americana (Rosehill)
Ash, summit	Fraxinus pennsylvanica lanceolata

<u>Common Name</u>	<u>Botanical Name</u> (summit)
Ginkgo	Ginkgo biloba (male only)
Hackberry	Celtis occidentalis
Honey locust, shademaster	Gleditsia triacanthos inermis (shademaster)
Honey locust, skyline	Gleditsia triacanthos inermis (skyline)
Linden, American	Tilia americana
Linden, greenspire	Tilia cordata (greenspire)
Linden, Redmond	Tilia cordata (Redmond)
Maple, crimson king Norway	Acer platanoides (crimson king)
Maple, emerald queen Norway	Acer platanoides (emerald queen)
Maple, summershade Norway	Acer platanoides (summershade)
Pear, aristocrat	Pyrus calleryana (aristocrat)
Pear, Chanticleer	Pyrus calleryana (Chanticleer)
Pear, Cleveland select	Pyrus calleryana (Cleveland select)
Red maple, Armstrong ¹	Acer rubrum (Armstrong)
Red maple, Northwoods ¹	Acer rubrum (Northwoods)
Red maple, red sunset ¹	Acer rubrum (red sunset)
Red oak	Quercus rubra

Note:

1. Only where parkways are greater than 12 feet as measured between back of curb and edge of sidewalk.

Other trees may be acceptable to the village upon approval of the village administrator.

D. Tree Planting Requirements: Trees selected for planting shall conform in size and grade to "American Standard For Nursery Stock" (latest edition). (Ord., 4-26-2004)

1. Each tree to be planted shall have a single, relatively straight trunk with

a minimum trunk diameter of three inches (3"), except as provided in subsection C4c of this section, measured at twelve inches (12") above ground level. (Ord., 4-26-2004; amd. 2009 Code)

2. Trees shall be balled and burlapped.

3. Each tree shall have been northern nursery grown.

4. Trees shall have been transplanted twice, the last transplanting being not less than four (4) years prior to planting.

5. All trees shall be tagged and identified as to species, size and place of origin. Such tags shall not be removed by the developer prior to inspection by the village.

6. Trees shall be planted plumb (after settlement) and at the same relative height above the finished grade as was their height above grade at the nursery. Holes shall be backfilled with a planting soil mixture consisting of three (3) parts friable topsoil and one part peat moss, and shall be thoroughly watered when the hole is two-thirds ($\frac{2}{3}$) full. After watering, the filling shall be completed and the soil thoroughly tamped. After planting, a three inch (3") mulch of shredded hardwood bark shall be applied over the disturbed ground, and a shallow watering basin shall be provided around the tree.

7. The developer shall be wholly responsible for assuming that all trees are planted in a vertical and plumb position and remain so throughout the guarantee period. Deciduous trees may or may not be staked and guyed depending upon the individual preference of the developer; however, any bracing procedure(s) must be approved by the village prior to installation.

8. All trees (original or replacement) determined by the village to be diseased or not in vigorous growing condition after two (2) growing seasons shall be replaced at the beginning of the next succeeding planting season, at no cost to the village.

E. Areas To Be Graded And Sodded:

1. All swales draining two (2) or more lots and all parkways shall be graded and sodded unless it is determined by the village engineer that another method of providing ground cover is more practical. The minimum width of sodding in swales shall be ten feet (10') centered at the centerline of the swale or to the flow line, whichever is smaller. A swale sodding detail shall be provided as part of the required sediment and soil

erosion plan.

2. All front and side yards on residential lots shall be graded and seeded or sodded.

3. Areas to be seeded or sodded shall be cleared of stumps, badly damaged trees, boulders and other debris. The areas shall be graded smooth and compacted. A minimum of four inches (4") of topsoil shall be spread on top of the prepared ground surface.

4. All seeding or sodding shall be done in conformance with applicable sections of the "Standard Specification For Road And Bridge Construction".

5. Sodded areas shall be maintained and repaired as necessary until the growth is uniformly well established. (Ord., 4-26-2004)

6. The developer shall be responsible for protection of the water service boxes, all service marker boards, all manholes and frames and curb and gutter during the final lot grading. Any damages shall be repaired or replaced immediately at the developer's expense by methods as approved by the public works superintendent or the village engineer. (Ord., 4-26-2004; amd. 2009 Code)

7. Sod installation and watering shall be scheduled by the homebuilder in accordance with all other village ordinances in effect at that time. (Ord., 4-26-2004)

CHAPTER 4

CONSTRUCTION AND POSTCONSTRUCTION REQUIREMENTS

SECTION:

- 10-4-1: General Considerations
- 10-4-2: Preconstruction Meeting
- 10-4-3: Limited Completion Time Of Public Improvements
- 10-4-4: Construction Observation Of Improvements
- 10-4-5: Final Inspection
- 10-4-6: Certifications For Construction Guarantee Reduction
- 10-4-7: Testing And Inspection For Public Improvements
- 10-4-8: Record Drawings
- 10-4-9: Owner Responsibility

10-4-1: **GENERAL CONSIDERATIONS:**

- A. The developer shall be represented by a project engineer to observe the construction of the public improvements, to provide construction guidance, to certify construction in conformance with the approved improvement plans and specifications, to review and certify the quantities of work items on any reductions in the construction guarantee, witness required tests in the presence of the village engineer, and to prepare record drawings. All inspection reports of the project engineer and test results shall be submitted to the village prior to final acceptance.
- B. The village engineer will conduct periodic observations of the public improvements, witness the tests (outlined in section 10-4-7 of this chapter) of the public improvements, review and recommend action relative to construction guarantee, advise the village of potential problems, and conduct semifinal and final inspections of the improvements. The developer shall reimburse the village for all services and costs of the engineer for the village incurred by the village. If the village determines, through periodic observations of construction by the village engineer or unsatisfactory test results, that insufficient inspections by the project engineer were being conducted, the village will authorize the village engineer to conduct resident project representative services with all costs reimbursed by the developer to the village.
 - 1. The following shall be provided by the developer concurrent with the startup of residential permits:
 - 2. All streets shall have temporary (4 x 4) street name signs in place before construction of any building begins.

3. All lots in a subdivision shall have posted, at all times, the lot number on each saleable property.

4. After the first unit is occupied, the developer shall be responsible for the cleaning of the streets at least weekly. (Ord., 4-26-2004)

10-4-2: **PRECONSTRUCTION MEETING:** Prior to beginning the installation of any improvements, the developer, the project engineer, and the general contractor shall attend a preconstruction meeting with village staff, village engineer and the appropriate highway authorities. The purpose of the meeting is to review acceptable site development and construction practices in accordance with the construction control plan and village ordinances and policies. Following the preconstruction meeting and posting of construction guarantee, the developer may begin construction of land improvements. (Ord., 4-26-2004)

10-4-3: **LIMITED COMPLETION TIME OF PUBLIC IMPROVEMENTS:** Construction of all required improvements must be completed within two (2) years from the date of final plat approval unless good cause, health, safety, or change of time can be shown to the village board for granting an extension of time. A request for an extension shall not halt the running of the two (2) year period. No extension shall be granted unless adequate guarantee collateral has been received and approved by the village board. (Ord., 4-26-2004)

10-4-4: **CONSTRUCTION OBSERVATION OF IMPROVEMENTS:** During the course of construction, the developer shall provide construction observation of the work in order to ensure compliance with the approved plans and specifications and according to good engineering and construction practices. A diary shall be kept by the developer, and field reports, as required, shall be made and copied to the village engineer or designated representative. The construction observation of the work may also be done by the village as set forth in subsection 10-4-1B of this chapter. (Ord., 4-26-2004)

10-4-5: **FINAL INSPECTION:** The village superintendent of public works and village engineer, in the presence of the developer and/or his representative, and contractors shall make a final inspection of the completed work, and shall, thereafter, report their findings and recommendations to the village board. (Ord., 4-26-2004)

10-4-6: **CERTIFICATIONS FOR CONSTRUCTION GUARANTEE REDUCTION:** Prior to the village authorizing any construction guarantee reduction, the developer shall submit to the village engineer a request for said reduction along with certification from the developer, signed and sealed by his project engineer, that the public improvements included under the construction guarantee have been constructed in substantial compliance with the village approved improvement plans and specifications. (Ord., 4-26-2004)

10-4-7: TESTING AND INSPECTION FOR PUBLIC IMPROVEMENTS:

- A. Tests And Inspections Required: Public improvements consisting of street pavement structure, concrete, curb and gutter, concrete sidewalks, water, and sanitary sewers shall be tested and inspected as provided in this section.
- B. Tests Regarding Street Pavement Structure:
 - 1. Proof rolling tests shall be conducted in the presence of the village engineer:
 - a. Prior to the time the aggregate base course is placed.
 - b. After the aggregate base course has been prepared as detailed in chapter 3 of this appendix.
 - 2. Any areas which, in the opinion of the village engineer, show a failure in the base shall be removed and replaced with acceptable granular material, and retested (proof roll test) until approved by the village engineer. At the option of the developer, geotextile fabric or lime stabilization can be used and may be required if satisfactory proof roll test results cannot be achieved.
 - 3. If, in the opinion of the village engineer, areas are observed which pose a significant threat of premature failure, extraction tests, as specified by the Illinois department of transportation, may be required.
- C. Tests Regarding Water Improvements: The following water service tests are required and, where indicated, shall be conducted in the presence of the village engineer:
 - 1. Bacteriological test of water samples taken from completed water mains.
 - 2. Water main pressure test (in the presence of the village engineer).
- D. Tests Regarding Sanitary Sewer Improvements: The following sanitary sewer service tests are required and, where indicated, shall be conducted in the presence of the village engineer:
 - 1. Leakage air test as required by the IEPA (in presence of village engineer).
 - 2. Mandrel deflection testing for (PVC) flexible thermoplastic pipe (in presence of village engineer) thirty (30) days after installation.
- E. Tests Regarding Concrete Curb And Gutter And Sidewalk Improvements:

All concrete shall be 6-bag class SI (formerly class X), four thousand (4,000) psi concrete, or alternately, compression test cylinders shall be made and tested for all Portland cement concrete curb and gutter, sidewalks and pavement. A minimum of four (4) cylinders shall be provided, with four (4) additional cylinders for each sixteen (16) cubic yards poured.

- F. Notice To Village Engineer: Whenever testing is required by this ordinance to be performed in the presence of the village engineer, developer shall provide a minimum of forty eight (48) hours' notice to the engineer of the time such tests are scheduled to take place. If such notice is not provided, retesting may be required. Any tests not witnessed by the village engineer shall be redone.

- G. Delivery Of Test Results To Village Engineer:

1. Soil Test Reports: Copies of all soil tests and reports required by this ordinance any other such reports shall be delivered to the village engineer at his regular place of business or at the village hall, as the engineer may designate, prior to initiation of any construction.

2. Compaction Test Reports: Copies of all compaction test reports required by this ordinance shall be delivered to the engineer for the village within seven (7) days following the completion of these tests. (Ord., 4-26-2004)

3. Certified Compression Test Reports: Copies of all compression test reports required by this ordinance shall be delivered to the village engineer within seven (7) days following the completion of these tests; the costs of all tests to be borne by the developer. (Ord., 4-26-2004; amd. 2009 Code)

- H. Inspection And Reports: The engineer for the developer shall perform such inspections of the public improvements and materials as may be necessary to allow the engineer to certify that all public improvements and materials are constructed and supplied in accordance with the plans and specifications approved by the village.

Copies of all inspection reports prepared by the engineer for the developer and detailing the engineer's observations and work completed during the engineer's inspection visits and recording the date and time of those visits shall be furnished to the village.

If the developer's engineer's inspection reports disclose an inadequate number and frequency of inspections are being conducted in accordance with good engineering standards and practice, then the developer shall become liable for all inspection fees incurred by the village for inspections by the village engineer, without limitation, and the developer shall be required to deposit with the village, within fourteen (14) days after

invoicing, the full amount of all anticipated inspection charges yet unpaid and exceeding existing credit balance. (Ord., 4-26-2004)

10-4-8: RECORD DRAWINGS:

- A. During construction, an accurate record of all construction work performed shall be kept by the contractors. Upon completion and prior to acceptance by the village of the completed public improvements, the developer shall prepare and submit to the village record drawings, showing complete as constructed information for all improvements. The ends of all water, sanitary sewer and sump pump service lines shall be accurately located so they can be located in the future. The final elevations and storage volume for stormwater storage facilities shall be shown.
- B. The record drawings shall be prepared and sealed by a registered professional engineer and shall contain thereon a signed and P.E. sealed certification that all improvements have been constructed in accordance with the approved final engineering plans or with approved changes thereto. The village reserves the right to complete record drawings at the developer's expense from the maintenance bond.
- C. The record drawings furnished to the village by the developer shall consist of one set of reproducible Mylar drawings and two (2) sets of prints or copies.

The one year maintenance period (10 percent) retainage shall not be released until said record drawings (Mylars, signed and sealed) are submitted. (Ord., 4-26-2004)

10-4-9: OWNER RESPONSIBILITY:

- A. All property owners are required to maintain all parkway areas and any hard surface driveway aprons within public right of way areas across private frontage.
- B. All lots in a subdivision shall have posted, at all times, the lot number on each saleable property.
- C. All areas of the subdivision shall be maintained free from weeds or plant growth in excess of eight inches (8")¹.
- D. All subdivisions shall maintain temporary street signs, consisting of a minimum six foot (6') four by four (4 x 4) post, with a street name sign which clearly identifies each street at the intersection. (Ord., 4-26-2004)

1. See also section 3-1-2 of this code.

CHAPTER 5

IMPROVEMENT POLICIES

SECTION:

- 10-5-1: Registered Professional Engineer
- 10-5-2: Oversize Design
- 10-5-3: Off Site Improvements/Existing Infrastructure Modifications
- 10-5-4: Protection of Existing Improvements
- 10-5-5: Responsibility for Maintenance
- 10-5-6: Acceptance of Public Improvements
- 10-5-7: Connections

10-5-1: **REGISTERED PROFESSIONAL ENGINEER:** All required improvements which will be the responsibility of the village for maintenance and operation shall be designed and planned by a registered professional engineer, licensed in the state of Illinois, retained by the developer. (Ord., 4-26-2004)

10-5-2: **OVERSIZE DESIGN:** Where required in the overall utility planning for water, sewer or streets, or the official village plan, any subdivision improvement shall be designed and constructed larger than necessary to serve the immediate subdivision adequately. This shall apply, but not be limited to: collector sewers, lift stations, disposal facilities, wells, pumping facilities, water mains, storage tanks, culverts, storm sewers, and streets. (Ord., 4-26-2004)

10-5-3: **OFF SITE IMPROVEMENTS/EXISTING INFRASTRUCTURE MODIFICATIONS:** If it is determined that any existing infrastructure including, but not limited to, water distribution systems, sanitary sewers, storm sewers or other stormwater management facilities, roads, and curbs and gutters, which may be situated either in part or entirely off site, is inadequate to facilitate a proposed subdivision when one hundred percent (100%) built out, then improvements to any one or all of such facilities will be required. (Ord., 4-26-2004)

10-5-4: **PROTECTION OF EXISTING IMPROVEMENTS:** The developer, his contractors, and his suppliers shall be jointly and severally liable for damage of any nature to existing improvements and village property. (Ord., 4-26-2004)

10-5-5: **RESPONSIBILITY FOR MAINTENANCE:**

- A. The developer shall be responsible for the maintenance of all public improvements required by this ordinance for a minimum of one year following substantial completion of the constructed public improvements

as determined in writing by the village board. The developer's guarantee shall be supported by retention of ten percent (10%) of its cash deposit or by continuation of its irrevocable letter of credit, as more specifically set forth in section 10-9-4 of this appendix. (Ord., 4-26-2004; amd. 2009 Code)

- B. The guarantee of completion and maintenance shall recognize the possibility of maintenance costs, and terms of the guarantee shall provide for reimbursement to the village for any maintenance expenses incurred by the village in performing such work after failure of the developer to perform such work after due notice. (Ord., 4-26-2004)

10-5-6: ACCEPTANCE OF PUBLIC IMPROVEMENTS:

- A. Acceptance of an improvement shall be only by resolution of the village board upon recommendation of the village engineer, and shall be contingent upon:
 - 1. Fulfillment of maintenance responsibility.
 - 2. An opinion by the village attorney that satisfactory and proper conveyance or dedication has been made by the developer to the village free of any encumbrances and liens.
 - 3. Inspection reports indicating compliance with the approved final engineering plans and specifications.
- B. A single improvement shall not be accepted in part; it shall be complete throughout the subdivision as indicated on the final engineering plans. Street construction work consisting of excavation, grading, parkway restoration, curbs and gutters, pavement subgrade, and pavement base and surface courses shall be considered a single improvement. If disputes arise between the village and the developer as to the acceptability of streets, curbs, and/or sidewalks, tests of these improvements shall be made by an independent testing firm retained and paid for by the developer with results furnished to the village.
- C. Acceptance of an improvement shall constitute release of the applicable portion of the posted security deposit (less outstanding punchlist items) guaranteeing satisfactory completion and approval of said improvement. (Ord., 4-26-2004)

10-5-7: CONNECTIONS: No permanent connection shall be made with the sanitary sewer, storm sewer, or water distribution system until such connection has been approved and all permit fees for the connection have been paid, and then, such connection shall in all respects conform to the provisions of "Standards For Sewer And Water Main Construction", state of Illinois, latest edition. (Ord., 4-26-2004)

CHAPTER 6

RESERVED

CHAPTER 7

PREAPPLICATION AND CONCEPT PLAN

SECTION:

10-7-1: Procedure For Preapplication

10-7-2: Concept Plan And Supporting Information

10-7-3: Verifications

10-7-1: PROCEDURE FOR PREAPPLICATION:

- A. Paperwork for all developments will be submitted to the village administrator who will distribute said paperwork to the technical review committee and the village planning consultant, then to the plan commission, and then to the committee of the whole.
- B. The developer will appear before the village designated staff for an informal review of the concept. The developer shall be responsible for all fees incurred.
- C. Developer may begin formal staff review after the escrow fee has been established per current village ordinance. A developer presentation/workshop meeting with staff will then be scheduled, followed by staff review memos to the plan commission prior to formal plan commission hearing.
- D. Formal presentation to the plan commission will be made only after staff recommendations have been incorporated into the developer's plans. Paperwork, including complete drawings, must be submitted to the village administrator for distribution to the plan commission at least ten (10) working days prior to the date of the commission's next scheduled meeting.
- E. After plan commission review is complete, recommendations will be made to the village board.
- F. After village board approval of a development project, the developer shall comply with section 10-9-4 of this appendix by deposit or by delivery of

an irrevocable letter of credit as a condition to the village executing the final plat. The developer shall pay the cost of the village's consultant inspection charges, and as a further condition to the village execution of the final plat, the developer shall deposit 2.6 percent of the construction costs for any public improvements. No construction of underground improvements may begin until the village has executed and recorded the plat. (Ord., 4-26-2004)

10-7-2: CONCEPT PLAN AND SUPPORTING INFORMATION: The intent of the concept plan stage is to provide information to help a prospective applicant appraise the feasibility of a subdivision concept according to development plans and policies, existing and projected development conditions and other development activities. The concept plan stage encourages the discussion of basic problems and questions related to the development proposal prior to the expenditure of funds for more detailed plans. The concept plan stage also includes citizen participation opportunities in order to assist the applicant and the village in defining the conditions under which permanent changes in land use may occur with minimum intrusion on the natural and economic resources of the village.

- A. Contents Of Plan: Before a technical review committee conference, the developer shall submit to the village administrator, at least one week prior to said conference, twelve (12) copies of a concept plan in simple form, drawn to a scale of not less than one inch equals one hundred feet (1" = 100'), showing the following information:
1. Existing lots, streets, rights of way, easements, and covenants.
 2. Distinctive natural features such as watercourses, wetland areas, general topography, soil types, and wooded (tree) areas.
 3. Existing zoning on and surrounding the site.
 4. Proposed street and lot layout.
 5. Other proposed rights of way and/or easements.
 6. Proposed parks and other open space.
 7. Any requested zoning changes.
 8. Site data table itemizing gross and net densities, and impervious coverages.

- B. Supporting Information: The developer shall describe or outline how the proposed subdivision will be served by water and sewer and other public utilities and shall describe how stormwater runoff control will be provided for. In addition, the developer may submit any additional information that will help determine the feasibility of the proposed development.
- C. Traffic Study: Any development larger than five (5) gross acres shall be required to prepare and submit a traffic impact study. Said study should be prepared by an independent licensed professional engineer to be coordinated by the village engineer.
- D. Village Not Limited By Concept Review: Concept review does not encumber or bind the village to any specific design commitment. (Ord., 4-26-2004)

10-7-3: **VERIFICATIONS:** Developer interest in land must be clarified in writing to the village board and plan commission. Only the titleholder to the subject parcel may pursue conceptual plan review, final plan review, preliminary plat or final plat. A speculative developer must verify to the village attorney his contractual relationship, and must obtain cosignature of titleholder prior to initiating. (Ord., 4-26-2004)

CHAPTER 8

PRELIMINARY PLAT AND PRELIMINARY PLAN

SECTION:

- 10-8-1: Procedure, Preliminary Plat And Plan
- 10-8-2: Preliminary Plat And Plan
- 10-8-3: Required Information
- 10-8-4: Submission
- 10-8-5: Plan Commission Action
- 10-8-6: Village Board Of Trustees Action

10-8-1: **PROCEDURE, PRELIMINARY PLAT AND PLAN:** The steps and proceedings hereinafter set forth are hereby adopted as the procedure to be followed for the approval of a preliminary plat and preliminary plan for the subdivision of lands. (Ord., 4-26-2004)

10-8-2: **PRELIMINARY PLAT AND PLAN:** When any owner of land lying within the corporate limits of the village or within the area of jurisdiction of the Shabbona plan commission desires to subdivide such lands, the owner shall submit to the village administrator: a) a preliminary plat, drawn to a scale of not less than one hundred feet (100') to the inch, with supporting sheets which shall constitute a part thereof; and b) a preliminary engineering improvement plan, drawn to a scale of not less than one hundred feet (100') to the inch, showing all proposed improvements. Amount of copies shall be set from time to time by the village administrator. The preliminary plat shall show all land owned, optioned, or proposed to be subdivided by the developer. The number of copies to be provided shall be adjusted from time to time by the village administrator. Such plat and plan shall show and give the information contained in section 10-8-3 of this chapter. (Ord., 4-26-2004)

10-8-3: **REQUIRED INFORMATION:**

A. Preliminary Plat:

1. The length and bearing of external boundaries, including such curve data as radius, chord length and bearing, of the proposed subdivision, the total acreage contained therein, along with a legal description of the property to be subdivided.
2. The name of the proposed subdivision; the name, address and phone number of the owner and the developer; the name of the surveyor who prepared the plat.

3. The location of existing corporate boundaries at or contiguous to the subdivision.
4. The subdivision of lands within and immediately adjoining for a distance of one hundred fifty feet (150') from the boundary of the proposed subdivision and the names, location and dimensions of all existing public streets, railways, watercourses or other such public or private easements and rights of way within the adjoining lands and proposed subdivision.
5. The then zoning district classification under the village of Shabbona or the DeKalb County zoning ordinance for adjoining lands and the land to be subdivided.
6. The names, location, dimensions, widths, bearings, and curve data within the proposed subdivision of all proposed streets, easements, parks, playgrounds, and other open spaces proposed to be dedicated to public use.
7. The blocks and/or lots into which the project is proposed to be subdivided, all dimensions thereof including, but not limited to: width of each lot at the front line, length and location of building setback line, length of side lot lines, all lots consecutively numbered within consecutively numbered blocks; the purpose of each lot not dedicated to residential use; area of lots in square feet.
8. All preliminary plats shall be at a scale not less than one inch equals one hundred feet (1" = 100') and shall be complete with north arrow, date of preparation, and any other information or data that the village may require for full and complete consideration of the proposed preliminary plat for the subdivision.
9. Supporting documents:
 - a. A letter of intent stating the desires of the owner of the property or the developer pertaining to annexation to the village if said property is not presently within the corporate boundary.
 - b. Summary of all restrictions intended to be imposed by the final plat or by deeds of conveyance as to the use of all property within the subdivision, including area of buildings for residential use, if any.
 - c. Developer shall provide key plan locating subject property among all other adjacent parcels within one thousand feet (1,000') of project limits, with adjacent parcels noted by address or common ownership name.

B. Preliminary Improvement Plan:

1. The length and bearing of external boundaries, including such curve data as radius, chord length and bearing, of the proposed subdivision, and the total acreage contained therein.
2. The name of the proposed subdivision; the name, address and phone of the subdivider and developer, and the name of the engineer who prepared the plan.
3. The character of lands within and immediately adjoining for a distance of one hundred fifty feet (150') from the proposed subdivision boundaries, showing the subdivision thereof, if subdivided, and the location and dimensions of existing public streets, sanitary and storm sewers, culverts and drain tile, water supply mains, gas and/or petroleum pipelines, underground electrical and telephone lines, bridges, watercourses and floodplain limits, railways, permanent historical features, park and school sites, public utility easements or other then dedicated properties, if any, called out as "existing" on the plan and shown in such a manner as to be differentiated from proposed improvements.
4. Existing ground contours at vertical intervals of not more than one foot (1') based on the United States geological survey datum. Contours of two foot (2') intervals shall be allowed only when and if unusual topographic features limit plan clarity; environmental or distinguishing natural features, wetlands (as delineated by a certified wetlands biologist), trees of four inches (4") or more in diameter measured two feet (2') above the ground with common tree names; existing buildings and present use, bodies of water with then elevation, if any, shown in such a manner as to be differentiated from proposed easements.
5. The existing zoning district classification under the village or adjacent governmental authority's zoning ordinance for adjoining lands and the land to be subdivided.
6. The names, locations, widths and other general dimensions of proposed streets, easements, parks, playgrounds, school sites, and other open spaces proposed to be dedicated to the public use.
7. The blocks and lots into which the project is proposed to be subdivided, with dimensions, the numbering of all lots, the purpose and area in acreage of all lots not dedicated for residential use.
8. A general description of the type, kind, character, extent and location of all proposed improvements as proposed to be constructed or installed, along with sufficient detail as may be required to convey the general

basis of design for sewer, water and other improvements, both on site and off site, for the development of the subdivision according to this ordinance.

9. A general description of the type, character, extent and location of all stormwater runoff control facilities, including critical spot elevations.

10. Typical street cross sections showing curbs, pavement width, sidewalks, width of rights of way, street name, and street classification; general description of proposed street grades and drainage facilities.

11. All preliminary plans shall be at a scale of one inch equals one hundred feet (1" = 100') and shall be complete with north arrow, legend, and any other information or data that the village engineer or plan commission may require for full and complete consideration of the proposed preliminary plan for the subdivision.

12. A location map at a scale of not less than one inch equals two thousand feet (1" = 2,000') showing the relationship of the subdivision to its surroundings within one-half ($\frac{1}{2}$) mile, including section lines, primary roads, and collector roads.

13. Proposed phasing of the development of the proposed subdivision, if any, and the corresponding phasing of any and all improvements thereof.

14. Supporting documents:

a. A watershed map such as the flood insurance rate map (FIRM) and flood insurance study published by the federal emergency management agency, the hydrological investigations published by the northeastern Illinois metropolitan area plan commission, location of on site wetlands areas or any other pertinent water shed information.

b. Review and report by the DeKalb County soil and water conservation district.

c. Soils report which is to be used in the bearing capacity design for foundations, sewers, pavement subgrades and for environmental concerns.

d. Preliminary design calculations and drawings for stormwater runoff and control facilities as required herein.

e. "Illinois Historical Preservation Archeological Report, Phase 1 Report".

f. Title survey.

g. Tree survey.

h. Tile survey.

i. Inundation exhibit/overflow route exhibit. (Ord., 4-26-2004)

10-8-4: SUBMISSION:

- A. The staff shall notify the applicant of any limitations of village services or public improvements which would affect the character of the development, its size and/or density, prior to plan commission submittal.
- B. The developer shall then submit all information required by sections 10-8-2 and 10-8-3 of this chapter to the village administrator at least ten (10) days before the next plan commission meeting.
- C. The village administrator shall then refer the preliminary plat, preliminary improvement plan and supporting documents to the plan commission for consideration. (Ord., 4-26-2004)

10-8-5: PLAN COMMISSION ACTION:

- A. Action: The plan commission shall, within ninety (90) days of the receipt of the last item of required information, consider the proposed preliminary plat of subdivision and preliminary improvement plan as represented by the documents received, and shall thereupon approve or disapprove the same. (Ord., 4-26-2004)
- B. Reviews: Prior to the plan commission's acting on the proposed preliminary plat, preliminary improvement plan, and supporting documents, said preliminary plat, preliminary improvement plan, and supporting documents shall be reviewed by the village engineer, village attorney, village planner, village superintendent of public works, county sheriff, Shabbona fire district chief (or other agencies, if applicable), and any other consultants deemed necessary by the plan commission. The village administration shall also notify other service districts including, but not limited to, the library district, park district, and school district for their input and concerns regarding the impact of the proposed development. Certification of these reviews shall be provided to the plan commission. (Ord., 4-26-2004; amd. 2009 Code)
- C. Changes: If the preliminary plat and improvement plan are not approved as presented, the plan commission may permit the subdivider to make changes and additions required by the commission to meet the requirements of this ordinance.

- D. Approval: After the proposed preliminary plat, improvement plan and supporting documents have been prepared to the plan commission's satisfaction, a recommendation shall be forwarded to the village board.
- E. Disapproval: If the proposed plan of subdivision, as shown by the preliminary plat and improvement plan, is disapproved by the plan commission, such action, with a statement of the reasons for such disapproval, shall be forwarded to the village board for final action. (Ord., 4-26-2004)

10-8-6: **VILLAGE BOARD OF TRUSTEES ACTION:**

- A. Action: The village board shall approve or disapprove the preliminary plat and preliminary improvement plan within forty five (45) days after the next regular stated meeting following the action of the plan commission. Preliminary approval shall not qualify a plat for recording.
- B. Approval: Upon approval by the village board of the preliminary plat of subdivision, preliminary improvement plan, and supporting documents, two (2) original Mylars and three (3) copies, with the following approved certificate shown thereon, shall be dated and endorsed by the mayor and attested to by the village clerk.

An original and one copy, so endorsed, shall remain on file with the village; an original and one copy, so endorsed, sent to the county; and two (2) endorsed copies returned to the subdivider or developer.

**VILLAGE BOARD
PRELIMINARY APPROVAL CERTIFICATE**

The proposed subdivision as shown on this Preliminary Plat, Preliminary Improvement Plan, and supporting documents have received Preliminary Approval by the Village Board of the Village of Shabbona.

DATED: _____, 20

ATTEST: _____

BY: _____
Mayor

BY: _____
Village Clerk

10-8-6

10-8-6

(Ord., 4-26-2004)

CHAPTER 9

FINAL PLAT AND FINAL PLANS

SECTION:

- 10-9-1: Procedure, Final Plat And Plans
- 10-9-2: Final Plat
- 10-9-3: Supporting Documents
- 10-9-4: Public Surety; Irrevocable Letter Of Credit; Guarantee Of Completion And Maintenance Of Improvements
- 10-9-5: Plan Commission Action On Final Plat And Plans
- 10-9-6: Village Board Action On Final Plat And Plans
- 10-9-7: Recording Final Plat
- 10-9-8: Final Improvement Plans

10-9-1: **PROCEDURE, FINAL PLAT AND PLANS:**

- A. The developer shall, within one year after approval of the preliminary plat and plans, file with the Mayor one original, one Mylar copy with original signatures, and twenty (20) copies of a final plat and five (5) copies of the final improvement plans, each complete with all supporting documents as required herein. The said final plat and improvement plans shall be in strict conformance with the preliminary plat and plan, shall be in final form for recording and shall include all of the property included in the preliminary plat and plan, unless, prior to the expiration of the aforesaid one year, the developer shall request and the board of trustees of the village may grant the developer permission to submit a final plat and improvement plans as aforesaid covering only a phased portion of the property included in the preliminary plat and plan.
- B. All phasing of final plats, and requisite public improvements, shall be in strict accordance with the phase lines approved on the overall preliminary plat. Any revision to the previously approved phasing shall be brought back to the village board for reconsideration and possible approval. (Ord., 4-26-2004)

10-9-2: FINAL PLAT:

- A. The final plat (sheet size 36 inches by 24 inches) shall be drawn in black ink on tracing cloth or Mylar to a scale of not less than one hundred feet to one inch (100' = 1"), and shall show the following information thereon:
1. The name or names of the owners of the property.
 2. The name of the registered land surveyor who prepared the plat and date thereof.
 3. The legal description of the property to be subdivided.
 4. The boundary of the plat based on accurate traverse, with angular and linear dimensions.
 5. Location of all permanent monuments.
 6. North arrow, scale.
 7. All other measurements, dimensions, data, and certificates required by 765 Illinois Compiled Statutes 205/0.01 to 205/14, as amended.
 8. The name, purpose and exact width of all easements and rights of way.
 9. The dimensions of all lots, building setback lines, easements, and area of all lots in square feet with buildable envelope within setback lines indicated on each lot, all landscape easements, no obstruction sight distance areas, green space buffers or other easement requirements.
 10. All lots numbered as in the preliminary plat and the purpose of all nonresidential lots.
 11. The number of degrees and minutes of all lot angles other than ninety degrees (90°); except, that when the lines in any tier of lots are parallel, it shall be sufficient to mark only the outer lot. When any angle is between a curve and its tangent, the angle shown shall be that between the tangent and the main chord of the curve. When between curves of different radii, the angle between the main chords shall be shown.
 12. When a street is on a circular curve, the main chord of the centerline shall be drawn as a dotted line in its proper place, and, either on it or,

preferably, in an adjoining table, shall be noted its bearing and length, the radius of the circle of which the curve is a part, and the central angle subtended. The lot lines on the street sides may be shown in the same manner or by bearings or angles of distances. When a circular curve of thirty foot (30') radius or less is used to round off the intersection between two (2) straight lines, it shall be tangent to both straight lines. It shall be sufficient to show on the plat the radius of the curve and the tangent distances from the points of curvature to the point of intersection of the straight line.

- B. On any such plat showing a tract or tracts of land dedicated for park, playground, or other public use, if such tract or tracts are not located within the corporate limits of the village, the certificate of dedication shall provide that the future official act of annexation of such tract or tracts to the village shall constitute a transfer of the title to such tract or tracts to the village for such public use. (Ord., 4-26-2004)

10-9-3: **SUPPORTING DOCUMENTS:** An original and twenty (20) copies of the final plat and four (4) copies of the final improvement plans (36" x 24"), as herein described, shall be submitted to the plan commission, each complete with a set of supporting documents, as follows:

- A. Final improvement plan according to the requirements of section 10-9-8 of this chapter.
- B. A reproducible Mylar drainage overlay drawing with certificate, as required by the Illinois plat act¹, shall be submitted to the village for approval with the final engineering plans. The drainage overlay drawings shall be at the same scale as the final subdivision plat.
- C. A statement by a professional engineer representing the developer, registered in the state of Illinois, giving a detailed estimate of the total cost of construction for all proposed improvements.
- D. Proof of compliance with applicable impact fee ordinances and/or resolutions relating to transition fees imposed by the village.
- E. Any and all documents as may be required by the village to ensure that the dedication of all required rights of way and the granting of all required easements shall be established.

1. 765 ILCS 205.0.01 et seq.

- F. Any covenants or other documents which place certain restrictions on the use and development of the property and is intended to be recorded with the final plat.
- G. Five (5) completed copies of all permit application forms (IEPA, IDOT, IDOWR, etc.) required for construction of the proposed improvements. (Ord., 4-26-2004)

10-9-4: PUBLIC SURETY; IRREVOCABLE LETTER OF CREDIT; GUARANTEE OF COMPLETION AND MAINTENANCE OF IMPROVEMENTS: The improvements set forth in the developer's statement (subsection 10-9-3C of this chapter), as certified by the village engineer, shall be completed within two (2) years from approval of the final plat. The developer shall be responsible to maintain all such improvements for one year following acceptance by the village board, per section 10-5-5 of this appendix. To ensure the satisfactory completion of the required improvements and to ensure the maintenance of such improvements for one year following acceptance by the village board, the developer shall:

- A. Deposit cash with the Mayor in an amount equal to one hundred twenty percent (120%) of the cost of construction estimate certified by the village engineer; or
- B. Deposit with the Mayor a duly executed irrevocable letter of credit in the form in appendix C, subsection 10-19-1G of this appendix, from a financial institution approved by the village and authorized to do business in the state of Illinois. The letter of credit shall name the village as beneficiary, shall be in effect for at least two (2) years from its issuance date, and shall remain in effect thereafter until the village is given ninety (90) days' notice of an expiration date. The amount of the irrevocable letter of credit shall be equal to one hundred twenty percent (120%) of the cost of construction estimate certified by the village engineer. The letter of credit shall ensure the satisfactory completion of the improvements and their maintenance for one year following acceptance by the village. (Ord., 4-26-2004)

During construction of the improvements, the letter of credit or the developer's cash deposit (herein collectively "developer's security") may be periodically reduced upon approval by the village board of the

improvements per section 10-5-6 of this appendix. However, in no event shall the developer's security be less than one hundred twenty percent (120%) of the estimated cost of the improvements not yet completed as determined by the village engineer, plus a ten percent (10%) retainage of the total cost for maintenance of the improvements. (Ord., 4-26-2004; amd. 2009 Code)

10-9-5: PLAN COMMISSION ACTION ON FINAL PLAT AND PLANS:

- A. Meeting: The village shall notify the subdivider or his representative of the time and place for the meeting on this development request.
- B. Reviews: All final plats, final improvement plans and supporting documents normally will be reviewed by the plan commission, village engineer, village attorney, Mayor, county sheriff, Shabbona fire district chief, and any other consultants as deemed necessary by the plan commission.
- C. Village Engineer Approval: Prior to the plan commission's approval of the final plat of subdivision, final improvement plans, and supporting documents, the village engineer shall submit a written report stating that, in his opinion, the final plat, final improvement plans and the engineer's estimate of construction cost meet the minimum requirements of this ordinance and other ordinances of the village, and are acceptable.
- D. Action: The plan commission shall approve or disapprove the final plat, final improvement plans, and supporting documents within sixty (60) days of the submission of the last item of required data to the commission.
- E. Disapproval: If the proposed plan of subdivision, as shown by the preliminary plat and improvement plan, is disapproved by the plan commission, such action, with a statement of the reasons for such disapproval, shall be forwarded to the village board for final action.
- F. Approval: When the plan commission has approved the final plat of subdivision, the Mayor shall place the final plat as an agenda item on the next practicable board meeting. After the board approves the final plat, the plan commission chair will sign the original plat(s). The plan commission's opinions, reasons, and action will be recorded in the minutes which normally will be sent to the village board as documentation of action taken. (Ord., 4-26-2004)

10-9-6: **VILLAGE BOARD ACTION ON FINAL PLAT AND PLANS:** If the final plat is in accordance with the approved preliminary plat, and if the final plat, final improvement plans, and supporting documents pertaining to the proposed development meet with village board approval, the village board may, by motion, approve them and authorize and direct the mayor and village clerk to date and sign the village board approval certificate on the final plat of subdivision. Village signatures shall not be affixed to the plat to be recorded until the letter of credit is on file with the Mayor. (Ord., 4-26-2004)

10-9-7: **RECORDING FINAL PLAT:** The village shall record the plat with the DeKalb County recorder of deeds within three (3) months after such approval. If not recorded within this time, the approval shall be null and void. The final plat will not be recorded until the developer has posted the necessary letter of credit or other approved surety and paid all required fees. (Ord., 4-26-2004)

10-9-8: **FINAL IMPROVEMENT PLANS:**

- A. Purpose: The improvement plan stage is for the purpose of accurately showing how the improvements will be constructed in order to conform to the layout and design objectives of the preliminary plan. As such, the improvement plan process is an extension of the preliminary plan process. Where conditions so warrant, the plat officer may require that portions of improvement plans be submitted during the preliminary plan review process in order to determine the land's suitability for the preliminary plan design. Any required off site improvements and engineering studies shall be provided upon request. Where the subdivision is to be developed in phases, and where soil and/or topographical conditions so warrant, the plat officer may require that improvement plans for the entire preliminary plan area be submitted prior to the construction of improvements.
- B. Filing: Prior to the submittal of the final plat, the applicant shall submit three (3) complete sets of plans and specifications for the construction of the proposed site improvements. Following approval of the village engineer, six (6) copies of the final improvement plans shall be submitted to the plan commission with the final plat. Improvement plans shall not be approved until after the site has been zoned according to the uses proposed in the approved preliminary plan. Said plans shall be prepared by an Illinois registered professional engineer on twenty four inch by thirty six inch (24" x 36") quality sheets and be designed in accordance with this chapter and chapters 3 and 4 of this appendix, other applicable

sections of this ordinance and all other applicable village ordinances.

- C. Final Engineering Plans: Final engineering plans (24" x 36") (1" = 50' scale) shall, as a minimum, consist of the following:
1. Title sheet (with legend and certification of topographical survey bench marks and accuracy).
 2. Project specifications (may be separately bound) and general construction notes.
 3. Geometric plan.
 4. Grading plan, which includes the street paving plan, all storm sewer lines and structures, stormwater retention/detention facilities, erosion control measures, floodplain and wetland protection measures.
 5. Master and detailed utility plan, which shows all storm sewers, sump pump drain lines, sanitary sewers, water main and any other public utility lines with appurtenant structures.
 6. Lighting plan, which includes the layout for lighting standards and underground conduits (typical) for off street parking and/or public street lighting facilities.
 7. Street plan and profiles.
 8. Construction details, and site sections as directed by the village engineer.
 9. Sanitary and storm sewer profiles.
 10. Landscaping plan.
 11. Soil erosion and sedimentation plan.
- D. Plan Sheet: Each plan sheet shall include the following information:
1. A title block that includes the project name, job number, sheet title (geometric, grading, etc.), sheet number, date of preparation and latest revision date.
 2. North arrow and scales.

3. Additional general plan notes and legend as may be required with original date and revision dates.

E. Title Sheet: Title sheet shall include the following information:

1. Subdivision name and unit number or phase number.
2. Location map.
3. Seal, signature, address and phone number of the registered professional engineer who prepared the plans and the person or firm who prepared the topographic surveys.
4. Developer's name, address and phone number.
5. Index of sheets.
6. A minimum of two (2) bench marks.
7. Dates of preparation and any revisions.
8. Summary of quantities for each division of improvement work.
9. Standard legend.
10. Verification of accuracy of topographic survey by design engineer. (Ord., 4-26-2004)

F. Project Specifications And Construction Notes: The project specifications and general construction notes shall contain at least the following provisions: (Ord., 4-26-2004; amd. 2009 Code)

1. All on site and off site improvements shall be constructed in accordance with the requirements of the village.
2. Permits shall be obtained from all outside governmental agencies having jurisdiction (Illinois department of transportation, Illinois environmental protection agency) prior to initiation of construction activity (any IEPA application for construction shall be completed and submitted to the village for signature with the final improvement plans).
3. All structure adjustments shall be accomplished with concrete

adjusting rings, and watertight sealed with bitumastic "Easy Stik".

4. Existing field tiles encountered during construction shall be integrated into the site drainage system in a manner deemed appropriate by the village engineer. All tile connections shall be reviewed by the village engineer prior to reconnection work.

5. The developer shall be responsible for all adjustments before and after final inspection, prior to final acceptance by the village.

6. The village must have seventy two (72) hours' notice prior to the initiation of construction activity; no construction or ground disturbance (i.e., any stripping of topsoil, tree removal or grading other than soil borings) shall commence prior to the preconstruction meeting. (Refer to section 10-4-2 of this appendix.)

7. The testing and sterilization of all new water distribution facilities shall be completed prior to making water service taps.

8. Material specifications comply with village standards and include:

- a. Paving base materials.
- b. Paving surface materials.
- c. Concrete materials.
- d. Pipe materials.

9. All restoration work in the public right of way is subject to the specific approval of the village engineer. The developer shall procure a hydrant meter from village water department for any construction use of water from village hydrants. (Ord., 4-26-2004)

10. The village public works department, the county sheriff and the fire district shall be notified a minimum of seventy two (72) hours prior to road or water main shutdowns, all in accordance with preconstruction meeting coordination. (Ord., 4-26-2004; amd. 2009 Code)

11. The contractor shall contact JULIE (1-800-892-0123) prior to any excavation work (including section, township, and range numbers of property with note).

12. The contractor shall maintain pavement crossing cuts until final pavement restoration is complete and accepted by the village engineer.

13. Water distribution plans and specifications shall conform to "Standard Specifications For Water And Sewer Main Construction In Illinois" and village ordinances. If a conflict arises, the village ordinances shall govern.

14. Pavement, curb and gutter, sidewalks, and storm sewer shall conform to "Standard Specifications For Road And Bridge Construction", IDOT.

15. A reproducible Mylar set (signed and sealed by a professional engineer) and two (2) diazo copies of record drawings shall be submitted to the village prior to any final acceptance. Said record drawings shall indicate the exact final location and layout of all improvements; include verification of all building pad, top of foundation, invert, rim and spot grade elevations; and incorporate all field design changes approved by the village.

G. Geometric Plan: The geometric plan shall include the following information:

1. The geometric plan to show site boundaries and lot layout shall be a copy of the final plat, reduced if required, without the certificates.

2. All necessary geometric data required to lay out the proposed improvements.

3. Show all streets adjacent to and within one hundred feet (100') of the project site.

4. Show all site access roadways and driveways within one hundred feet (100') of the project site.

5. All necessary geometric data required to show existing and proposed easements.

6. Street right of way width.

7. Street centerline and radii and curve data.

8. Right of way radii and curve data.

9. Street pavement width.

10. Location of curb and gutter.

11. Intersection geometric data.

12. Parking lot dimensioning and data including: lot aisle widths, space dimensions, handicap space dimensions, loading berth dimensions, curb radii, angle of parking, throat width of drives, and angle of driveway at street intersection.

13. Setback lines and distances for all proposed building, parking lots, etc.

14. Proposed building footprint outlines.

15. Nonresidential site area in square feet:

a. Office building area in square feet (if applicable).

b. Warehouse building area in square feet (if applicable).

16. Building ties:

a. Distance to front lot line, rear lot line, interior side lot line, and exterior lot line (if applicable).

b. Distance to all existing off site buildings within one hundred feet (100') of the subject site.

H. Grading Plan: The grading plan shall include the following information:

1. Existing and proposed finished ground topography of the site at one foot (1') contour intervals extending for one hundred feet (100') onto adjacent properties.

2. All existing structures located and described.

3. All streets, driveways, parking lots, and other paved areas.

4. Longitudinal slope of parkways and driveways where required.

5. Locations of all trees with trunks exceeding six inches (6") in diameter.

6. Flood hazard and wetlands delineation:
 - a. Floodway delineation.
 - b. 100-year floodplain delineation.
 - c. Drainage watershed delineation.
 - d. Wetlands and other flora areas delineation.
 - e. Delineation of all major watercourses.
7. Curb and gutter, sidewalks.
8. Typical street cross section: transverse slope.
9. Storm and sump pump drainage appurtenances:
 - a. Number all storm sewer structures.
 - b. Rim and invert grades and pipe sizes noted for all drainage structures.
10. All elevations, including contours, shall be referenced to USGS datum:
 - a. Existing contours to be shown as light dashed lines.
 - b. Proposed contours to be shown as heavy solid lines.
11. Spot elevations at break points, at all lot corners, and top curb elevation at all property lines extended to curb line.
12. Proposed building footprint with top foundation elevation and, where applicable, garage floor elevation. Basement floor elevation for proposed building with walkout basement or adjacent to flood hazard area.
13. Drainage arrows around all proposed building foundations, along lot lines, swales, ditches, and wherever else required to delineate surface drainage direction and pattern.
14. Retaining wall and details.

15. Stormwater overflow routing with applicable cross sections and profiles.

16. Stormwater retention or detention storage basin:

a. Outline of the storage basin with finished contours at one foot (1') intervals.

b. Typical cross sections showing the degree of side slopes, four to one (4:1) maximum; top of bank elevations, bottom elevations and proposed storage elevations.

c. Finished surface restoration, including any slope stabilization or protection.

d. Inlet and release structures with details.

e. Any subsurface (bottom) drainage system.

f. Designation if a dry or wet bottom basin.

g. High and, where applicable, normal water storage elevation.

h. Calculated water storage volume in acre feet.

Where a stormwater management facility is to be dedicated to the village, the design of said facility shall comply with the criteria stipulated by the village.

17. Erosion and sedimentation control measures applicable to site grading.

18. Designation of critical lots for drainage.

I. Master And Utility Plan: The master and detailed utility plan shall include the following information:

1. Location and size (if applicable) of all existing utility lines and their appurtenant structures located on site or within the construction limits of proposed off site improvements.

2. Location and size of all proposed on site and off site water mains, sanitary sewers, storm sewers, and sump pump drain lines, and their

appurtenant structures (hydrants, valves, manholes, etc.) which shall be numbered for reference.

3. The finished frame elevation and invert elevations shall be given for all structures.

4. The plan shall indicate size, slope, purpose, length, and type of material of all proposed utility lines.

5. Show all locations where granular trench backfill is required.

6. All existing structures which require adjusting, reconstruction or filling shall be noted on the plan.

7. The plan shall conform to overall village plans for any trunk lines, existing or proposed, which traverse the subdivision.

8. Depict adjacent property lines for proper utility and street extensions.

9. Hydrant locations, dimension to the back of the nearest curb, final grade ring elevation.

10. Valve vault and valve box locations, with description including size and type of valve; final adjusted grade.

11. Note that thrust blocks shall be at all bends, tees and plugs for all water mains.

12. Provide vertical and horizontal clearance between water main and sanitary/storm sewer in accordance with standard specifications.

J. Lighting Plan: The lighting plan shall include the following information:

1. Light pole locations, heights and spacing.

2. Site lighting shall be directed or shaded to avoid casting direct light upon any residential district.

3. Control system and underground site wiring diagram specifying cable size, locations and material.

4. Typical installation section per village standard:

- a. Type of base and pole.
- b. Bracket or arm.
- c. Luminaire, indicating type of lamp/wattage.
- d. Mounting height.

5. Photometrics. All off street parking areas, loading facilities and driveway aisles shall be provided with a minimum average maintained horizontal illumination value of one-half ($1/2$) foot-candle. A photometric plan shall be submitted that designates light pole locations and displays illumination values by one of the following methods:

- a. Illumination levels verified by showing illumination values at control points spaced at ten foot (10') intervals superimposed by grid layout on a geometric site plan.

- b. Illumination values displayed as iso-illumination lines showing horizontal intensity superimposed on a geometric site plan.

6. Catalog cuts and specifications from manufacturer shall be provided when requested by the village.

K. Street Plan: Street plan profiles and sections shall include the following information:

1. Plan view of all proposed street and sidewalk improvements showing, but not limited to, street name, centerlines with stationing and horizontal curve data, right of way lines and widths, pavement outline and widths, sidewalks, curb and gutter, return radii, all storm sewers and other drain lines with structures, and, where applicable, shoulders and drainage ditches.

2. Plan view shall show all locations where granular trench backfill is required.

3. Centerline profile of existing ground line with elevations shown at one hundred foot (100') intervals, minimum.

4. Centerline profile of proposed pavement surface with grades, vertical curve data, and elevations shown at one hundred foot (100') intervals, minimum.

5. Profile of all proposed storm sewers and other drain lines with structures within the plan view area showing pipe size, slope, length, type of material, and finished frame and invert elevations for structures.
 6. Profile of all utility crossings where a grade conflict may occur.
 7. Typical street cross sections showing all proposed street construction within the right of way and the calculated pavement structural number.
 8. Street cross sections at one hundred foot (100') intervals, minimum, when rural ditch cross sections are used.
 9. Plan view scale shall be one inch equals fifty feet (1" = 50'), minimum, and profile scales shall be horizontal same as plan and vertical one inch equals five feet (1" = 5').
- L. Construction Details: Construction details shall include the following information. All details shall be of type standard with the village, including, but not limited to:
1. Manholes, inlets, catch basins, vaults.
 2. Standard utility structure covers.
 3. Standard valve and hydrant installation.
 4. Drainage structures.
 5. Concrete curb and gutter.
 6. Thrust block installation.
 7. Service connections.
 8. Paving installation, pavement section, and pavement design structural number.
 9. Stormwater restrictor.
 10. Streetlights.
 11. Soil erosion control details.

12. Sanitary sewer details.

- M. Sanitary Sewer Profiles: Sanitary sewer profiles shall be provided for all proposed sanitary sewers.
- N. Landscaping Plan: The landscaping plan shall include trees to be preserved, screening where required, the restoration of site flora and other areas to be stabilized and enriched according to this ordinance and all other village requirements.
- O. Soil Erosion And Sedimentation Plan: Soil erosion and sedimentation plan shall include the location, type and details of all required site soil erosion control measures, and shall show any proposed ground cover areas such as seeding or sodding, according to any soil erosion control ordinance which may be enacted or amended from time to time by the village.
- P. Supplementary Stormwater Documents: Supplementary stormwater documents shall include: final studies, reports, drawings and calculations for all proposed stormwater sewers, drain lines, culverts, retention or detention storage basins, flood routing, and any other site stormwater management documentation requested during staff review.
- Q. Supplementary Traffic Report: A supplementary traffic report shall be provided for all residential developments larger than twenty (20) units (or commercial developments larger than 15,000 square feet), which shall outline trip generation, distribution and impact to adjacent roadway network.
- R. Supplementary Cost/Benefit Report: A financial report shall be submitted for all residential developments larger than twenty (20) units (or commercial developments larger than 15,000 square feet), which shall itemize annualized cost impact (including public works, police, etc.), and provide direct annualized benefit (revenue from sales and real estate taxes, etc.) which can be anticipated.
- S. Minor Modifications: As defined as being in close conformance with the previously approved plan and having no change in density, use or impact to village or adjoining property, minor modifications may be approved by the Mayor. (Ord., 4-26-2004)

CHAPTER 10

ADMINISTRATION

SECTION:

- 10-10-1: Village Board
- 10-10-2: Plan Commission
- 10-10-3: Village Engineer
- 10-10-4: Other Village Officials
- 10-10-5: Village Administrator

10-10-1: **VILLAGE BOARD:** The village board is vested with the following responsibilities with regard to this ordinance:

- A. Approval or disapproval of all preliminary plats and plans;
- B. Approval or disapproval of all final plats and plans from this ordinance;
- C. Approval or disapproval of all requested variations and exceptions;
- D. Approval or disapproval of all final engineering plans;
- E. Hear and decide appeals from the decisions of the plan commission;
- F. Institute appropriate proceedings to enforce the provisions of this ordinance;
- G. Acknowledgment of substantial completion of public improvements to initiate one year maintenance period; and
- H. Approval of easement plats for recording. (Ord., 4-26-2004)

10-10-2: **PLAN COMMISSION:** The plan commission shall administer the provisions of this ordinance and in addition thereto, and in furtherance of said authority, shall:

- A. Maintain permanent and current records of this ordinance including amendments hereto;
- B. Forward copies of the preliminary and final plats and plans to other appropriate officers and agencies for their recommendations, reports, and action;

- C. Receive and review preliminary plats and preliminary improvement plans, and forward decisions to the developer;
- D. Receive, review and forward final plats and plans to the village board with recommendations;
- E. Ensure compliance with this ordinance in all final and preliminary plats, plans and supporting documents;
- F. Make all other recommendations to the village board as required by this ordinance; and
- G. Have all other power and authority as granted by law. (Ord., 4-26-2004)

10-10-3: **VILLAGE ENGINEER:** The village engineer shall be vested with the responsibility and duty of reviewing all preliminary and final plats, preliminary and final improvements, plans and supporting documents, and making determinations in the areas of design standards and engineering specifications. Additionally, and in furtherance of said responsibility, the engineer shall:

- A. Approve the developer's estimate of costs for required improvements;
- B. Furnish all approval statements as required by this ordinance;
- C. Assist the village board and plan commission in setting engineering standards for improvements and establishing the limits of compliance with said standards;
- D. Review all preliminary plats and plans for the village board and plan commission; and
- E. Review the final plat for completeness and agreement with the conditions of the approved preliminary plat and plan. (Ord., 4-26-2004)

10-10-4: **OTHER VILLAGE OFFICIALS:** The village administrator, village planner, village attorney, county sheriff, fire chief, superintendent of public works, building officials and other consultants shall be asked from time to time to set standards, make comments, and review plats and plans according to the provisions of this ordinance. (Ord., 4-26-2004; amd. 2009 Code)

10-10-5: **VILLAGE ADMINISTRATOR:** The village administrator shall:
(2009 Code)

- A. Maintain permanent and current records of this ordinance including, but not limited to, all maps, amendments, variations, exceptions, appeals, applications, plats, plans, and agreements;
- B. Prepare and update a calendar for action on each application for subdivision;
- C. Schedule such meetings as are necessary to meet the calendar requirements of the plan commission and village board;
- D. Notify all developers of the actions of the plan commission and the village board;
- E. Prepare a summary of the facts and recommendation of the plan commission for the village board, and forward the same to the village board for final approval of the plat and plans; (Ord., 4-26-2004)
- F. Coordinate the review of the plat, plans, and any agreements being reviewed by the village engineer, village attorney, superintendent of public works, building official, county sheriff, and the Shabbona fire district chief, and transmit all recommendations to the plan commission and village board; (Ord., 4-26-2004; amd. 2009 Code)
- G. Assist the commission and the board in assessing the need for and conditions of oversized improvements, maintenance agreements, necessary bonds for public improvements, recording of plats and agreements and in-place plans;
- H. Report any violation of this ordinance to the village board for action, and keep a record of each inspection notice and final disposition of each reported violation;
- I. Ensure that the official village map, the official land use plan for the village and its one and one-half ($1\frac{1}{2}$) mile planning area, and the records for subdivisions outside the corporate limits of the village, in the planning area, are accurate and up to date; and
- J. Collect all fees for plat and plan review as provided in chapter 16 of this appendix. (Ord., 4-26-2004)

CHAPTER 11
ENFORCEMENT

SECTION:

10-11-1: Enforcement

10-11-1: **ENFORCEMENT:** The regulations contained herein shall be enforced as specified below:

- 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 such subdivision has been approved by the village board, in accordance with the provisions of this ordinance, and filed with the recorder of deeds of DeKalb County, Illinois.
- B. The subdivision of any lot or any other parcel of land by the use of metes and bounds description with the intent of evading this ordinance is expressly prohibited.
- C. No building permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided or sold in violation of this ordinance.
- D. No sewer or water hookup will be granted unless all the requirements of this ordinance and all other pertinent ordinances have been satisfied.
- E. No plat of subdivision shall be approved which does not comply with all the provisions of this ordinance.
- F. No permanent occupancy permit shall be granted by any governing official for the use of any structure within a subdivision approved for platting until required utility facilities have been installed and made ready to service the property and until roadways providing access to the subject property, lot or lots have been constructed.
- G. The building official may grant a temporary occupancy permit if weather or other conditions prevent completion of the final grading, cement work, or landscaping. Temporary permits shall only be effective for six (6) months from the date of issue and will only be issued after the payment of a bond amount that is set from time to time by action of the village

board.

- H. No plat of any subdivision shall be entitled to be recorded with the DeKalb County recorder's office or have any validity until it shall have been approved in the manner prescribed by law and as provided herein.
- I. No improvements such as sidewalks, water supply, stormwater drainage, sewerage facilities, gas service, electric service or lighting, or grading, paving or surfacing of streets shall hereafter be made within any such subdivision by any owner or owners or his or their agent or by any public service corporation at the request of such owner or owners or of his or their agent until the plans for improvements thereto have been formally recommended by the plan commission and approved by the village board of trustees.
- J. Continuing street cleanliness shall be the developer's express responsibility, required daily, or immediately if a safety hazard is noted.
- K. Temporary stockpile of materials on public streets shall be cleaned prior to leaving the job site that day. (Ord., 4-26-2004)

CHAPTER 12

VARIATIONS AND EXCEPTIONS

SECTION:

10-12-1: Variations And Exceptions

10-12-1: **VARIATIONS AND EXCEPTIONS:** When the developer can show that a provision of this ordinance would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, the staff and plan commission may consequently recommend variations to the village board, the village board may approve variations from these requirements only in specific cases which, in its opinion, do not affect the general intent or the spirit of this ordinance. (Ord., 4-26-2004)

CHAPTER 13

PLANNED UNIT DEVELOPMENTS

SECTION:

10-13-1: Planned Unit Developments

10-13-1: **PLANNED UNIT DEVELOPMENTS:** Plats, plans and specifications for planned unit developments may vary from the strict requirements and provisions of this ordinance in order to better comply with the provisions of the zoning ordinance of the village. The order of application; amount, type, kind, and character of required submissions; and the nature of approval and entitlements of approval may vary according to the provisions of the zoning ordinance. However, a developer may not present an application for a planned unit development solely to circumvent the provisions of this ordinance.

All provisions of this ordinance shall be adhered to, and any waivers from this ordinance shall be called out on the preliminary plat and final engineering plans. (Ord., 4-26-2004)

CHAPTER 14

APPEALS

SECTION:

10-14-1: Appeals

10-14-1: **APPEALS:** Any party aggrieved by a decision of the plan commission may, within thirty (30) days thereafter, appeal such decision to the village board. The notice of appeal shall include the plan commission decision appealed from and a statement of reasons for the appeal. Plan commission disapproval or partial approval of preliminary plats, improvement plans, final plats of subdivision, and final improvement plans are not governed by this section, but are addressed in subsections 10-8-5D and E and 10-9-5E and F of this appendix. (Ord., 4-26-2004)

CHAPTER 15
AMENDMENTS

SECTION:

10-15-1: Adoption And Purpose

10-15-1: **ADOPTION AND PURPOSE:** The village board may, from time to time, adopt and amend rules and instructions for administration of this ordinance to the end that approval of plats will be expedited or standards for design or improvements will be improved upon or clarified. (Ord., 4-26-2004)

CHAPTER 16

FEES AND PENALTIES

SECTION:

- 10-16-1: Fees
- 10-16-2: Additional Development Fees
- 10-16-3: Penalty For Violation
- 10-16-4: Project Shutdown

10-16-1: **FEES:** It is the obligation of the developer to pay all administrative, professional, consulting in house planning and review, and public hearing expenses, including court reporter fees, incurred by the village in processing and acting upon petitions or requests for land development. The payment of such fees and expenses shall be assured by the deposit in advance of sums to cover such fees and expenses more fully set forth in village ordinances, being "an ordinance establishing fees and deposits for administrative and consultant expenses relating to the zoning, subdividing, development, and annexation of lands", as now in effect or as hereinafter revised by ordinance passed from time to time by the village board. The terms of such ordinance, including revisions and amendments thereto, are deemed to be fully incorporated herein. (Ord., 4-26-2004)

10-16-2: **ADDITIONAL DEVELOPMENT FEES:** Additional development fees may be adopted by the village from time to time. It is the developer's sole and express responsibility to discover if additional fees are applicable. (Ord., 4-26-2004)

10-16-3: **PENALTY FOR VIOLATION:** In addition to the sanctions imposed by this appendix, whoever shall violate any of the provisions of this ordinance 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 thereof, and each day that a violation exists or continues shall constitute a separate offense. (Ord., 4-26-2004; amd. 2009 Code)

10-16-4: **PROJECT SHUTDOWN:** If a developer ignores written notification from the village of a violation of this ordinance or any other ordinance of the village relating to the development of land and the construction, renovation or demolition of structures within the village, the village has the right to halt all construction and development proceedings. (Ord., 4-26-2004)

CHAPTER 17

ZONING MAP, PLAN, AND DRAWINGS

SECTION:

10-17-1: Zoning Map

10-17-2: Standard Drawings And Illustrations

10-17-3: Comprehensive Plan

10-17-1: **ZONING MAP:** The zoning map of the village (as amended from time to time) hereby becomes a part of this ordinance¹. The zoning map is the official plat and boundary map of the village. (Ord., 4-26-2004)

10-17-2: **STANDARD DRAWINGS AND ILLUSTRATIONS:** Any and all standard drawings and illustrations and maps attached to this ordinance, or which are hereinafter enacted, hereby become a part hereof and shall have the full force and effect of any and all of the provisions of this ordinance. (Ord., 4-26-2004)

10-17-3: **COMPREHENSIVE PLAN:** The comprehensive plan (as amended from time to time) for the village and the one and one-half (1¹/₂) mile planning area hereby becomes a part of this ordinance. The village claims jurisdiction over the area shown on said comprehensive plan. All provisions and regulations in this ordinance shall be enforced throughout the area shown on the comprehensive plan, and it is deemed to be a part of this ordinance and is incorporated herein as if fully set forth herein. (Ord., 4-26-2004)

1. See appendix A, section 9-5-2 of this code.

CHAPTER 18

SEVERABILITY, EFFECT, DATE OF EFFECT

SECTION:

10-18-1: Severability

10-18-2: Effect

10-18-1: **SEVERABILITY:** If any chapter, section, subsection, clause or phrase of this ordinance is for any reason held to be void, such decision shall not affect the validity of any other chapter, section, subsection, clause or phrase.

If any court of competent jurisdiction shall adjudge any application of any provision of this ordinance to a particular property, building or structure as invalid, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in the judgment. (Ord., 4-26-2004)

10-18-2: **EFFECT:** This ordinance shall supersede all prior and inconsistent ordinances.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance, unless such conflict is specifically provided for herein, are hereby repealed. This ordinance shall be in full force from and after its passage and publication, in pamphlet form, according to law. (Ord., 4-26-2004)

CHAPTER 19

APPENDICES

SECTION:

- 10-19-1: Appendix C
 10-19-2: Appendix D
 10-19-3: Appendix G

10-19-1: APPENDIX C:

- A. Certifications And Approvals: Surveyor shall submit letter allowing village to record.

1. Surveyor Certificate:

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
) SS
 COUNTY OF DEKALB)

I, _____, Illinois Registered Land Surveyor No. _____, hereby certify that I have surveyed, subdivided, and platted the following described property, consisting of acres:

(Legal Description)

as shown by the plat hereon drawn which is a correct and accurate representation of said survey and subdivision. Permanent monuments and iron pipes have been set in accordance with the Village of Shabbona Subdivision Ordinance and all distances are shown in feet and decimals thereof. I further certify that all regulations enacted by the Village Board of Trustees relative to plats and subdivisions have been complied with in the preparation of this plat and that the property covered by this plat (is not) (is) located within a special flood hazard area identified by the Federal Management Agency.

Dated at _____, Illinois, this _____ day of _____, 20 _____.

(Illinois Registered Land Surveyor)

(Number)

2. Owner Certificate:

OWNER'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF DEKALB)

This is to certify that the undersigned is the owner of the land described in the forgoing Surveyor's Certificate and has caused the same to be surveyed and subdivided as indicated thereon for uses and purposes as indicated therein, and does hereby acknowledge and adopt the same under the style and title thereon indicated.

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

(Owner)

(Address)

NOTARY CERTIFICATE

I, _____, Notary Public in and for the State and County aforesaid, do hereby certify that _____, personally known to me to be the same persons whose names are subscribed to the foregoing certificate, appeared before me this day in person and acknowledged the execution of the annexed plan and accompanying instruments for the uses and purposes therein set forth as his or their free and voluntary act.

Given under my hand and Notarial Seal this __ day of _____ A.D., 20

Notary Public

My Commission Expires _____

3. County Clerk Certificate:

COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS)
) SS
 COUNTY OF DEKALB)

This is to certify that I find no delinquent and/or forfeited taxes, no redeemable tax sales, and no unpaid special assessments against any of the real estate described and platted hereon.

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

4. Highway Authority Approval:

HIGHWAY AUTHORITY APPROVAL

*(Required if access required onto
State, County, Township maintained roads)*

(Highway Authority)

STATE OF ILLINOIS)
) SS
 COUNTY OF DEKALB)

Approved this ____ day of ____, A.D., 20 ____.

(Signature of the Pres. of Authority)

5. Plan Commission Approval:

PLAN COMMISSION APPROVAL

STATE OF ILLINOIS)
) SS
 COUNTY OF DEKALB)

*Approved by the Plan Commission of the Village of Shabbona this
 ____ day of _____ A.D., 20 ____.*

*PLAN COMMISSION,
 VILLAGE OF SHABBONA*

(Chairperson)

6. Village Board Approval:

VILLAGE BOARD APPROVAL

*STATE OF ILLINOIS)
) SS
 COUNTY OF DEKALB)*

Approved and accepted this _____ day of _____, AD., 20 ____.

*BOARD OF TRUSTEES,
 VILLAGE OF SHABBONA, ILLINOIS*

(Mayor)

(Village Clerk)

7. Recorder Certificate:

RECORDER CERTIFICATE

*STATE OF ILLINOIS)
) SS
 COUNTY OF DEKALB)*

*This instrument No. ____ was filed for record in the Recorder's Office of
 DeKalb County, Illinois on the _____ day of _____, 20
 ____, at ____ o'clock ____m., and recorded in Plat Envelope
 No. ____.*

(County Recorder)

B. Easements:

EASEMENTS

Each final plat submitted to the village of Shabbona for approval shall include an easement certificate in substantially the following form:

A permanent non-exclusive easement is hereby reserved for and granted to the Village of Shabbona and to all public utility companies of any kind operating under franchise granting them easement rights from the Village, including, but not limited to, COMMONWEALTH EDISON COMPANY, NICOR, VERIZON, and MEDIACOM and to their successors and assigns in, upon, across, over, under and through the areas shown by dashed lines and labeled public utilities and drainage easement for the purpose of installing, constructing, inspecting, operating, replacing, renewing, altering, enlarging, removing, repairing, cleaning, and maintaining electrical, cable television, communication, gas, telephone or other utility lines or appurtenances, sanitary and storm sewers, drainage ways, storm water detention and retention, water mains and any and all manholes, hydrants, pipes, connections, catch basins, buffalo boxes, and without limitation, such other installations as may be required to furnish public utility service to adjacent areas, and such appurtenances and additions thereto as said Village and utilities may deem necessary, together with the right of access across the real estate platted hereon for the necessary personnel and equipment to do any or all of the above work. The right is also hereby granted to said Village and utilities to cut down, trim or remove any trees, shrubs, or other plants that interfere with the operation of or access to said sewers or without limitation, utility installations in, on, upon, or across, under or through said easements. No permanent buildings shall be placed on said easements, but same may be used for gardens, trees, shrubs, landscaping, and other purposes that do not then or later interfere with the aforesaid uses and rights. Where an easement is used for storm sewers, sanitary sewers or any other utility installation, it shall be subject to the prior approval of said Village so as not to interfere with other utility lines and drainage. After installation of said utility lines, the final surface of the easement shall be restored in a manner so as not to interfere with proper operation and drainage thereof. Fences shall not be erected upon said easement except where specifically permitted by written authority of the Village of Shabbona.

C. Engineer Certificates:

1. Design Engineer's Certification: The first sheet of the improvement plans shall thereon show the following:

DESIGN ENGINEER'S CERTIFICATION

This is to certify that all site improvement plans and specifications for the

(Subdivision Name) Subdivision, consisting of _____ pages and dated _____, and most recently revised on _____, are in conformance with the standards of the Subdivision Ordinance of the Village of Shabbona, and are also in accordance with good engineering principles.

Date: _____

 Illinois Registered Professional
 Engineer: Signature and Seal

2. Drainage Overlay Certificate: The drainage overlay drawing shall include the following certificate:

DRAINAGE OVERLAY CERTIFICATE

STATE OF ILLINOIS)
) SS
 COUNTY OF DEKALB)

To the best of our knowledge and belief the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof, or, that if such surface water drainage will be changed, reasonable provision has been made for collection and diversion of such surface waters into public areas, or drains which the subdivider has a right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the subdivision.

Dated this _____ day of _____ 20 ____.

 Design Engineer

 Owner or Attorney

3. Prior To Reduction In Construction Guarantee:

PROJECT ENGINEER'S CERTIFICATION

I, _____, (a representative of the developer) have regularly observed the construction of the improvements included in the reduction request of the construction guarantee and the improvements have been constructed and installed in conformance with the approved Improvement Plans and Specifications and in accordance with good

engineering and construction practice.

Date

*Illinois Registered Professional
Engineer: Signature and Seal*

- D. Certification On Record Drawing: Locate certification on cover sheet with notation on each sheet to identify that the sheet is a record drawing.

**CERTIFICATIONS BY ENGINEER
REPRESENTING DEVELOPER**

I, (Name of Engineer) (a representative of _____), hereby declare that these "RECORD DRAWINGS" have been prepared under my direction and are based on information obtained from observation by myself or persons under my direction or from _____, surveyor and/or from _____, contractor. To the best of my knowledge, these "RECORD DRAWINGS" accurately depict field locations, distances, and elevations of improvements required by the village and substantiate that the improvements constructed as part of this project will function in substantial conformance to the design as reflected in the Improvement Plans and Specifications approved by the Village of Shabbona.

Date

*Illinois Registered Professional
Engineer: Signature and Seal*

- E. Prior To Release Of Construction Guarantee: Prior to the release of the construction guarantee, the following certification shall be submitted to the plat officer:

PROJECT ENGINEER'S CERTIFICATION

I, (Name of Engineer), a representative of (Firm), the Developer's Project Engineer for (Name of Development) have Final inspected all the completed improvements and that said improvements have been constructed and installed in conformance with the approved improvement plans and specifications and all approved changes or modifications thereto.

Date _____ Illinois Registered Professional
Engineer: Signature and Seal

F. Letter Of Credit Reduction Request: Reserved.

G. Letter Of Credit Form:

IRREVOCABLE LETTER OF CREDIT

_____, 2_____

Village of Shabbona
126 Blackhawk Street
Shabbona, IL 60542

Expiration Date: _____

Number: _____

Amount: _____

Gentlemen:

We hereby establish our Irrevocable Letter of Credit in your favor for the amount of _____ (name and address) (the "Developer"), in the aggregate amount of \$_____ available by your draft drawn at sight and marked "Draw under (identify letter of credit), dated _____" and accompanied by a statement signed by the Village of Shabbona Village Administrator indicating one of the following:

1. Some portion of the public improvements required by Village Ordinance, Annexation Agreement, or other agreement or mandate, as described in the approved plans and specifications for the project known as _____ have not been completed in accordance with said ordinances, agreements, plans or specifications; or

2. An amount is due and unpaid for work completed on said project; or

3. That the Developer has not completed the required improvements and has failed to renew this Letter of Credit as of sixty (60) days prior to its expiration.

The improvements in the above described project shall be completed before sixty (60) days prior to expiration date. If the required

improvements have not been completed, approved by the Village Engineer, and accepted by the Village prior to that date, then the Village is hereby granted authority to draw upon this Irrevocable Letter Of Credit for the purpose of completing said improvements or making payments in accordance with the provisions set forth above, or to extend the Letter of Credit for a period up to one (1) year by written demand. Partial and several draws will be accepted. Any draft may draw up to the entire remaining balance hereunder. The principal amount of this Irrevocable Letter Of Credit shall not be reduced for any subdivision improvements installed unless such reduction is approved by the Village Administrator. The Village may submit its site drafts as hereinabove provided without the consent of the Developer or any other party. Said drafts may be submitted for payment on or after sixty (60) days prior to expiration and shall be honored in accordance with the terms and provisions herein contained.

This Letter Of Credit is irrevocable and shall be utilized to secure the installation and completion of all improvements required under the Subdivision and other germane Ordinances of the Village of Shabbona through and including the applicable one (1) year maintenance period after the substantial completion of the improvements, and until the improvements have been finally approved by the Village Engineer and accepted by the Village Board. This Irrevocable Letter Of Credit shall not operate as a limitation upon the obligation of the Developer to install all improvements required by the Village of Shabbona.

This Irrevocable Letter Of Credit is subject to the "Uniform Customs and Practice Documentary Credits" (1993 revisions), the International Chamber of Commerce Publication #500, as hereinabove modified.

Sixty (60) days prior to the expiration of this Irrevocable Letter of Credit, we shall notify the corporate authorities of the Village, by registered letter, return receipt requested, of the impending expiration date. This commitment shall not terminate without such notice. In the event that the sixty (60) day notice is not sent on a timely basis, this commitment shall remain in effect until the 60th day after the receipt by the Village of the late-filed notice.

Very Truly Yours,

BANK

BY: _____

TITLE: _____

(Ord., 4-26-2004)

10-19-2: APPENDIX D:

PRESENT CLASSIFICATION OF EXISTING STREETS
AS OF APRIL 2004

Primary Streets: (arterial roadways)
US Route 30

Collector Streets:
Shabbona Road
Preserve Road

Local Streets:
All other existing streets within village
(Ord., 4-26-2004)

10-19-3: APPENDIX G:

LETTER OF CREDIT

*Administrator
Village of Shabbona*

Shabbona, IL 60550

*RE: IRREVOCABLE LETTER OF CREDIT FOR **<DEVELOPER>** FOR
PUBLIC IMPROVEMENTS IN **<SUBDIVISION>***

Dear Administrator:

*The undersigned, **<bank>**, hereby establishes our Irrevocable Letter of Credit on account of **<developer>** in favor of the Village of Shabbona in the amount of **<Dollar Amount>**. We understand this irrevocable credit is to be used to construct the following improvements in the development known as **<subdivision/unit>** to be constructed within the Village of Shabbona:*

***<describe improvements>** in accordance with the final engineering plans for **<subdivision/unit>** prepared by **<Engineering Firm>** and*

dated <date>.

We understand the public improvements shall be constructed by <developer> in accordance with plans, specifications and cost estimates prepared by <engineer> and approved by the Village Engineer.

The undersigned agrees this Irrevocable Letter of Credit shall remain in full force and effect and shall relate to any and all amendments or modifications which may be made from time to time to the plans, specifications and cost estimates for such Development without notice from the Village of such amendments or modifications.

This Irrevocable Letter of Credit shall expire on <date>, provided, however, the undersigned shall notify the Village's Administrator by certified or registered mail, return receipt requested, at least sixty (60) days prior to the expiration date, that said Letter of Credit is about to expire. In no event shall this Irrevocable Letter of Credit or the obligations contained herein expire except upon said prior written notice, it being expressly agreed by the undersigned that the expiration date shall be extended as required to comply with this notice provision.

We shall make payouts from this irrevocable commitment as follows:

- 1. Only if we have not been notified by the Village of a default.*
- 2. We shall disburse the funds for labor and materials furnished by contractors in accordance with the sworn statement of the Developer and the certificate of the Village Engineer stating the amount to be disbursed and that such work has been properly completed.*

(Ord., 4-26-2004)