

CHAPTER 35

SUBDIVISION CODE

ARTICLE I - GENERAL PROVISIONS

35-1-1 **TITLE.** These regulations shall be known as the Subdivision Code of the City of Du Quoin, Illinois.

35-1-2 **PURPOSE.** In accordance with State law (**Ill. Comp. Stats., Chap. 65, Secs. 5/11-12-5, 5/11-12-8 -- 5/11-12-12; Chap. 765, Sec. 205/1 et seq.**), this Code regulates the subdivision and development of land in order to implement the Comprehensive Plan and Official Map duly adopted by the City. Thus this Code assists in achieving the following specific objectives:

- (A) to preserve, protect, and promote the public health, safety, and welfare;
- (B) to avoid unnecessary public costs related to private land development;
- (C) to provide a pleasant living environment by furthering and efficient layout and use of land and by facilitating aesthetic urban design;
- (D) to establish accurate legal records, to avoid development in areas, and to avoid legal and other problems by requiring that subdivided land be monumented and recorded;
- (E) to conserve and increase the value of land, improvements, and buildings throughout the City;
- (F) to preserve the natural beauty and topography of the City to the maximum feasible extent, including preservation of such features as stands of trees, streams, significant archaeological sites, and historical landmarks;
- (G) to provide adequate light, air, and privacy for all residents of new developments by preventing undue concentration of population;
- (H) to protect against injury or damage caused by fire, pollution, flooding, storm water runoff, or erosion and sedimentation;
- (I) to provide safe and convenient access to new developments and to avoid traffic congestion and unnecessary public expenditures by requiring the proper location, design, and construction of streets and sidewalks;
- (J) to provide an environment whereby the cost of installing and maintaining adequate water mains, sanitary sewers, storm water sewers, and other utilities and services can be kept at a minimum; and
- (K) to ensure that adequate parks, schools, and similar facilities can be made available to serve the residents.

35-1-3 JURISDICTION. The provisions of this Code shall apply to all planned developments whether residential, commercial, or otherwise in nature, and to any other developments whether a plat is required or not under the law, statutes, ordinances or regulations of the governmental body or agency having jurisdiction or control, and regardless of whether the same is labeled a subdivision or not, it being the intent of this Code to apply to all types of development, both within the City and to areas lying within **one and one-half (1.5) miles** of the corporate limits of the City.

35-1-4 INSTANCES WHEN PLATS WILL NOT BE REQUIRED. The provision of these regulations does not apply and no plat is required in any of the following instances:

(A) the division or subdivision of land into parcels or tracts of **five (5) acres** or more in size which does not involve any new streets or easements of access or special utility easements;

(B) the division of lots or blocks of less than **one (1) acre** in any recorded subdivision which does not involve any new streets or easements of access or special utility easements;

(C) the sale or exchange of parcels of land between owners of adjoining and contiguous land;

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

(E) the conveyance of land for highway or other public purposes or grants or conveyance relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;

(F) conveyance made to correct description in prior conveyances;

(G) the conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access or special utility easements;

(H) the sale of a single lot of less than **five (5) acres** from a larger tract when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land.

The City retains the right to review and approve the infrastructure improvements including, but not limited to stormwater and erosion control regulations.

35-1-5 INTERPRETATION. Every provision of this code shall be construed liberally in favor of the City, and every regulation set forth herein shall be considered the minimum requirement for the promotion of the public health, safety, and welfare.

(A) **More Restrictive Requirements Apply.** Whenever the requirements of this Code differ from those of any statute, lawfully adopted ordinance or regulation, easement, covenant, or deed restriction, the more stringent requirement shall prevail. Thus, in accordance with State law whenever this code imposes higher standards than the County Subdivision Code, said higher standards shall supersede the County regulations in the unincorporated territory located within the City's subdivision jurisdiction. **(See 65 ILCS Sec. 5/11-12-11)**

35-1-6 DISCLAIMER OF LIABILITY.

(A) Except as may be provided otherwise by statute or ordinance, no officer, council member, agent, or employee of the City shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code. **(See "Local Governmental and Governmental Employees Tort Immunity Act," Ill. Comp. Stats., Chap. 745, Secs. 10/1-101.)**

(B) Any suit brought against any officer, council member, agent, or employee of the City, as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the City Attorney until the final determination of the legal proceedings.

35-1-7 REVIEW OF THE CODE. The Mayor and City Council shall arrange reviews and updates of the Subdivision Code from time to time. The Subdivision Code shall minimally be reviewed and updated within one year of the update, adoption, and approval of the Comprehensive Plan and Official Map of the City of Du Quoin.

ARTICLE II - DEFINITIONS

35-2-1 **INTERPRETATION OF TERMS.** In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A) Unless the context clearly indicates otherwise, words and phrases shall have the meanings respectively ascribed to them in **Section 35-2-2**; terms not defined in **Section 35-2-2** shall have the meanings respectively ascribed to them in the City's Zoning Code; if any term is not defined either in **Section 35-2-2** or in the Zoning Code, said term shall have its standard English dictionary meaning.

(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C) Words used in the present tense shall include the future tense.

(D) Words used in the singular number shall include the plural number, and vice versa.

(E) The word "shall" is mandatory; the word "may" is discretionary.

(F) Captions (i.e., titles of sections, subsections, etc.) are intended merely to facilitate general reference and in no way limit the substantive application of the provisions set forth thereunder.

(G) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

(H) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

(I) All distances shall be measured to the nearest integral foot; **six (6) inches** or more shall be deemed **one (1) foot**.

35-2-2 **SELECTED DEFINITIONS.**

Administrator: The official appointed by the Mayor and the City Council to administer the subdivision code.

Alley: A public right-of-way which affords a secondary means of vehicular access to the side or rear of premises that front on a nearby street, and which may be used for utility purposes.

Amendment: A change in the provisions of this code, properly affected in accordance with State law and the procedures set forth herein.

Area, Building: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of unenclosed patios, terraces, and steps.

Area, Gross: The entire area within the lot lines of the property proposed for subdivision/development, including any areas to be dedicated/reserved for street and alley rights-of-way and for public uses.

Area, Net: The entire area within the boundary lines of the territory proposed for subdivision, less the area to be dedicated for street and alley rights-of-way and public use.

Arterial Street: A street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route with intersections at grade, and on which traffic control devices are used to expedite the safe movement of through traffic.

Barrier (Natural or Artificial): Any street, highway, river, pond, canal, railroad, levee, embankment, or screening by a fence or hedge.

Block: An area of land entirely bounded by streets, highways, barriers, or rights-of-ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or R.O.W.) or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.

Building: Any structure, whether temporary, semi-permanent, or permanent, designed or intended for the support, enclosure, shelter or protection of persons or property.

Building Line: See **Setback Line.**

Catch Basin: A receptacle, located where a street gutter opens into a storm sewer, designed to retain matter that would not easily pass through the storm sewer.

Centerline:

- (A) the centerline of any right-of-way having a uniform width;
- (B) the original centerline, where a right-of-way has been widened irregularly;
- (C) the new centerline, whenever a road has been relocated.

Centerline Offset: The distance between the centerline of two roughly parallel streets, measured along the third street with which both said "parallel" streets intersect.

Cluster Development: A subdivision planned and constructed so as to group housing units into relatively dense patterns while providing a unified network of open space and wooded areas, and meeting the requirements of the subdivision code and the zoning code.

Collector Street: A street which carries or is proposed to carry intermediate volumes of traffic from local streets to arterial streets and which may or may not be continuous. Collector streets are those streets which carry or are expected to carry traffic intensities as generated by one or more residential subdivisions or neighborhoods.

Common Land: That land set aside for open space or recreational use for the owners of the lots of a subdivision, which land is conveyed by the developer in fee simple absolute title by warranty to trustees whose trust indenture shall provide that said common land be used I for the sole benefit, use and enjoyment of the lot owners present and future. No lot owner shall have the right to convey his interest in the common land except as an incident of the ownership of a regularly platted lot.

Comprehensive Plan: The plan or any portion thereof adopted by the City Council to guide and coordinate the physical and economic development of the City. The City's Comprehensive Plan may include, but is not limited to, plans and programs regarding the location, character, and extent of highways, bridges, public buildings or uses, utilities, schools, residential, commercial, or industrial land uses, parks, drainage facilities, etc.

County: Perry County, Illinois.

Cross-slope: The degree of inclination measured across a right-of-way rather than in the direction traffic moves on said right-of-way.

Cul-de-Sac: A short minor local street having only one outlet for vehicular traffic and having the other end permanently terminated by a turn-around for vehicles; the term may also be used to refer solely to said turn-around.

Curb and Gutter, Integral: The rim forming the edge of a street plus the channel for leading off surface water, constructed of concrete as a single facility.

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

Density, Gross: The total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.

Density, Net: The total number of dwelling units divided by the net acreage. See definition of Area, Net.

Design: The arrangement of uses on the land and the arrangement of easements, lots and rights-of-way, including specifications of materials, alignment, grade and width of these elements.

Develop: To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefor.

Developer: Any person engaged in developing or improving a lot or groups of lots or structures thereon for use or occupancy. A subdivider.

Dimensions: Refers to both lot depth and lot width.

District, Zoning: A portion of the territory of the City wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of the City's Zoning Code, if any.

Drainageway: A watercourse, gully, dry stream, creek, or ditch which carries storm water runoff or which is fed by street or building gutters or by storm water sewers, or which serves the purpose of draining water from the lands adjacent to such watercourse, gully, dry stream, creek, or ditch.

Easement: A grant by the property owner to the public a corporation, or a person of the use of land for limited and specifically named purpose.

Engineer, Civil: a professional engineer, licensed in Illinois, designated by the City to represent its interests in reviewing and approving subdivisions.

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

Filing Date: The date that the applicant has filed the last item of required data or information with the City Clerk and has paid the necessary fees for review by the City.

Flood Hazard Area: All land subject to periodic inundation from overflow of natural waterways.

Frontage: The lineal extent of the front (street-side) of a lot.

Grade: The degree of inclination of the site or right-of-way, expressed, as a percentage; synonym for "slope."

Improvement: Refers to site grading, street work and utilities (including water, sewer, electric, gas, storm water, telephone and cable television) to be installed or agreed to be installed by the subdivider on land to be used for public or private streets, and easements or other purposes as are necessary for the general use of lot owners in the subdivision including the furnishing of all materials, equipment, work and services such as engineering, staking and supervision, necessary to construct all the improvements required in **Article V** of the code or any other improvements that may

be provided by the subdivider. All of such materials, equipment and services shall be provided at the subdivider's cost and expense, although he may enter into a contract with individuals and firms to complete such improvements, and the improvements shall be subject to the final approval of the City Council.

Improvement Plans: The engineering plans showing types of materials and construction details for earth moving and for the structures and facilities to be installed both in, or in conjunction with, a subdivision. Plans shall include drainage, streets, alleys and utility locations to be installed in or in conjunction with a subdivision - also, include overall drainage plan and its effect on contiguous land and source of effluent or discharge.

Inlet: A receptacle, located where surface and/or groundwater can run to by gravity to be received by the storm sewer.

Intersection: The point at which two or more public rights-of-way (generally streets) meet.

Land surveyor: A professional land surveyor registered to practice in the State of Illinois.

Land Use Plan: The comprehensive long-range plan for the desirable use of land, the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive subdividing and use of undeveloped land.

Local Street: A street serving limited amounts of residential traffic and:

- (A) is used primarily for access to abutting properties and marginal streets;
- (B) has more than one outlet;
- (C) is not typically a through route; and
- (D) serves at least one defined subdivision.

Lot: A tract of land intended as a unit for the purpose (whether immediate or future) of development or transfer of ownership. A "lot" may or may not coincide with a "lot of record."

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lines of a lot, exclusive of any land designated for street right-of-way.

Lot, Butt: A lot at the end of a block and located between **two (2)** corner lots.

Lot, Corner: A lot having at least **two (2)** adjacent sides that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

Lot Depth: The mean horizontal distance between the front end and the rear lot lines measured in the general direction of the side lot lines.

Lot, Interior: A lot whose side lines do not abut any street.

Lot Line, Front: The line separating the lot from the street. On a corner lot, the front lot line shall be the frontage having the least dimension.

Lot Line, Rear: The rear lot line is the lot line most nearly parallel to and most remote from the front lot line.

Lot Line, Side: Any lot line other than front or rear lot line. A corner side lot line separating a lot from a street is called a street side lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot of Record: An area of land designated as a lot on a plat of subdivision recorded with the County Recorder of Deeds in accordance with state law.

Lot, Through: A lot having a part of approximately parallel lot lines that abut **two (2)** approximately parallel streets. Both such lot lines shall be deemed front lot lines.

Lot Width: The mean horizontal width of the lot measured at right angle to the general direction of the side lot lines.

Maintenance Bond: A surety bond posted by the developer and approved by the City, guaranteeing the satisfactory condition of installed improvements for the **two (2) year** period following their dedication.

Marginal Street: A street serving minimal amounts of residential traffic at low speeds and:

- (A) is used for access to abutting properties;
- (B) is a permanently dead end street; and
- (C) terminates in a cul-de-sac of the required dimensions; and

Master Development Plan: A combination of maps, drawings, site plans, charts and supportive narrative material that portrays total development to be achieved in the overall project area; which provides sufficient detailed information to both illustrate and describe the intended character and configuration of development to be accomplished.

Metes and Bounds: A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and description of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by describing lines or portions thereof.

Official Map: A graphic statement of the existing and proposed capital improvements planned by the City which require the acquisition of land--such as streets, drainage systems, parks, etc.

Owner: A person having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

Parking Lane: An auxiliary lane of a street and primarily used for vehicular parking.

Pedestrian Way: A right-of-way dedicated to public use which cuts across a block to facilitate safe pedestrian access to adjacent streets and properties.

Performance Bond: A surety bond posted by the developer and approved by the City, guaranteeing the installation of required improvements within, or in conjunction with, a subdivision.

Planned Unit Development (PUD): A planned unit development is a comprehensively planned development containing residential, commercial, industrial, or other land uses on an area of land under continuing unified control. A planned unit development may contain a single type of land use or combination of land uses provided that such development is reviewed, evaluated and approved by the City and satisfies the requirements contained herein.

Plans: All of the drawings including plats, cross-sections, profiles, working details and specifications, which the subdivider prepares or has prepared to show the character, extent and details of improvements required in this code as to scale and details for submittal to the City for consideration, approval or disapproval.

Plat, Final: The final engineering and architectural maps, drawings, and supporting material indicating the subdivider's plan of the subdivision which, if approved, may be filed with the County Recorder of Deeds.

Plat Preliminary: Preliminary engineering and architectural maps, drawings, and supportive material indicating the proposed layout of a subdivision.

Project Area: That territory intended to be subdivided or developed, and portrayed and defined in the preliminary and final plats.

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

Reserve Strip: A narrow strip of land between a public street and adjacent lots which is designated on a recorded subdivision plat or property deed as land over which vehicular travel is not permitted.

Retention Area: An area of land designed to capture water runoff from a developed parcel and release it at a specified rate of flow as determined by engineering studies.

Reverse Curve: A curve in a street heading in approximately the opposite direction from the curve immediately preceding it so as to form an S-shape.

Right-of-Way, Public: A strip of land which the owner/subdivider has dedicated to the City or other appropriate government entity for streets, alleys, and other public improvements; sometimes abbreviated as r.o.w.

Road District Road: A road or street of the Perry County Unit Road District.

Roadbed: The graded portion of a street upon which the base course, surface course, shoulders and median are constructed.

Roadway: The entire improved portion of the street, including shoulders, parking lanes, travel way, curbs and gutter.

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

Sewerage System, Private: A sewer system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.

Sidewalk: A pedestrian way constructed in compliance with the standards of this Code, generally abutting or near the curb line of the street.

Slope: The degree of inclination of site or right-of-way expressed as a percentage. Synonym for "grade."

Soil and Water Conservation District: The Perry County Soil and Water Conservation District also known as the U.S. Natural Resource and Conservation Service.

Stop Order: An order used by the Administrator to halt work-in-progress that is in violation of this code.

Street: A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane,

place, drive, court and similar designations, but excludes an alley or a way for pedestrian or bicycle use only.

Street, Cul-de-Sac: A short, land-access street, having only **one (1)** end open for vehicular traffic, and the other permanently terminated by a turn-around for vehicles.

Street Dead-End: Land access streets similar to cul-de-sacs, except that they provide no turn-around circle at their closed end, and are permitted in any proposed subdivision with the permission of the City.

Street, Land Access: Land access streets provide access to abutting properties, have a relatively short travel distance, and have a low volume design capacity and travel speeds.

Street, Looped: Land access streets having **two (2)** open ends, each end generally connecting with the same street, no other streets intersecting between its ends, and property fronts on both sides of the street.

Structure: Anything constructed or erected which requires permanent or temporary location on or in the ground, or is attached to something having a fixed location on or in the ground. All buildings are structures but not all structures are buildings (e.g., a fence).

Stub or Butt Street: A street that is temporarily terminated, but that is planned for future continuation.

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

Subdivision:

(1) The division of land into two or more lots or parcels for the purpose of either immediate or future sale, rental or building development or use(s) other than agricultural use or production.

(2) Establishment or dedication of a public street or alley through a tract of land regardless of size. The term "subdivision" shall also include all re-subdivisions of land or lots.

Subdivision, Minor: A division of land into **two (2)**, but not more than **four (4) lots**, all of which front upon an existing street, not involving new streets or other rights-of-way, easements, improvements, or other provisions for public areas and facilities.

Topography: The relief features or surface configuration of an area of land.

Travelway: That portion of a street used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Vacate: To terminate the legal existence of right-of-way or subdivision, and to so note on the final plat recorded with the County Recorder of Deeds.

Variance, Subdivision: A relaxation in the strict application, of the design and improvement standards set forth in this Code.

Yard, Front: A yard extending across the full width of the lot, between the nearest front main building and the front lot lines. The depth of the required front yard shall be measured horizontally from the nearest part of the main building toward the nearest point of the front lot lines.

Yard, Rear: A yard extending across the full width of the lot between the nearest rear main building and the rear lot lines. The depth of the required rear yard shall be measured horizontally from the nearest part of the main building toward the nearest point of the rear lot lines.

Yard, Side: A yard between a main building and the side lot line, extending from the front yard or front lot lines, where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

Zoning Code: The Zoning Code of the City of Du Quoin, Illinois.

ARTICLE III - PLATS AND PLANS

DIVISION I - PRELIMINARY PLATS

35-3-1 GENERAL PROCEDURE. Before preparing a proposed plat for an area, the owner, developer, or their representatives should have a pre-application meeting with the City Planner to determine applicable ordinance regulations and standards. After the pre-application meeting(s), the subdivider should then prepare the preliminary plat. As defined in the subdivision code, the preliminary plat must contain a substantial amount of data, and will thus be incomplete and cannot be considered as filed until all required data are submitted. The preliminary plat is received with filing fees by the City Clerk's office, who, in turn, will forward the same to the City Engineer for their review. Following its review (as well as comments from other appropriate agencies when required), the preliminary plat is forwarded to the City Council, who then approves, disapproves, or approves with modifications, the preliminary plat.

35-3-2 FILING PROCEDURE. Except as specifically provided otherwise below, every person who proposes to subdivide any land located within the subdivision jurisdiction of this municipality shall file **six (6) copies** of the preliminary plat of said subdivision with the City Clerk.

He shall also file **one (1) copy** of the preliminary plat and supporting data with the Perry County Soil and Water Conservation District. Said district shall have not more than **thirty (30) days** to submit any comments it might wish to make to the Council. **(See 70 ILCS Sec. 405/22.02.4)**

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

All preliminary plats shall be reviewed and acted upon in accordance with **Illinois Compiled Statutes, Chapter 65, Section 5/11-12-8** and the provisions of the subsections below.

EXCEPTION: The provision of this section shall not apply to:

- (A) minor subdivisions as defined at **Section 35-2-2**; or
- (B) land that is specifically exempted from the Illinois Plats Act as now or hereafter amended. **(See 765 ILCS Sec. 205/1(B)).**

35-3-3 INFORMATION REQUIRED. Every preliminary plat shall be prepared by an Illinois Professional Land Surveyor at any scale from **one inch equals twenty feet (1" = 20')** through **one inch equals one hundred feet (1" = 100')** provided the resultant drawing does not exceed **thirty-six (36) inches square**. Applicant shall provide **11" x 17"** reduced size copies for City Council review. Each preliminary plat shall indicate on its face the following information:

- (A) small key map showing the relation of the proposed subdivision to section or U.S. Survey lines and to platted subdivisions and dedicated roads within **three hundred (300) feet** of the proposed subdivision;
- (B) names and addresses of the owner, subdivider (if not the owner), and registered professional engineer;
- (C) proposed name of the subdivision;
- (D) zoning district classification of the tract to be subdivided, and of the adjacent land;
- (E) north arrow, graphic scale, and date of map;
- (F) the gross and net acreage area of the proposed subdivision, the acreage of streets, and of any areas reserved for the, common use of the property owners within the subdivision and/or for public use;
- (G) all lot lines adjacent to and abutting the subdivision;
- (H) tract boundary lines showing dimensions, bearings, angles, and references to known land lines;
- (I) topography of the tract to be subdivided as indicated by **two- (2) foot** contour data for land having slopes of **zero-four percent (0-4%)**, **five-(5) foot** contour data for land having slopes between **four-twelve percent (4-12%)**, and **ten-(10) foot** contour data for land having slopes of **twelve percent (12%)** or more;
- (J) any proposed alteration, adjustment or change in the elevation or topography of any area;
- (K) locations of such features as bodies of water, ponding areas, natural drainageways, railroads, cemeteries, bridges, parks, schools, etc.;
- (L) streets and rights-of-way on and adjoining the site of the proposed subdivision; showing the names and including street right-of-way and paving widths; approximate gradients; types and widths of pavement, curbs, sidewalks, crosswalks, planting strips and other pertinent data, including classification of all existing or proposed streets as to function as collector, major, minor or county road;
- (M) a copy of the results of any tests made to ascertain subsurface rock and soil conditions and the water table;
- (N) locations, widths, and purposes of all existing and proposed easements;
- (O) a copy of the description of all proposed deed restrictions and covenants;
- (P) location and size of existing and proposed sanitary and storm sewers;
- (Q) locations, types, and approximate sizes of all other existing and proposed utilities;
- (R) building setback or front yard lines and dimensions;
- (S) locations, dimensions, and areas of all parcels to be reserved or dedicated for schools, parks/playgrounds, and other public purposes; and
- (T) locations, dimensions, and areas of all proposed or existing lots within the subdivision;

- (U) information as defined in **Section 35-3-4(A)**;
 - (V) delineated boundaries of any wetland;
 - (W) delineated boundaries of any Federal Emergency Management Agency identified floodplain, floodway or flood prone areas.
- [See Schedule "A" at conclusion of Chapter.]**

35-3-4 CITY ACTION. The City Engineer shall conduct and complete a report with recommendations to the City within **thirty (30) days** of receipt of the preliminary plat by the City Clerk. The City Engineer will verify the completeness of the submission and/or request additional information from the subdivider. The City Council shall either approve or disapprove the application for preliminary plat approval within **sixty (60) days** from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the City Council and the subdivider mutually agree to extend this time limit. If the City Council disapproves the preliminary plat, they shall furnish to the applicant within the **sixty (60) day** period a written statement specifying the aspects in which the proposed plat fails to conform to this Code and/or the Official Map.

(A) **Notice of Meeting.** The City Council shall give notice of its consideration of any preliminary plat and allow the opportunity to be heard to the following person(s) or groups during its preliminary review time span:

- (1) Any person requesting notification of the meeting.
- (2) Any property owner whose property is contiguous to the property, including property across the streets, railroads, creeks, and similar barriers; said information shall be provided by the applicant to the City Clerk's office when filing the plat.
- (3) Any governmental or taxing body which requests notification of the meeting. **(See 65 ILCS 5/11-12-8)**

(B) **Effect of Lack of Action.** Should the City Council fail to act on the preliminary plat within the allocated time, the plat is effectively denied.

35-3-5 CIRCUMSTANCES INVOLVING VARIANCES. Should the preliminary plat involve a request for variance, the subdivider shall follow the procedures for a variance as specified in the Du Quoin Zoning Ordinance. The time period for the City Council approval process of the preliminary plat will not commence until the day after the Board of Appeals hearing is held. A denial for a variance by the Board of Appeals equals a denial of the preliminary plat without further action by the City Council.

35-3-6 RIGHTS AND PRIVILEGES OF SUBDIVIDER. Preliminary plat approval shall confer the following rights and privileges upon the subdivider:

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

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

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

35-3-7 RESERVED.

DIVISION II - IMPROVEMENT PLANS

35-3-8 SUBMISSION OF PLANS. After the City Council has approved the preliminary plat, but prior to submission of the final plat, the developer shall furnish **four (4) copies** of the plans and specifications for all improvements to be installed within or in conjunction with the proposed development to the City Clerk, pay all associated filing fees before review by the City Engineer. These plans and specifications shall be signed and sealed by the registered professional engineer responsible for their preparation. Until the City Engineer certifies in writing that the proposed improvements conform to generally accepted engineering practices and to the standards in this Code, the City Council shall not act upon the application for final plat approval.

35-3-9 INFORMATION REQUIRED. Improvement plans shall consist of black or blue line prints not larger than **twenty-four (24) by thirty-six (36) inches** and at a minimum horizontal scale of **one hundred (100) feet to one (1) inch** or minimum vertical scale of **five (5) feet to one (1) inch**. These plans and the related specifications shall provide all of the following information:

- (A) topography of the tract, both before and after development at the same scale as the approved preliminary plat;
- (B) existing and proposed elevations along the centerline of all streets;
- (C) radii of all curves and lengths of tangents on all streets;
- (D) locations and typical cross-section of street pavements including curbs/gutters, catch basins, and inlets;
- (E) locations and typical cross-section of sidewalks and driveway aprons;
- (F) locations, sizes, and invert elevations of all existing and proposed sanitary sewers, storm sewers, and fire hydrants, showing connections to any existing or proposed utility systems;
- (G) locations and sizes of all Water, gas, electric, and other utilities;
- (H) locations of street lighting standards and street signs;
- (I) one or more bench marks, when requested by the City Engineer, in or near the subdivision, to which the subdivision is referenced; the identity and elevation shall be based on sea level datum;
- (J) all proposed measures to control erosion and sedimentation;
- (K) high water elevations of all lakes/streams adjoining or within the tract;
- (L) such other information as the City Engineer may reasonably require to perform his duties under this section; and
- (M) existing and proposed survey monuments on street plans or on the proposed final plat as required by this code.
- (N) stormwater detention facilities shown on plans and supporting engineering calculations for storm sewers and detention facilities.

[See Schedule "B" at conclusion of Chapter.]

35-3-10 INSPECTIONS REQUIRED. The subdivider/developer shall notify the Administrator and the City Engineer of both the start and completion of construction.

(A) The City Engineer shall inspect said improvements while they are under construction. If he or his designated deputy determines that they are being built in violation of this code, he shall request that the Administrator promptly issue a stop order.

(B) The City Engineer shall inspect improvements upon their completion. This municipality shall not accept any completed improvement until the Engineer has stated in writing that it con conforms with this code.

35-3-11 FILING "AS-BUILT" RECORDS.

(A) The subdivider/developer shall file with the Administrator a set of reproducible cloth- or polyester-base film positive showing the as-built details and any

deviations from the approved plans upon the completion of improvements, or when **fifty percent (50%)** of the building permits have been issued in a given plat.

(B) The subdivider/developer shall pay the costs to add water, sewer, street, and stormwater improvements to the overall City map(s);

(C) If the Administrator finds the as-built to be unacceptable, building permits shall be discontinued until such time as the information is acceptable.

35-3-12 RESERVED.

**DIVISION III - ASSURANCE FOR COMPLETION OF
REQUIRED IMPROVEMENTS**

35-3-13 APPROVAL OF FINAL PLAT - IMPROVEMENTS. The City Council shall not approve any final plat of subdivision (and, hence, said final plat shall not be entitled to recording) until:

(A) all improvements required in the improvement plan have been completed by the subdivider/developer at his expense, inspected by the Zoning Administrator and City Engineer, and dedicated to this municipality or other appropriate entity; or

(B) in accordance with the sections below, the subdivider/ developer has provided this municipality with legal assurance to guarantee the satisfactory completion and dedication of all required improvements.

35-3-14 FORMS OF ASSURANCE. At the option of the City Council, the required legal assurance may be either a performance bond, a bank letter of credit, or an escrow deposit. Every performance bond shall be reviewed by the City Attorney, and posted with the City Clerk.

35-3-15 AMOUNT OF BOND OR DEPOSIT. The amount of the performance bond or escrow deposit shall be equal to the City Engineer's opinion of probable costs of constructing the uncompleted portion of the required improvements plus all required inspection fees. Developer's engineer shall prepare cost estimates for review and approval by the City Engineer. Any escrow deposit may be in the form of:

(A) an irrevocable letter of credit or commitment from a lending institution guaranteeing to this municipality the availability of the escrow funds from time to time upon demand; or

(B) certificates of deposit, treasury bills, or other readily negotiable instruments approved by the City Clerk, and made payable to this Municipality.

[See Schedules "D" and "E" at the conclusion of the Chapter.]

35-3-16 ELIGIBLE SURETIES. No person shall be eligible to act as surety unless he has been approved by the City Council. The Treasurer shall conduct or cause to be conducted spot audits of all sureties. Any surety who fails to perform shall be ineligible for **two (2) years** thereafter to act as surety for any subdivision improvement within this City's jurisdiction.

35-3-17 TERM OF ASSURANCE, EXTENSION. The initial term of any performance bond or bank letter of credit shall not exceed **two (2) years**. If all the required improvements have not been completed by the end of the **two (2) year** period, the Administrator, with the advice and consent of the Mayor and City Council, may either extend said bond/bank letter of credit for **one (1) year** only, or may proceed as per **Section 35-3-19**.

35-3-18 RELEASE OF BOND/ESCROW DEPOSIT.

(A) The City Treasurer may release up to **ninety percent (90%)** of the amount of the performance bond/escrow deposit upon receipt of written authorization from the City Engineer. The amount which the City Engineer authorizes to be released shall be equal to the value of improvements actually completed in accordance with approved plans.

(B) The balance of the amount of the performance bond/escrow deposit shall not be released by the City Council until:

- (1) the City Engineer has certified to the Council in writing that all required improvements have been satisfactorily completed; and
- (2) said improvements have been accepted by and dedicated to this City or other appropriate entity.

35-3-19 FAILURE TO COMPLETE IMPROVEMENTS. If all the required improvements have not been completed by the end of the **two (2) year** period (or **three (3) year** period, in the case of an extension), the Administrator, with the assistance of the City Attorney, may:

(A) require the surety to perform on the bond, and to pay to this municipality an equal amount to the cost of completing the required improvements or the amount of the bond not theretofore released, whichever is less; or

(B) order the City Clerk to retain all escrow funds needed to complete the required improvements, and to return the balance (if any) of such funds to the subdivider/developer; or

(C) require the subdivider/developer to submit a new performance bond or bank letter of credit in an amount sufficient to cover any increase in the cost of constructing the required improvements.

An extension may be granted only for a **one (1) year** period by the City Council.

35-3-20 - 35-3-21 RESERVED.

DIVISION IV - FINAL PLATS

35-3-22 CITY COUNCIL APPROVAL. The City Council shall not approve any final plat unless they determine that it is in compliance with all pertinent requirements of this Code including those set forth in the sections below.

35-3-23 FILING, TIME LIMITS. The subdivider of every subdivision -- whether major or minor but excluding land specifically exempted from the Illinois Plats Act as now or hereafter amended (**Ill. Comp. Stats., Chap. 765, Sec. 205/1(b)**) -- who desires final plat approval shall file **six (6) copies** of the final plat and supporting data with the City Clerk and pay all associated filing fees not later than **one (1) year** after preliminary plat approval has been granted. However, with the consent of the City Council, the subdivider may delay application for final approval of part(s) of the tract shown on the preliminary plat for successive **one (1) year** periods. No subdivision plat or re-plat shall be filed for record or recorded in the office of the County Recorder of Deeds, unless and until the approval of the City is endorsed thereon. No lot shall be sold for such subdivision plat or re-plat until it has been approved by the City Council and filed for record in the office of the County Recorder of Deeds as required by the State Statutes.

For official filings, the subdivider shall file the approved final plat with the County Recorder of Deeds within **sixty (60) days** after the City Council has approved the same and the Mayor has affixed his signature thereto. **One (1) copy** of the final plat shall be given to the City Clerk's office by the subdivider bearing the official stamp of the County Recorder attesting its recording within **twenty (20) days** of such action.

35-3-24 INFORMATION REQUIRED. Every final plat shall be prepared by a registered Illinois land surveyor on polyester-base film with waterproof black ink at a scale not greater than **one hundred (100) feet equals one (1) inch**, provided that the resultant drawing shall not exceed **twenty-four (24) by thirty-six (36) inches**. The final plat and supporting data shall portray/provide all of the following information:

(A) north arrow, graphic scale, and date;

- (B) name of subdivider, subdivision, identification of the portion of the Public Lands Survey in which the subdivision is located;
- (C) accurate metes and bounds or other adequate legal description of the tract, and the included area of the subdivision to the nearest **one-hundredth (1/100) of an acre**;
- (D) accurate boundary lines, with dimensions and bearings or angles which provide a survey of the tract, closing with an error of closure of not more than **one (1) foot in ten thousand (10,000) feet**;
- (E) all dimensions shall be shown in feet and decimals of a foot;
- (F) reference to recorded plats of adjoining platted land within **three hundred (300) feet**, by record name, plat book, and page number;
- (G) accurate locations of all existing streets intersecting the boundaries of the subdivision;
- (H) right-of-way lines of all streets, other rights-of-way, easements, and lot lines with accurate dimensions, angles, or bearings and curve data, including radii, arcs or chords, points of tangency, and central angles;
- (I) name and right-of-way width of every proposed street;
- (J) purpose of any existing or proposed easement(s);
- (K) number of each lot, lot dimensions, and (in a separate list) lot areas;
- (L) purpose(s) for which sites, other than private lots, are reserved;
- (M) building or setback lines with accurate dimensions;
- (N) restrictions of all types which will run with the land, and become covenants in the deeds of lots;
- (O) certification of dedication of all public areas;
- (P) accurate distances and directions to the nearest established official monument; reference corners shall be accurately described on the final plat;
- (Q) reference to known and permanent monuments and bench marks from which future surveys may be made together with elevations of any bench marks; and the Surveyor must, at the time of making his survey, establish permanent monuments (set in such a manner that they will not be moved by frost) which mark the external boundaries of the tract to be divided or subdivided and must designate upon the plat the locations where they may be found;
- (R) location, type, material and size of all monuments and lot markers.

In addition, the subdivider shall furnish the City Council with a sample sales contract which reflects both restrictive covenants and local development ordinances which the property will be subject to.

[See Schedule "C" at conclusion of Chapter.]

35-3-25 CERTIFICATES REQUIRED. As required by State law (**III. Comp. Stats., Chap. 765, Sec. 205/2; Chap. 65, Sec. 5/11-12-8**), the following certificates shall be executed on the final plat:

(A)

OWNER'S CERTIFICATE

We, _____, the Owners of _____ (description) _____, have caused the said tract to be surveyed and subdivided in the manner shown, and said subdivision is to be hereinafter known as _____. All rights-of-way and easements shown hereon are hereby dedicated to the use of the public forever including the release and waiver of the right of homestead under the Homestead Exemption laws of the State of Illinois.

Dated this _____ day of _____, 20__.

_____ (Seal)

_____ (Seal)

(B)

NOTARY PUBLIC'S CERTIFICATE

State of Illinois)
) SS
County of Perry)

I, _____, a Notary Public in and for the County aforesaid, do hereby certify that _____ (owners) _____ are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, and that they appeared before me this day in person and acknowledged that they signed and sealed the same as their free and voluntary act for the uses and purposes therein set forth, including the release of waiver of the right of homestead.

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

Notary Public

(C)

SURVEYOR'S CERTIFICATE

I, _____, an Illinois Professional Land Surveyor, do hereby certify that this plat is a correct representation of a survey made under my direct supervision at the request of _____ for the purpose of subdividing the tract into lots as shown.

Land Surveyor

Illinois Registration Number

Date

(D)

COUNTY ENGINEER'S CERTIFICATE

This plat has been approved by the Perry County Highway Department with respect to roadway access pursuant to the requirements of Perry County governing access rights.

County Engineer

Date

(E)

COUNTY CLERK'S CERTIFICATE

I, _____ County Clerk of Perry County, Illinois, do hereby certify that I find no unpaid or forfeited taxes against any of the real estate included within this plat.

County Clerk

Date

(F)

CERTIFICATE OF CITY COUNCIL

I, _____, Mayor of the City, do hereby certify that the plat shown herein was duly presented to the City Council and approved at a meeting of same held on _____.

Mayor, City of Du Quoin

City Clerk, City of Du Quoin

(G)

9-1-1 CERTIFICATE

State of Illinois)
County of Perry)

This plat has been reviewed for 9-1-1 implementation.

Perry County 9-1-1 Coordinator

Date

(H)

SPECIAL FLOOD HAZARD AREA CERTIFICATE

We, the undersigned, do hereby certify that part of the land being subdivided by this plat is located within a Special Flood Hazard Area as identified by the Federal Emergency Management Agency as shown on the "Flood Insurance Rate Map" and the "Flood Boundary and Floodway Map" for the County of Perry, Illinois on the Community Panel dated _____.

By: _____
Owner(s)

By: _____
Illinois Land Surveyor

Date

(I)

FLOOD HAZARD CERTIFICATE

State of Illinois)
) ss
County of Perry)

We, the undersigned, do hereby certify that no part of the land being subdivided by this plat is located within a Special Flood Hazard Area as identified by the Federal Emergency Management Agency (FEMA) on the "Flood Insurance Rate Map" for the County of Perry, Illinois on Community Panel dated_____. There is no guarantee implied, however, that the property within this subdivision is not subject to flooding.

By: _____
Owner(s)

By: _____
Illinois Land Surveyor

Date

(J)

DRAINAGE CERTIFICATE

We, the undersigned, do hereby certify that to the best of our knowledge and belief the drainage of surface water will not be changed by the construction of such subdivision or any part thereof, or that if surface water drainage will be changed, adequate 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 not be deposited on the property of adjoining land owner's in such concentrations as may cause damage to the adjoining property because of the construction of the subdivision.

By: _____
Owner(s)

By: _____
Illinois Registered Engineer

Registration Number

Date

35-3-26 ADMINISTRATIVE REVIEW, ADVISORY REPORT. Within **thirty (30) days** from the date of application for Final Plat approval, the City Engineer and the Administrator shall review said Final Plat (and supporting data), and shall each advise the City Council in writing whether it substantially conforms to the approved preliminary plat and improvement plans.

35-3-27 ACTION BY CITY COUNCIL. The City Council shall either approve or disapprove the application for Final Plat approval by resolution within **sixty (60) days** from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the Council and the subdivider mutually agree to extend this time limit. The City Council shall not approve any Final Plat unless:

- (A) the final plat substantially conforms to the approved preliminary plat; and
- (B) the final plat manifests substantial compliance with the design and improvements standards of this code, the zoning code, if any, and the Official Map; and
- (C) to the Council's knowledge and belief, the final plat complies with all pertinent requirements of State law; and
- (D) either of the following has been met:
 - (1) all required improvements have been completed, inspected,

- accepted, and dedicated; or
- (2) the subdivider/developer has posted a performance bond to guarantee the satisfactory completion and dedication of all required improvements.

If the City Council disapproves the Final Plat, their resolution shall specify the aspects in which the Plat fails to meet the above conditions for approval.

The City Clerk shall attach a certified copy of the Council's resolution of approval or disapproval to the Final Plat. **One (1) copy** of the resolution and plat shall be retained by the Clerk, **one (1) copy** shall be filed with the Administrator, and **one (1) copy** shall be given to the subdivider. **(See 65 ILCS 5/11-2-8)**

35-3-28 CHANGES IN APPROVED FINAL PLATS. Once a Final Plat is approved by the City Council, it shall not thereafter be modified; provided, however, that minor changes may be made upon written application to the Administrator. Major changes require the filing of a new Final Plat and complete re-review. **(See Section 35-4-4.6)**

35-3-29 - 35-3-34 RESERVED.

DIVISION V - MAINTENANCE OF IMPROVEMENTS

35-3-35 SUBDIVIDER'S RESPONSIBILITIES. The subdivider/developer shall maintain all the improvements in the subdivision until they have been accepted by and dedicated to the City or other appropriate entity.

35-3-36 MAINTENANCE BOND. Prior to dedication, the subdivider/developer: shall post a maintenance bond with the City Clerk in the form approved by the City Attorney. Said bond shall be in the amount to be determined by the City Engineer to be sufficient to guarantee the satisfactory completion of the required improvements for a period of **two (2) years** from the date of their acceptance and dedication. In addition to the improvements, the maintenance bond shall cover any problems developing in the area of the subdivision which can be proven to have created as a result of the construction of the subdivision. If at any time during the **two (2) year** period the improvements are found to be defective or problems above develop, they shall be repaired, replaced, or corrected at the subdivider/developer's expense. If the subdivider/developer fails or refuses to pay such costs within **ninety (90) days** after demand is made upon him by the City Engineer, the City shall use the maintenance bond to make the necessary repairs, replacements, or corrections. If the cost of repairs, replacements, or corrections exceeds the bond

amount, the subdivider/developer shall be liable for the excess. At the end of the **two (2) year** period, the maintenance bond shall be released. **[See Schedule "F" at the conclusion of the Chapter.]**

DIVISION VI- VACATION OF PLATS

35-3-37 VACATION OF PLATS. In accordance with State law (**Ill. Comp. Stats., Chap. 765, Secs. 205/6, 205/7, and 205/8**), any plat or part thereof may be vacated by the owner of the tract, at any time before the sale of any lot therein, by a written vacation instrument to which a copy of the plat is attached. If there are public service facilities in any street, other public way, or easement shown on said plat, the instrument shall reserve to the City or other public entity or public utility owning such facilities the property, rights-of-way, and easements necessary for continuing public service by means of those facilities and for maintaining or reconstructing the same. The vacation instrument shall be approved by the Council in the same manner as plats of subdivision and shall also be approved by the County Engineer, the District Engineer of the State Department of Transportation, and the public utilities. In the case of the platted tracts wherein any lots have been sold, the written vacation instrument shall also be signed by all the owners of lots in said tracts.

ARTICLE IV

ADMINISTRATIVE PROCEDURES

35-4-1 ENFORCEMENT OFFICER, DUTIES. The Mayor or City Clerk, if designated by the Mayor, is hereby authorized and directed to administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties.

(A) to transmit improvements plans to the City Engineer for his review **(See Art. III; Div. II);**

(B) to review and forward final plats to the City Council **(See Sec. 35-3-23);**

(C) to issue stop orders as necessary when the City Engineer determines that approved improvements are being constructed in violation of this Code **(See Sec. 35-3-10);**

(D) to pursue actions authorized at **Section 35-3-19** when a developer fails to complete required improvements;

(E) to evaluate and pass upon proposed changes in approved final plats **(See Sec. 35-3-28);**

(F) to review applications for subdivision variances;

(G) to maintain up-to-date records of matters pertaining to this code including, but not limited to, preliminary plats, as-built records of completed improvements **(See Sec. 35-3-11)**, final plats, variances, and amendments;

(H) to provide information to subdividers/developers and to the general public on matters related to this code; and

(I) to periodically review the provisions of this code to determine whether revisions are needed, and to make recommendations on such matters to the City Council as necessary.

35-4-2 SUBDIVISION VARIANCES. Any subdivider/developer desiring a variance from the requirements of this code shall file a written application therefor with the City Council at the same time that he files his preliminary plat. The application shall fully explain the grounds for the variance request, and specify the section(s) of this Code which, if strictly applied, would cause great practical difficulties or hardship. The City Engineer shall prepare an advisory report on every variance application and submit it, together with the completed application, to the Administrator.

35-4-3 REVIEW BY ADMINSTRATOR AND CITY ENGINEER. The Administrator shall review the variance application and the City Engineer's comments, perform on-site review when appropriate, and submit their advisory report to the City Council together with their recommendation on preliminary plat approval **(See Sec. 35-3-2)**.

35-4-4 ACTION BY CITY COUNCIL, VARIANCE STANDARDS. At the same meeting at which they take action on the application for preliminary plat approval (**See Sec. 35-3-3**), the City Council shall decide by resolution whether to grant or deny the requested subdivision variance. A copy of their decision, clearly stating their reasons therefor and the exact terms of any variance granted, shall be attached to both the preliminary and final plats. The City Council shall not grant any subdivision variance unless, based upon the information presented to them, they determine that:

(A) the proposed variance is consistent with the general purposes of this Code (**See Sec. 35-1-1**); and

(B) strict application of the subdivision requirements (**See Article V**) would result in great practical difficulties or hardship to the applicant, not a mere inconvenience; and

(C) the proposed variance is the minimum deviation from the subdivision requirements that will alleviate the difficulties/hardship; and

(D) the plight of the applicant is due to peculiar circumstances not of his own making; and

(E) the peculiar circumstances creating the variance request are not applicable to other tracts and, therefore, that a variance would be a more appropriate remedy than a code amendment; and

(F) the variance, if granted, will not materially frustrate implementation of the comprehensive plan including the Official Map. (**See Section 35-5-2.2**) Financial consideration or peculiar circumstances do not constitute a hardship.

35-4-5 AMENDMENTS. Amendments to this code may be proposed by the Administrator, City Engineer, any member of the City Council, or any party in interest. Every amendment proposal shall be filed on a prescribed form in the Administrator's office. The Administrator shall promptly conduct a public hearing.

(A) **Public Hearing, Notice.** The Administrator shall hold a public hearing on every amendment proposal within a reasonable time after said proposal is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed amendment shall be given not more than **fifteen (15)** nor less than **seven (7) days** before the hearing by publication in a newspaper of general circulation within this City.

(B) **Advisory Report, Action by City Council.** Within a reasonable time after the public hearing, the Administrator shall submit an advisory report to the City Council. The City Council shall act on the proposed amendment at their next regularly scheduled meeting following submission of this report. Without another public hearing, the City Council may either pass or reject the proposed amendment or may refer it back to the Administrator for further consideration.

35-4-6 SCHEDULE OF FEES. All fees indicated in tabular form below shall be paid to the City Clerk. Said fees are intended to defray the administrative cost connected with the processing/conducting of the listed item; they do not constitute a tax or other revenue-raising device.

<u>Procedure</u>	<u>Fee</u>
Filing preliminary plat	\$15.00 per lot or a minimum of \$500.00
Filing Improvement plans	\$1,500.00 flat fee
Improvements inspection	3% of estimated improvement costs
Filing final plat	\$5.00 per lot
Filing variance request	\$150.00 plus the cost of mailing; public notices, and the court recorder fees
Filing amendment proposal	\$150.00 plus the cost of mailing; public notices, and the court recorder fees

All of these fees shall be paid by the subdivider/developer or the applicant to the City Clerk's office at the time of the submission of documents.

35-4-7 PENALTIES.

(A) Any person who is convicted of a violation of this Code shall be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**, plus costs. Each day that a violation continues shall be considered a separate offense; likewise, in the case of multiple violations, each violation shall be considered a separate offense.

(B) Nothing contained in this section shall prevent the City from taking any other lawful action that may be necessary to secure compliance with this Code.

ARTICLE V

DESIGN AND IMPROVEMENT STANDARDS

DIVISION I - GENERALLY

35-5-1 **APPLICABILITY OF ARTICLE.** No land within the subdivision and development jurisdiction of this municipality shall be subdivided or developed except in compliance with the regulations of this Article and the applicable provisions of State law. **(See Ill. Comp. Stats., Chap. 65, Sec. 5/11-12-8; Chap. 765, Secs. 205/1 et seq.)** No lot in any subdivision shall be conveyed until:

(A) the final plat of said subdivision has been approved by the City Council and recorded in the office of the County Recorder of Deeds; and

(B) the portion of said subdivision , in `which the lot is located has been improved in accordance with the requirements of this Article or until a performance bond or other Security has been posted to assure the completion of such improvements.

35-5-2 **SUITABILITY FOR DEVELOPMENT GENERALLY.** Land that is unsuitable for development due to flooding, poor drainage, rough topography, adverse soil conditions, or other features which will be harmful to the health, safety, and general welfare of the inhabitants of the development and/or its surrounding areas shall not be subdivided or developed unless the subdivider/developer formulates adequate plans/methods to solve the problems caused by the adverse land conditions.

35-5-3 **RESERVATIONS FOR PUBLIC USE.** The City Council may require that the developer reserve land for parks, playgrounds, schools, or other public purposes in locations designated in the City's Comprehensive Plan, if any, in lieu of the deduction of parcels.

DIVISION II- LOT REQUIREMENTS

35-5-4 **LOT SIZE.** All lots in a subdivision shall be at least **ten thousand (10,000) square feet** in size with a minimum front lot line width of **seventy-five (75) feet**; land that is under water or reserved for street improvements shall not be counted to satisfy these minimum requirements. Every corner and through lot shall be large enough to permit compliance with the district's front setback requirements on every side of the lot that faces a street. All lot remnants shall be added to adjacent lots to avoid the creation of unbuildable parcels. All lots shall contain adequate space for

required off-street parking and loading, which shall consist of at least **two (2) parking spaces** per single residential dwelling or **two (2) off-street parking spaces** per separate apartment in a multi-family dwelling. **(Ord. No. 96-09; 12-16-96)**

(A) Only **one (1) principal building** or structure shall be permitted on any residential lot.

(B) No portion of any minimum area, minimum dimension, or minimum yards required for any lot, structure or use shall be counted to satisfy the minimum area, dimension, or yards requirement for any other lot, structure or use.

(C) Setback lines for each residential property are hereby established as follows:

- | | | |
|-----|--------------------------------------------------------|---------|
| (1) | Depth of front yard | 25 feet |
| (2) | Depth of side yard abutting street | 20 feet |
| (3) | Depth of side yard abutting a lot | 5 feet |
| (4) | Distance to nearest principal building on adjacent lot | 10 feet |
| (5) | Depth of rear yard | 25 feet |

35-5-5 ACCESS AND RELATIONSHIP TO STREET. Land shall be subdivided in such a way that each lot abuts a street meeting the requirements of **Section 35-5-7**. All side lot lines shall be at right angles to straight street right-of-way lines or radial to curved street right-of-way lines except where a deviation from this rule will provide a better street and lot design.

35-5-6 REFERENCE MONUMENTS. Stone or reinforced concrete reference monuments set in the ground in such a manner that they will not be moved by frost, shall be placed in the field in accordance with the Plats Act, as now or hereafter amended. **(Ill. Comp. Stats., Chap. 765, Sec. 205/1.)** All block corners shall be **thirty-six (36) inches** permanent concrete post monuments and **four (4) inches** in diameter. All lot corners shall be marked by **one-half (0.5) inch** iron pins not less than **twenty-four (24) inches** long. These pins shall be driven into the ground deep enough that they do not protrude above the ground surface more than **one-half (0.5) inch**.

DIVISION III - STREET DESIGN STANDARDS

35-5-7 PLAN INTEGRATION. All streets shall be properly integrated with the existing and proposed street system indicated in the municipal comprehensive plan, and shall meet the specifications set forth in **Table 5-A**.

35-5-8 **RIGHT-OF-WAY AND PAVEMENT WIDTHS.** Every right-of-way established for subdivision purposes is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. All rights-of-way shall be dedicated to the public by the developer.

The minimum pavement widths shall be as noted in **Table 5-A**.

35-5-9 **TOPOGRAPHICAL CONSIDERATIONS.** Grades of street shall conform as closely as possible to the natural topography, but shall not exceed the maximum grade nor be less than the minimum grade indicated in the **Table of Street Design Specifications**. All streets shall be arranged so that as many as possible of the building sites are at or above street grade.

35-5-10 **THROUGH TRAFFIC DISCOURAGED.** Marginal access and local streets shall be laid out so as to discourage use by through traffic. The rigid rectangular gridiron street pattern shall be avoided, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged to affect a more desirable street layout.

35-5-11 **LIMITED ACCESS TO ARTERIALS.** Where a development abuts or contains an existing or proposed arterial street, the Plan Commission may recommend to the City Council may direct that access to said arterial street be limited by one of the following means:

(A) by subdividing lots so they back onto the arterial street and front onto a parallel local street (double frontage lots), coupled with the installation of screening in a reserve (access-restricting) strip along the rear lot lines of such lots;

(B) a series of cul-de-sacs, U-shaped streets, or short loops entered from and generally at right angles to the arterial street, with the rear lot lines of the lots at the termini of such streets backing onto the arterial street; or

(C) a frontage road separated from the arterial street by a planting strip, but having access thereto at suitable points.

35-5-12 **DEAD-END STREETS.**

(A) **Temporary Stub Streets.** Streets shall be so arranged to provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire and police protection, and efficient provision of utilities, and where such continuation comports with the City's Official Map. If the adjacent property is undeveloped and the street must dead-end temporarily, the right-of-way shall be extended to the property line, and no strip that would prevent connections with future streets shall be reserved. A temporary turnout shall be provided at the terminus of any temporary dead-end street.

(B) **Permanent Dead-End Streets.** For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited to **five hundred (500) feet** in length.

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

35-5-13 **INTERSECTIONS.**

(A) **Only Two Streets.** Not more than **two (2) streets** shall intersect at any one point.

(B) **Right Angles.** Streets shall be laid out so as to intersect as nearly as possible at right angles; in no case shall **two (2) streets** intersect at an angle of less than **seventy-five (75) degrees**. An oblique street shall be curved approaching an intersection and shall be approximately at right angles with said intersection for at least **one hundred (100) feet** therefrom.

(C) **Proper Alignment.** Proposed new intersections along one side of an existing street shall, whenever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than **one hundred twenty-five (125) feet** shall not be permitted, except where the intersected street has divided lanes without median breaks at either intersection. Intersections involving collector or arterial streets shall be at least **eight hundred (800) feet** apart.

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

(E) **Flat Grade.** Intersections shall be designed with a fiat grade wherever practical. In hilly terrain, an area having not greater than a **three percent (3%)** slope for a distance of **fifty (50) feet** from the nearest right-of-way line of the intersecting street shall be provided at the approach to an intersection.

(F) **Maximum Cross-Slope.** The cross-slopes on all streets, including intersections, shall not exceed **three percent (3%)**.

(G) **Adequate Sight-Lines.** Where any street intersection will involve earth banks or existing vegetation on the triangular area shown in **Figure 1**, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide an adequate sight distance.

(H) **Driveways.** It shall be unlawful to construct a driveway in the triangular area shown in **Figure 1**.

35-5-14 **REVERSE CURVES.** A tangent at least **one hundred (100) feet** long shall be introduced between reverse curves on local and collector streets (**see Figure 2**).

35-5-15 **IMPROVEMENTS TO EXISTING STREETS.** Whenever any development abuts an existing street that is narrower than the standards indicated in the **Table of Street Design Specifications**, the subdivider shall dedicate sufficient right-of-way on the side abutting the development to permit compliance with those standards. The developer shall improve said street to the standards imposed at **Section 35-5-21 et seq.**, and pay **one-half (1/2)** the cost of said improvements.

35-5-16 **WHEN EXCESS RIGHT-OF-WAY REQUIRED.** Right-of-way width in excess of the standards set forth in the **Table of Street Design Specifications** shall be required where:

(A) due to topography, additional width is necessary to provide adequate earth slopes; or

(B) due to the location of railroad tracks, additional width is needed to construct overpasses, underpasses, and approaches thereto.

35-5-17 - 35-5-19 **RESERVED.**

DIVISION IV - STREET IMPROVEMENT STANDARDS

35-5-20 **STREET REQUIREMENTS.** All streets shall be improved solely at the expense of the developer in accordance with the requirements set forth herein. Typical roadway and pavement sections are shown in **Figures 6** and **7**. Requirements for pavement materials, equipment, and methods of construction for bituminous concrete (flexible) pavements and Portland cement concrete (rigid) pavements are contained in **Table 5-B**. Existing streets that adjoin the development on one side only will be improved to meet the current street standards, and this cost will be shared equally between the City and the developer. Existing streets that join the development on both sides shall be improved at the developer's expense. The extent of the improvement of existing streets will be determined by the City and the developer during improvement plan approval process. IDOT Standard Specifications for Roads and Bridge Construction, policies and specifications shall be followed for all street design and construction, except as modified by this Code.

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

35-5-21 **PAVEMENT STRUCTURE.** All streets shall be paved across the entire surface width specified in **Section 35-5-8**. The structural composition of the

pavement shall conform to the minimum requirements set forth in **Table 5-B**. Design requirements for both rigid and flexible pavements are set forth hereinafter.

(A) **Flexible Pavements.** Flexible pavements are to be constructed as multi-layered structures combining hot mix bituminous concrete/bituminous base/crushed stone base/subbase. Each layer of material is to be constructed in lifts not to exceed the maximum lift thickness (compacted) specified in **Table 5-B**. The minimum width of any single pass for any lift/layer of bituminous mixture shall be **ten (10) feet**. There are alternate designs for either deep-strength asphalt or bituminous concrete on a crushed stone base/subbase.

(B) **Rigid Pavements.** Rigid pavements are specified as either reinforced or non-reinforced Portland cement concrete to be constructed either on a lime stabilized subgrade or on an underlayment (**See Table 5-B**). Alternate designs are shown for two of the five street classifications. The underlayment is to be **one-fourth (1/4) inch** thick fabric such as "Bidim" or "Petromat," or equal.

- (1) Contraction joints are to be provided at the spacings shown in **Table 5-B** for each of the various alternates. These transverse joints are to be sawed joints that are **one-eighth inch (1/8")** to **one-fourth inch (1/4")** wide with a depth equal to **one-fourth (1/4)** of the pavement thickness. Sawed construction joints are to be sawed within **twenty-four (24) hours** of placement on the concrete. All contraction joints are to be dowelled with the exception of the alleys and land access residential streets. Dowel sizes and spading shall comply with the following requirements:

Min. Pavement Thickness	Min. Dowel Diameter	Min. Dowel Length	Min. Dowel Spacing
6"	5/8"	12"	12"
7"	3/4"	15"	15"
8"	1"	15"	12"

The dowel units are to be smooth, plain round bars placed at mid-height of the pavement with an expansion cap on one end. The bars, or assemblies, shall be placed so that the bars are parallel to the centerline and to the pavement surface and shall be treated to prevent bonding of the concrete. Longitudinal joints shall be constructed no closer than **eight (8) feet** and no farther apart than **fifteen (15) feet**. The longitudinal joints may be either "construction" joints or "sawed" joints. In either case, there shall be transverse #4 reformed tie bars, **thirty (30) inches** long, spaced at **thirty (30) inch** centers along all longitudinal

joints. This includes the joint between the pavement and curb/gutter if the curb/gutter is not constructed integral with the pavement. As an option to tie bars, either a half-round or trapezoidal preformed keyway meeting the following dimensions may be used on longitudinal joints excluding the gutter joint:

Pavement Thickness	Half-Round Diameter	Trapezoidal		
		Edge Ht.	Depth	Inside Ht.
6"	2"	2"	1"	1"
7"	2"	2"	1"	1"
8"	2"	2"	1"	1"

Sawed longitudinal joints shall be sawed within **ten (10) days** of concrete placement and prior to any traffic or vehicles traveling on the surface.

- (3) Transverse Construction Joints shall be constructed at the end of each day's run or at locations where a "cold" joint will occur due to a delay or interruption in placement operations. All transverse construction joints shall be "tied" with #4 deformed billet bars, **thirty-six (36) inches** long, spaced at **twelve (12) inch** centers. Construction joints must be at least **five (5) feet** from a contraction joint.
- (4) Pavement Reinforcement shall be used in all rigid pavements designated as S.R.P.C.C. in **Table 5-B**. Reinforcement shall be welded wire fabric (**6" X 12"**) with W 4 wire transversely and W 5.5 wire longitudinally weighing approximately **54 lbs. per 100 sq. ft.** The fabric shall be lapped **twelve (12) inches** on transverse laps and **six (6) inches** on longitudinal laps. Reinforcement shall be placed on the subgrade and supported by proper chairs and spacers, prior to paving, at the heights specified below:

<u>Pavement Thickness</u>	<u>Depth Below Pavement Surface</u>
6"	2" min. 3" max.
7"	2" min. 3" max.
8"	3" min. 4" max.

Should the City and/or City Engineer or the developer's engineer determine that the minimal standards are not

adequate for a given condition (i.e., traffic volume, size of loads, subgrade support, drainage, etc.), the required pavement design shall be determined by the subdivider's engineer on the basis of current pavement design procedures subject to the approval of the City Engineer.

- (5) All concrete shall be minimum 6.05 cwt/c.y.

35-5-22 CURB AND GUTTER. All streets, except alleys and collector commercial, local commercial, arterial or industrial, shall be constructed with Portland cement concrete vertical curb and gutter and/or V-type gutter in accordance with the dimensions and specifications shown, therefor, in the Appendices. Only vertical curb and gutter shall be constructed in industrial streets. The materials and construction methods for curb and/or gutter shall conform to IDOT standards, policies and specifications.

Curb and/or gutter may be constructed either integrally or separately in conjunction with Portland cement concrete pavement. If constructed separately, the gutter flag shall be "tied" to P.C.C. pavement with **thirty (30) inch** long #4 reinforcing bars spaced at **thirty (30) inch** centers. New curb and gutter adjoining existing shall be "tied" together with **two (2) eighteen (18) inch** long #4 reinforcing bars drilled and epoxied into the existing curb and gutter and imbedded in the new concrete curb and gutter. **(See Figures 3 and 5)**

35-5-23 EARTH SUBBASE. The earth subbase shall be compacted to not less than **ninety-five percent (95%)** of the standard laboratory density and shall extend across the entire width of the roadway. Soil analysis shall be performed to determine the standard laboratory density in accordance with Article 207.05 of the current edition of the Illinois Department of Transportation's "Standard Specifications for Road and Bridge Construction". The results of the soil analysis shall be filed with the City Engineer and compaction testing of the earth subbase shall be required in the areas of both driving lanes at a minimum sampling rate of **one (1) test** per lane per **five hundred (500) lineal feet** of roadway length. All tests required shall be run by the subdivider's authorized agent and the results, along with the certification of the subdivider's Engineer, shall be filed with the City Engineer.

35-5-24 MAINTENANCE RESPONSIBILITY. Subsequent to completion of street construction by the subdivider, the City Engineer shall make a final inspection of all streets to ascertain the acceptability of structural condition, earth slopes, drainage structures, etc. If said inspection indicates no deficient items, the City shall take formal action to accept the completed streets for maintenance based upon the Engineer's recommendation.

Should any item need correction or repair, the subdivider will be notified in writing of each deficiency. No street(s) shall be accepted in a subdivision until all streets comply with the City's requirements to the satisfaction of the City Engineer. In addition, the developer shall be required to provide a guarantee in the form of a Surety Bond in the amount of **twenty-five percent (25%)** of the approved construction cost estimate for a period of **two (2) years**.

DIVISION V - BLOCKS

35-5-25 **BLOCK WIDTH.** Blocks shall be sufficiently wide to accommodate **two (2) tiers** of lots having the minimum depth required by the zoning district regulations; provided, that this requirement may be waived in blocks adjacent to local collector or collector streets, railroads, or watercourses.

35-5-26 **BLOCK LENGTH.** No block shall be longer than **one thousand four hundred (1,400) feet** nor shorter than **five hundred (500) feet**. Wherever practicable, blocks along collector streets shall not be less than **one thousand (1,000) feet** in length.

35-5-27 **CROSSWALKS.** Crosswalks, not less than **ten (10) feet** wide, may be required through the center of blocks more than **one thousand (1,000) feet** long where necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

35-5-28 **RESERVED.**

DIVISION VI- SIDEWALKS

35-5-29 **SIDEWALKS.** Sidewalks shall be required:
(A) on at least **one (1) side** of a local street, when residential density is **two (2)** or more dwelling units per net acre; and
(B) along collector streets, near schools, and in shopping areas and similar public places.

These requirements shall not be waived unless the City Engineer advises the City Council that, in the area in question, sidewalks are not needed to ensure public safety, and/or that topographical conditions make the installation of sidewalk impractical.

All sidewalks constructed within the municipality shall meet IDOT standards, policies and specifications.

35-5-30 SIDEWALK CONSTRUCTION STANDARDS.

(A) **Relationship to Curb.** The outside edge of every sidewalk shall be located **twelve (12) inches** inside right-of-way.

(B) **Width.** Residential sidewalks shall be at least **four (4) feet** wide. Non-residential sidewalks shall be at least **five (5) feet** wide.

(C) **Thickness of Concrete.** All sidewalks shall be constructed of concrete at least **four (4) inches** thick, except that across driveways the thickness shall be increased to **six (6) inches** and/or number **six (6)** reinforcing mesh shall be used.

(D) **Grade.** No sidewalk shall be constructed at a grade steeper than **five percent (5%)** or at a cross slope steeper than **two percent (2%)**.

(E) **Ramps at Intersections.** Curbs shall be cut and sidewalks shall be ramped at all intersections so as to enhance the mobility of handicapped individuals and shall meet the requirements of the Illinois Accessibility Code.

35-5-31 RESERVED.

DIVISION VII- STREETLIGHTS

35-5-32 INTERSECTION LIGHTING. Streetlights shall be provided at each intersection of streets (or alleys) within a subdivision and at each cul-de-sac, but in no event shall there: be less than one streetlight per **four hundred (400) feet** (or portion thereof) of street frontage between intersections, or between a street intersection and the terminus of a dead-end street. Additionally, in multi-family dwelling subdivisions, lighting shall, be provided within parking areas at a minimum rate of **one (1) light per twenty-five (25) parking spaces** or any fraction thereof.

35-5-33 STREETLIGHT SYSTEM STANDARDS. The design in every subdivision shall be reviewed by the City Engineer and the appropriate utility company.

The lighting intensity of each streetlight shall be equivalent, at a minimum, to a 175 watt lamp or 6800 mercury luminary lamp. Each streetlight standard (post) shall be at least **sixteen (16) feet** high. Emerging energy efficient and technologically improved systems may be utilized upon the review of the City Engineer and the approval of the City Council.

35-5-34 RESERVED.

DIVISION VIII - SIGNS

35-5-35 **STREET SIGN SPECIFICATIONS.** Street name signs of the size, height, and type approved by City Council shall be supplied and placed by the developer at all intersections within or abutting any subdivision. Street names shall be sufficiently different in sound and spelling from other street names in this municipality so as to avoid confusion. The City Clerk shall maintain a list of existing street names for reference. A street which is planned as a continuation of an existing street shall bear the same name.

35-5-36 **STOP SIGNS.** Stop signs shall be provided by the developer. The City Engineer shall specify the design and the location of the signs. He shall inspect the final installation.

DIVISION IX - UTILITIES

35-5-37 **UTILITY LOCATION AND EASEMENTS REQUIRED.** All utility lines shall be located underground throughout the subdivision, in such a manner that the various service lines can be logically extended to adjacent areas and that such underground services do not adversely affect one another. Generally, gas, electric, telephone and CATV utility lines shall be buried a minimum of **one (1) foot** below the finished grade, while water and sewer utility lines shall be a minimum of **three (3) feet**.

In addition, any support equipment required to be above ground (e.g., transformer boxes, vaults, etc.) shall be located in a safe and sightly manner. No utility line shall be placed such that it runs parallel within the area bordered by vertical planes located **one (1) foot** inside and outside the curb and gutter lines.

Underground service connections to the property line of each platted lot shall be installed at the subdivider's expense; provided that on the recommendation of the Plan Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership.

35-5-38 **UTILITY EASEMENTS.** Utility easements, not less than **twenty (20) feet** wide for sanitary sewers and water mains and not less than **fifteen (15) feet** wide for gas, electric, telephone, and cable television, shall be provided where necessary. Normally, in the case of abutting lots, an equal amount should be taken from each lot. Property owners may (at their own risk) plant shrubbery or hedges or install fences on the easement areas. Utilities (private and public), however, in order to

have access for repair shall have the election to destroy said improvements and restore the area only by grading and seeding, or to have alternate access through the owner's property.

35-5-39 **MAINTENANCE EASEMENTS.** Maintenance easements of not less than **five (5) feet** in width shall be provided along all rear and side lot lines.

35-5-40 **EXCAVATION BACKFILL.** The trench width for installation of all water and sewer lines shall be a maximum of **one and one-half (1.5) foot** greater the outside diameter of the pipe being placed. Pipe shall be placed on bedding material of select material free of stones, frozen clods, or other materials likely to cause damage to the pipe material. The initial lift of backfill shall be select material free of stones, frozen clods, or other materials likely to cause damage to the pipe, placed such that uniform support of the pipe haunches is obtained and to a depth of one-half times the diameter of the pipe. The next lift of backfill material shall again be select material free of stones, frozen clods, or other materials likely to cause damage to the pipe, placed for a minimum compacted depth of **six (6) inches** above the top of the pipe. The remaining backfill shall be placed in compacted layers of approximately **six (6) inch** lifts.

Water or sewer lines which fall within the area bounded by an imaginary vertical plane located **one (1) foot** outside the curb and gutter lines, shall be backfilled with sand placed in **six (6) inch** compacted lifts to a depth of **eighteen (18) inches** below the finished grade. Should the line cross beneath the curb and gutter or fall in the roadway, the last **eighteen (18) inches** of backfill shall consist of CA-6 gradation crushed stone compacted in **six (6) inch** lifts. Other areas may be backfilled with select earthen material. Water and sewer lines consisting of non-ferrous pipe materials shall require placing detector wires or tape such that the location of the line may be found using available metal detecting equipment.

35-5-41 **RESERVED.**

DIVISION X - WATER FACILITIES

35-5-42 **POTABLE WATER REQUIRED.** An adequate supply of potable water shall be provided to every platted lot in accordance with Illinois Department of Public Health regulations and the Illinois Environmental Protection Agency regulations. If the public water system is reasonably accessible, each lot shall be properly connected thereto at the property line. All water distribution lines shall be at least **six (6) inches** in diameter and shall conform to the latest edition of Standard Specifications for Water

and Sewer Construction in Illinois and in accordance with all City administrative regulations.

The developer shall provide at his expense a minimum of **one (1)** water main tap per lot and shall be responsible for having a curb box installed in accordance with City administrative regulations.

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

35-5-43 FIRE HYDRANTS. Fire hydrants of the type approved by the Fire Chief shall be installed in every subdivision as part of the water distribution system. Unless otherwise stated, fire hydrants shall have at least a **five (5) inch** barrel, be equipped with **two (2)** connections for **two and one-half (2.5) inch** hose and **one (1) four (4) inch** pumper connection, and have a separate shutoff valve and box of at least **six (6) inches** in nominal size. In general, said fire hydrants shall be installed throughout the subdivision so that no residence shall be greater than **four hundred (400) feet** from a fire hydrant. This distance is measured from the center line of the street right-of-way to the residence. Commercial and industrial areas shall have **four hundred (400) foot** spacing for fire hydrants.

35-5-44 RESERVED.

DIVISION XI - SANITARY SEWERS

35-5-45 COMPLIANCE WITH REGULATIONS. All proposed sanitary sewer facilities shall comply with the regulations of the Illinois Department of Public Health and the Illinois Environmental Protection Agency, and shall be approved by, the City Council. All water and sewer lines shall be constructed as per Standard Specifications for Water and Sewers Mains, State of Illinois, 5th Edition, or as amended.

35-5-46 WHEN PUBLIC SYSTEM AVAILABLE. Whenever the public sanitary sewerage system is reasonably accessible, the developer shall extend said system throughout the subdivision, and shall provide each lot with a connection thereto.

Systems requiring the installation of a lift station must be furnished with a station meeting the approval of the City. Occasionally the City may require the subdivider to install a system with a capacity greater than the needs of the individual subdivision. In these instances, the City may participate in the additional costs involved with increasing the capacity of the system.

35-5-47 **ALTERNATE METHODS OF DISPOSAL.** In, the event it is not possible, or feasible, for the subdivider to extend the public sewer system into the proposed subdivision, for whatever reason, the subdivider has the right to petition the City to install an alternative method of sewage disposal. Any such petition shall be considered on an individual basis with each case standing on its own merit. No subdivision shall be approved without the City's approval of the method of sewage disposal:

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

(B) **Individual Disposal Systems.** Upon written approval of the City Council, the subdivider may install individual sewage disposal systems providing the lot size is in excess of one acre. If such installations are permitted, they shall be designed and installed in accordance with the applicable provisions of the requirements and regulations of the "**Private Sewage Disposal Licensing Act and Code**" of the Illinois Department of Public Health or the Perry County Health Department regulations whichever are stricter.

35-5-48 **RESERVED.**

DIVISION XII - STORMWATER CONTROL CODE

35-5-49 **AUTHORITY AND PURPOSE.** This Code is enacted pursuant to the police powers granted to the City by the **Illinois Compiled Statutes 55 ILCS 5/5-1041, 55 ILCS 5/5-1113, 55 ILCS 5/5-15001, and 55 ILCS 5/5-12001.**

The purpose of this Code is to diminish threats to public health and safety, protect property, prevent damage to the environment and promote public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any new development or redevelopment ,or other activity which disturbs or breaks the topsoil or otherwise results in the movement of earth, and/or changes the stormwater drainage pattern and/or stormwater flows from that which would have occurred if the

land had been left in its natural state. This stormwater runoff and resulting soil erosion could result in the inundation of damageable properties, the erosion and destabilization of downstream channels, and the pollution of valuable stream and lake resources. This Code regulates these activities to minimize adverse impacts.

The purpose of this Code is also to comply with the General National Pollutant Discharge Elimination System (NPDES) Permit No. ILR40 regulations, the Notice of Intent (NOT) submitted to the IEPA in 2003.

This Code is, adopted to accomplish the following objectives:

(A) To assure that new development or redevelopment does not increase the drainage or flood hazards, or create unstable conditions susceptible to soil erosion;

(B) To protect new buildings and major improvements to buildings from flood damage due to increased stormwater runoff and soil erosion;

(C) To protect human life and health from the hazards of increased flooding and soil erosion on a Watershed basis;

(D) To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, correction of channel erosion problems, and flood rescue and relief operations caused by storm water runoff and soil erosion quantities from new development or re-development;

(E) To protect, conserve, and promote the orderly development of land and soil, water, air, animal, and plant resources;

(F) To preserve the natural hydrologic and hydraulic functions of watercourses and flood plains and to protect water quality and aquatic habitats;

(G) To preserve the natural characteristics of stream corridors in order to manage flood and stormwater impacts, improve water and groundwater quality, reduce soil erosion, protect aquatic and riparian habitat, maintain quality forest resources, provide recreational opportunities, provide aesthetic benefits, enhance community and economic development.

35-5-50 OTHER RELEVANT PERMITTING. Before Development begins, all required Federal, State, and Local permits will have been officially, approved. The acquisition of these permits shall be the sole responsibility of the applicant. These may include but are not limited to Section 404 of the Clean Waters Act, Section 106 of the National Historic Preservation Act, Section 10 of the Rivers and Harbors Act, or permitting required" by the Illinois Department of Natural Resources, Office of Water, Resources in accordance with the Rivers, Lakes and Streams Act, 615 ILLS, the Soil, and Water Conservation Districts Act, 70 ILCS, the Farmland Preservation Act, 505 ILCS the Illinois Groundwater Protection Act, 415 ILCS and the National Pollutant Discharge Elimination System Permit (NPDES) through the Illinois Environmental Protection Agency, Division of Water Pollution Control. Compliance is also required with but not limited to the Subdivision Code.

35-5-51 APPLICABILITY. This Code applies to all new development or redevelopment in the City. Except as otherwise provided in this Code, no person, firm or corporation, public or private, the State of Illinois and its agencies, or political subdivisions, the United States of America, and its agencies or political subdivisions, any agent, servant, officer or employee of any of the foregoing which meets the following provisions or is otherwise exempted in this Code, shall commence any development activities without first having obtained approval from the City Council.

(A) Any new development or re-development contains an area **five thousand (5,000) or more square feet** of total impervious surface (i.e., streets, roof, patio or parking area or any combination thereof); or

(B) Any land disturbing activity (i.e., clearing, grading, stripping, excavation, fill, or any combination thereof) that affects an area of **five thousand (5,000) or more square feet**, or that will exceed **one hundred (100) cubic yards**; or

(C) Any land disturbing activity if the activity is within **twenty-five (25) feet** of a river, lake, pond, stream, sinkhole, or wetland; and is done in conjunction with paragraphs (A) and (B) of this Section; or

(D) Any land disturbing activity on the sloping side of the slope disturbance line and is in conjunction with this Section.

35-5-52 EXEMPTIONS. Development Approval shall not be required for the following:

(A) Any new development, re-development or other activity falling below the minimum standards as set forth in **Section 35-5-51**.

(B) The agricultural use of land, including the implementation of conservation measures included in a farm conservation plan approved by the Soil and Water Conservation District, and including the construction of agricultural structures.

(C) The maintenance of any existing stormwater drainage/detention component or structure or any existing soil erosion/sediment control component or structure; including dredging, levee restoration, tree removal or other function which maintains the original design capacities of the above.

(D) The construction of, improvements to, or the maintenance of any street, road, highway or interstate highway performed by any unit of government whose powers grant such authority.

35-5-53 DEVELOPMENT APPROVAL. Development Approval is required for these uses but shall not be subject to the provisions of **Section 35-5-60 through 35-5-65, Stormwater Drainage and Retention**.

(A) Any land disturbing activity that is **one (1) acre (43,560 S.F.)**, or less; or development of tracts of land where not more than **one (1)** single family dwelling is being erected; or, any lots in a new subdivision of land where the lots front and have their sole access on an existing street or roadway.

35-5-54 **EXCEPTIONS.** The City Council may, in accordance with the following procedures, authorize exceptions to any of the requirements and regulations set forth in this Code:

(A) Application for exception shall be made by a verified petition of the applicant for Development approval stating fully the grounds of the petition and the facts relied upon by the applicant. Such petition shall be filed with the City Council. In order for the petition to be granted, it shall be necessary that the City Council find all of the following facts with the respect to the land referred to in the application:

- (1) That the land is of such shape or size or is affected by such physical conditions or is subject to such title limitations of record, that it is impossible or impractical for the applicant to comply with all of the requirements of this Code;
- (2) That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- (3) That the granting of the exception will not be detrimental to the public welfare, environment or injurious to other property in the vicinity of the subjects property.

(B) Each application for an exception shall be made to the City Council. The Council will review the application and grant or deny the exception.

(C) The City Council shall hold a public hearing on each application for exception, within **thirty (30) days** after receiving the application, in the manner by ordinance. Within **thirty (30) days** after public hearing, the City Council shall either approve the site Development with the exceptions and conditions it deems necessary or it shall disapprove such Development and exception application, or it shall take other such action as appropriate.

35-5-55 **SEPARABILITY/SEVERABILITY.** The provisions and sections of this Code shall be deemed to be separable, and the invalidity of any portion of this Code shall not affect the validity of the remainder.

35-5-56 **RESPONSIBILITY.** The applicant shall not be relieved, of responsibility for damage to persons or property otherwise imposed by law, and the City or its officers or agents will not be made liable for such damage, by (1) approval of a Development under this Code, (2) compliance with the provisions of that Development or conditions attached to it by the City Council, (3) failure of City Officials to observe or recognize hazardous or unsightly conditions, (4) failure of City Officials to recommend denial or to deny a Development, or (5) exemptions from Development requirements of this Code.

35-5-57 NPDES COMPLIANCE. New and re-development, that is applicable to this Code (per Section 35-5-51) must comply with the NPDES regulations (the General NPDES Permit No. ILR40 and the NOI). NPDES compliance is obtained by adhering to this Code, ILR10 permits, the General NPDES for Perry County and the NOI submitted for each individual community and all future steps taken by the individual communities to implement the NOI.

35-5-58 STORM SEWERS AND OTHER DRAINAGE APPURTENANCES. In addition to the installation of curbs or gutters along the streets, as required by **Section 35-5-22** of this Article, storm sewer systems shall be constructed to an adequate outfall. Such sewers shall provide for an extension to land lying within the upland drainage area, whether such land is within the subdivision or not. Storm sewers shall be designed by a professional engineer to accommodate the runoff incident for the **ten (10) year** design storm by the rational method. Copies of the design computations, complete with drainage area maps, shall be submitted with the plans. All storm sewer pipe and culverts shall meet the requirements of the IDOT Standard Specifications for Road and Bridge Construction, latest edition, unless otherwise approved by the City. All storm sewer pipe and culverts shall be **twelve (12) inches** or larger. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than **four hundred (400) feet** in the gutter, unless otherwise approved by the City. The storm water drainage system shall be separate and independent of the sanitary sewer system. Surface water drainage patterns shall be shown for each and every individual lot and block.

35-5-59 INFORMATION ACCESSIBILITY TO THE PUBLIC. Documents relating to the adherence to this Code are available for review by request at City Hall.

DIVISION XIII - DEFINITIONS

35-5-60 DEFINITIONS. For the purposes of this Code certain terms are defined and set forth below:

Adverse Impacts: Any negative impact on plant, soil, air or water resources affecting their beneficial uses including recreation, aesthetics, aquatic habitat, quality, and quantity.

Applicant: Any person, firm, or governmental agency who executes the necessary forms to procure official approval of, a development or permit to carry out construction of a new development or re-development from the City.

Base Flood Elevation: The elevation at all locations delineating the level of flooding resulting from the 100-year frequency flood event, which has a **one percent (1%)** chance of occurring in any given year.

Bypass Flows: Stormwater runoff from upstream properties tributary to a property's drainage system but not under its control.

Certify or Certification: Formally attesting that the specific inspections and tests were performed, and that such inspections and tests comply with the applicable requirements of this Code.

Channel: Any defined river, stream, creek, brook, branch, natural or artificial depression, ponded area, on-stream lake or impoundment, karst area (sinkhole), flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or manmade drainage way, which has a definite bed and bank or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

Channel Modification: Alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, riprapping (or other armoring), filling, widening, deepening, straightening, relocating, lining, and significant removal of bottom or woody rooted vegetation. Channel modification does not include the man-made clearing of debris or removal of trash.

Clearing: Any activity which removes the natural vegetative ground cover.

Compensatory Storage: An artificially excavated, hydraulically equivalent volume of storage within the floodplain used to balance the loss of natural flood storage capacity when fill or structures are placed within the floodplain.

Conduit: Any channel, pipe, sewer or culvert used for the conveyance or movement of water, whether open or closed.

Cubic Yard: A **one (1) yard** by **one (1) yard** by **one (1) yard** amount of material in excavation and/or fill.

Detention Basin: A facility constructed or modified to provide for the temporary storage of stormwater runoff and the controlled release by gravity of this runoff at a prescribed rate during and after a flood or storm.

Detention Time: The amount of time stormwater is held within a detention basin.

Development: Any manmade change to real estate or property, including:
(A) The division or subdivision of any duly recorded parcel of property;

- (B) Construction, reconstruction or placement of a building or any addition to a building;
- (C) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than **one hundred eighty (180) days** per year;
- (D) Construction of roads, bridges, or similar projects;
- (E) Redevelopment of a site;
- (F) Filling, dredging, grading, clearing excavating, paving or other non-agricultural alterations of a ground surface;
- (G) Storage of materials or deposit of solid or liquid waste;
- (H) Any other activity that might alter the magnitude, frequency, direction, or velocity of stormwater flows from a proper.

Drainage Plan: A plan, including engineering drawings and supporting calculations, which describes the existing stormwater drainage system and environmental features, including grading, as well as proposed alterations or changes to the drainage system and environment of a property.

Dry Basin: A detention basin designed to drain after temporary storage of stormwater flows and to normally be dry.

Erosion: The general process whereby soil or earth is moved by rainfall, flowing water, wind or wave action.

Excavation: Any act by which organic matter, earth, sand, gravel, rock or any other similar material, is cut into, dug, quarried, uncovered, removed, displaced, re-located or bulldozed and shall include the conditions resulting from such actions.

Excess Stormwater Runoff: The volume and rate of flow of stormwater discharged from a new development or re-development which is or will be in excess of that volume and rate which existed before development or redevelopment.

Existing Grade: The vertical location of the existing ground surface prior to excavation or filling.

Fill: Any act by which earth, sand, gravel, rock, or any other material, is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom.

Final Grade: The vertical location of the ground surface after grading work is completed in accordance with the engineering plans.

Flood Fringe: That area as designated by the Federal Emergency Management Agency (FEMA) on either side of the floodway. This area is subject to inundation from the base flood but conveys little or no flow.

Flood Hazard Boundary Map (FHBM): A very generalized map prepared by the Federal Emergency Management Agency (FEMA) which shows only where floodplains are located based on very basic data. FHBM's do not include base flood elevations.

Flood Insurance Rate Map (FIRM): A map prepared by the Federal Emergency Management Agency (FEMA) that depicts the special flood hazard area (SFHA) within a community. This map includes insurance rate zones and regulatory floodplains and may or may not depict regulatory floodways.

Floodplain: That land adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation which is subject to inundation. The floodplain as designated by the Federal Emergency Management Agency (FEMA) is also known as the Special Flood Hazard Area (SFHA). These areas can be found on the (FIRM), Flood Boundary and Floodway Map, or the Flood Hazard Boundary Map (FHBM) of the community. This area is the collective combination of the regulatory floodway and the flood fringe.

Floodway: The channel and that portion of the floodplain, including on-stream lakes, adjacent to a stream or watercourse which is needed to store and convey the anticipated existing and future 100-year frequency flood discharge with no more than a **0.1 foot** increase in stage due to any loss of flood conveyance or storage and no more than a **ten percent (10%)** increase in velocities. Floodways are designated by FEMA on some Flood Insurance Rate Maps and Flood Boundary and Floodway Maps. However, there are floodways on all streams whether mapped by FEMA or not.

Grading: The excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

Hydrograph: A graph showing for a given location on a stream or conduit, the flow rate with respect to time.

Hydrograph Method: This method estimates runoff volume and runoff hydrographs for the point of interest by generating hydrographs for individual sub areas, combining them, and routing them through stream lengths and reservoir structures. Factors such as rainfall amount and distribution, runoff curve number, time of concentration, and travel time are included.

Impervious Surface: That area of property that is covered by materials other than soil and vegetation and that has no intended capacity to absorb water, such as parking lots, driveways, sidewalks, patios, tennis courts, roofs and other structures.

Infiltration: The passage or movement of water into the soil surfaces.

Loessal Soil: A sediment, commonly non-stratified and unconsolidated, composed predominately of silt sized particles with accessory clay and sand.

Lot: An individual platted parcel in an approved subdivision.

Major Drainage System: That portion of a drainage system needed to store and convey flows beyond the capacity of the minor drainage system.

Minor Drainage System: That portion of a drainage system designed for the convenience of the public. It consists of street gutters, storm sewers, small open channels, and swales and, where manmade; is to be designed to handle the 10-year runoff event.

Mitigation: Mitigation is when the prescribed controls are not sufficient and additional measures are required to offset the development, including those measures necessary to minimize the negative effects which stormwater drainage and development activities might have on the public health, safety and welfare. Examples of mitigation include, but are not limited to compensatory storage, soil erosion and sedimentation control, and channel restoration.

Modified Rational Method: As described in the Illinois Department of Transportation "Drainage Manual" is based on the principal that the maximum rate of runoff from a given drainage area occurs at that point in time when all parts of the watershed are contributing to the flow. The rainfall generating the peak flow is assumed to be of uniform intensity for the entire watershed with a rainfall duration equal to the time of concentration.

Natural: Conditions resulting from physical, chemical, and biological processes without intervention by man.

Natural Drainage: Channels formed in the existing surface topography of the earth prior to changes made by unnatural causes.

One Hundred-Year Event: A rainfall, runoff, or flood event having a **one percent (1%)** chance of occurring in any given year. A **twenty-four (24) hour** storm duration is assumed unless otherwise noted.

Parcel: All contiguous land in one ownership.

Peak Flow: The maximum rate of flow of water at a given point in a channel or conduit.

Permittee: Any person to whom a building permit is issued.

Person: Any individual, firm or corporation, public or private, the State of Illinois and its agencies or political subdivisions, the United States of America, and its agencies or political subdivisions, and any agent, servant, officer or employee of any of the foregoing.

Positive Drainage: Provision for overland paths for all areas of a property including depressional areas that may also be drained by storm sewer.

Prime Farmland: Prime farmland is land that is best suited to food, feed, forage, fiber and oilseed crops. It may be cropland, pasture, woodland, or other land, but it is not urban and built upland or water areas. It is either used for food or fiber or is available for those uses. The soil qualities, growing season and moisture supply are those needed for a well managed soil to economically produce a sustained high yield of crops. Prime farmland produces the highest yields with minimum inputs of energy and economic resources, and farming it results in the least damage to the environment.

Property: A parcel of real estate.

Retention Basin: A facility designed to completely retain a specified amount of stormwater runoff without release except by means of evaporation, infiltration, emergency bypass or pumping.

Sedimentation: The process that deposits soils, debris, and other materials either on other ground surfaces or in bodies of water or stormwater drainage systems.

Site: A parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

Sinkhole, (Karst Areas): A Sinkhole or Karst topography is a land surface depression or blind valley which may or may not have surface openings to cavernous underground areas and are the result of water movement through silts and jointed limestone. These conditions make such areas unstable and susceptible to subsidence and surface collapse. Fractures in the limestone may channel runoff water to public or private water supplies, making those sources especially susceptible to groundwater contamination.

Slope Disturbance Line: The line which delineates relatively level building areas from areas where slopes exceed **eight percent (8%)** and where special precautions must be taken.

Storm water Drainage System: All means, natural and manmade, used for conducting stormwater to, through or from a drainage area to the point of final outlet from a property. The stormwater drainage system includes but is not limited to any of

the following: conduits and appurtenance features, canals, channels, ditches, streams, culverts, streets, storm sewers, detention basins, swales and pumping stations.

Stormwater Runoff: The waters derived from melting snow or rain falling within a tributary drainage basin which are in excess of the infiltration capacity of the soils of that basin, which flow over the surface of the ground or are collected in channels or conduits.

Storm Sewer: A closed conduit for conveying collected stormwater.

Stream: Any river, creek, brook, branch, flowage, ravine, or natural or man-made drainage way which has a definite bed and banks or shoreline, in or in to which surface or groundwater flows, either perennially or intermittently.

Stripping: Any activity which removes the vegetative surface cover including tree removal, by spraying or clearing, and storage or removal of top soil.

Ten-Year Event: A runoff, rainfall, or flood event having a **ten percent (10%)** chance of occurring in any given year. A **twenty-four (24) hour** storm duration is assumed unless otherwise noted.

Time of Concentration: The elapsed time for stormwater to flow from the most hydraulically remote point in a drainage basin to a particular point of interest in that watershed.

Tributary Watershed: All of the land surface area that contributes runoff to a given point.

Two-Year Event: A runoff, rainfall, or flood event having a **fifty percent (50%)** chance of occurring in any given year. A **twenty-four (24) hour** storm duration is assumed unless otherwise noted.

Vacant: Land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself.

Watershed: All land area drained by, or contributing water to, the same stream, creek, ditch, lake, marsh, stormwater facility, groundwater or depressional area.

Wet Basin: A detention designed to maintain a permanent pool of water after the temporary storage of stormwater runoff:

Wetlands: Wetlands are defined by regulation as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically

adapted for life in saturated soil conditions.” For general, but not inclusive locations of designated wetlands refer to mapping prepared jointly by the U.S. Department of Interior, fish and Conservation: National Wetlands Inventory Mapping, 1987. The applicant may be required to provide a field investigation by a qualified wetland delineator.