

CHAPTER 34

SUBDIVISION CODE

ARTICLE I - GENERAL PROVISIONS

34-1-1 **PURPOSE.** In accordance with State law (**III. 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 Municipality. Thus this Code assists in achieving the following specific objectives:

(A) to preserve, protect, and promote the public health, safety, and welfare;

(B) to provide a pleasant living environment by furthering the orderly layout and use of land;

(C) to avoid legal and other problems by requiring that subdivided land be properly monumented and recorded;

(D) to conserve and increase the value of land, improvements, and buildings throughout the Municipality;

(E) to preserve the natural beauty and topography of this Municipality to the maximum feasible extent;

(F) to provide adequate light, air, and privacy for all residents of new developments by preventing undue concentration of population;

(G) to protect against injury or damage caused by fire, pollution, flooding, storm water runoff, or erosion and sedimentation;

(H) to provide safe and convenient access to new developments and to avoid traffic congestion and unnecessary public expenditures by requiring the proper location, design, and construction of streets and sidewalks;

(I) to reduce the cost of installing and maintaining adequate water mains, sanitary sewers, storm water sewers, and other utilities and services; and

(J) to ensure that adequate parks, schools, and similar facilities can be made available to serve the residents of new developments. (**See 65 ILCS Sec. 5/11-12-5, 5/11-12-8 -- 5/11-12-12 and 765 ILCS Sec. 205/1 et seq.**)

34-1-2 **JURISDICTION.** This Code shall be applicable within the corporate limits of this Municipality and within all unincorporated territory located within **one and one-half (1.5) miles** of said limits, provided such territory is not located within the subdivision jurisdiction of another municipality. (**See 65 ILCS Sec. 5/11-12-9**)

34-1-3 **INTERPRETATION.** Every provision of this Code shall be construed liberally in favor of this Municipality, and every regulation set forth herein shall be considered the minimum requirement for the promotion of the public health, safety, and welfare.

34-1-4 **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 Clinton County Subdivision Code, said higher standards shall supersede the County regulations in the unincorporated territory located within the Municipality's subdivision jurisdiction. **(See 65 ILCS Sec. 5/11-12-11)**

34-1-5 **DISCLAIMER OF LIABILITY.**

(A) Except as may be provided otherwise by statute or ordinance, no officer, board member, agent, or employee of the Municipality 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, board member, agent, or employee of the Municipality, 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.

34-1-6 **REVIEW AND EXPIRATION.** This Code shall automatically expire and be without effect **ten (10) years** after the date of its enactment unless, following comprehensive review by the City Planning Committee, it has been reenacted prior to that date by the City Council.

ARTICLE II - DEFINITIONS

34-2-1 **CONSTRUCTION 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 34-2-2; terms not defined in Section 34-2-2 shall have the meanings respectively ascribed to them in the Zoning Code of this Municipality; if any term is not defined either in Section 34-2-2 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 the plural the singular.

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

(F) The term "**this Municipality**" shall mean the **City of Breese, Illinois.**

(G) All distances shall be measured to the nearest integral foot; this rule, however, shall not be used by any party to purposely circumvent the minimum or maximum dimensions set forth throughout this Code.

(H) 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.

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

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

34-2-2 **SELECTED DEFINITIONS.**

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.

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

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

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.

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

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

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.

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

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

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 poured concrete as a single facility.

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

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

Dimensions: Refers to both lot depth and lot width.

District, Zoning: A portion of the territory of this Municipality wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of the Zoning Code.

Easement: A right to use a portion of another person's real property for certain limited purposes.

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

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

Frontage Road: A minor street fronting on an arterial street or highway (usually a limited access highway), used for access to abutting lots.

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

Improvements: Any street, curb and gutter, sidewalk, drainage ditch, sewer, catchbasin, newly planted tree, off-street parking area, or other facility necessary for the general use of property owners in a subdivision.

Improvement Plans: The engineering plans showing types of materials and construction details for the structures and facilities to be installed in, or in conjunction with, a subdivision.

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

Local Street: A street serving limited amounts of residential traffic, and used for access to abutting properties.

Local Collector Street: A street used primarily to collect limited amounts of residential traffic and for access to abutting properties, and on which the speed limit is low and traffic volume is minimal.

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.

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

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

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.

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

Marginal Access Street: A street used for access to abutting properties.

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

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

Planning Committee: The Planning Committee of the City of Breese, Illinois.

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 Clinton County Recorder of Deeds.

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

Reserve: To set aside a parcel of land in anticipation of its acquisition by this Municipality (or other 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.

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 this Municipality or other unit of government for streets, alleys, and other public improvements.

Setback, Front: The horizontal distance between the street right-of-way line and the building line. Minimum setback requirements are set forth in the Zoning Code.

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.

Stop Order: An order used by the Zoning 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 use only.

Structure: Anything constructed or erected on the ground, or attached to something having a fixed location on the ground. All buildings are structures but not all structures are buildings.

Stub 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: Any division of land into **two (2) or more lots**, except as set forth in the Plats Act, **Illinois Compiled Statutes, Chapter 765 Section 205/1**.

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

Superintendent of Streets: The Superintendent of Streets of the City of Breese, Illinois.

Superintendent of Utilities: The Superintendent of Utilities of the City of Breese, Illinois.

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

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

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

Zoning Administrator: The Zoning Administrator of the City of Breese, Illinois.

Zoning Code: The Zoning Code of the City of Breese, Illinois.

ARTICLE III

DESIGN AND IMPROVEMENT STANDARDS

DIVISION I - GENERALLY

34-3-1 **APPLICABILITY OF ARTICLE.** No land within the subdivision jurisdiction of this Municipality -- other than land that is specifically exempted from the requirements of the Illinois Plats Act (**III. Comp. Stats., Ch. 765, Sec. 205/1**) -- shall be subdivided or developed except in compliance with the regulations of this Article and the applicable provisions of State law. (**See III. Comp. Stats., Ch. 65, Sec. 5/11-12-8; Ch. 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 Clinton 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.

The Zoning Administrator shall **not** issue a building permit for any lot conveyed in violation of this Section.

34-3-2 **SUITABILITY FOR SUBDIVISIONS 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 subdivision 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.

DIVISION II - LOTS

34-3-3 **LOT REQUIREMENTS.** All lots in a subdivision shall conform to the minimum lot area and dimension requirements of the zoning district in which said subdivision is located; 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.

34-3-4 **ACCESS AND RELATIONSHIP TO STREET.** Land shall be subdivided in such a way that each lot abuts a street meeting the requirements of **Section 34-3-6**. 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.

34-3-5 **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 (**765 ILCS Sec. 205**). All lot corners shall be marked by **one-half (0.5) inch** or larger 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 and one-half (1.5) inches**.

DIVISION III - STREETS

34-3-6 STREET DESIGN STANDARDS. All streets shall be properly integrated with the existing and proposed street system indicated in the comprehensive plan, and shall meet the specifications set forth in tabular form below.

TABLE OF STREET DESIGN SPECIFICATIONS

Type of Street	Permitted On-Street Parking	Required Right-of-Way	Required Pavement Width	Required Grades	Maximum/Minimum
Marginal Access	One Side Only	50 ft.	30 ft.		Maximum: 12% Minimum: 0.3%
Local	One Side Only	60 ft.	30 ft.		Maximum: 12% Minimum: 0.3%
Local Collector	Both Sides	60 ft.	40 ft.		Maximum: 8% Minimum: 0.3%
Collector	None	70 ft.	44 ft.		Maximum: 8% Minimum: 0.3%

(Ord. No. 844; 03-19-96)

34-3-7 TOPOGRAPHICAL CONSIDERATIONS. Grades of streets shall conform as closely as possible to the natural topography, but shall not exceed the maximum grade nor be less than the minimum grade indicated in the Table of Street Design Specifications. All streets shall be arranged so that as many as possible of the building sites are at or above street grade.

34-3-8 THROUGH TRAFFIC DISCOURAGED. Marginal access and local streets shall be laid out so as to discourage use by through traffic. The rigid rectangular gridiron street pattern shall be avoided, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged to effect a more desirable street layout.

34-3-9 **LIMITED ACCESS TO ARTERIALS.** Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Committee may recommend to the City Council that access to said arterial be limited by one of the following means:

(A) by subdivision of lots so that 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; or

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

34-3-10 **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 is compatible with the comprehensive plan. If the adjacent property is undeveloped and the street must dead-end temporarily, the right-of-way shall be extended to the property line, and no strip that would prevent connections with future streets shall be reserved. A temporary turnabout shall be provided at the terminus of any temporary dead-end street.

(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 **one thousand (1,000) feet** in length, measured from intersecting centerlines to the center of the cul-de-sac. 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 (40) feet**, shall be provided at the end of every permanent dead-end street. **(Ord. No. 844; 03-19-96)**

34-3-11 **ALLEYS.** Alleys shall generally be prohibited in single-family residence districts. Alleys may be required in multiple-family districts and in commercial/industrial districts unless other adequate provisions for service access are made. When required or provided, alleys shall be at least **twenty (20) feet** wide, and shall be paved in accordance with **Section 34-3-15**. Alleys normally shall not intersect with one another nor change sharply in alignment. Adequate vehicular turnaround space shall be provided at the terminus of any dead-end alley.

34-3-12 **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 fifty (150) 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 streets shall be **twenty-five (25) feet**, measured at the back of the curb.

(E) **Flat Grade.** Intersections shall be designed with a flat grade wherever practical. In hilly terrain, an area having not greater than a **two percent (2%)** slope for a distance of **sixty (60) 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 bounded by intersecting street lines and a line joining those street lines at points **one hundred (100) feet** from the point of intersection, 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.

34-3-13 **REVERSE CURVES.** A tangent at least **one hundred (100) feet** long shall be introduced between reverse curves on local collector and collector streets.

34-3-14 **IMPROVEMENTS TO EXISTING STREETS.** Whenever any subdivision 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 subdivision to permit compliance with those standards. The developer shall improve said street to the standards imposed at **Section 34-3-15**, and pay one-half the cost of said improvements.

34-3-15 **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.

34-3-16 **COMPACTION, TESTING AND ACCEPTANCE OF STREETS.**

(A) **Subgrade.** The subgrade shall be compacted to not less than **ninety-five percent (95%)** of the standard laboratory density as specified in **Section 212 of the Standard Specifications** in both cut and fill areas. If necessary, the subgrade shall be air dried and recompactd. If the subgrade becomes too dry, then water must be added. The base course shall not be placed until the subgrade is accepted in writing by the Superintendent of Streets.

If the percentage of compaction of the subgrade is questionable, the Superintendent of Streets shall have the sole discretion to hire a qualified soils testing firm to run compaction tests. The cost of this testing work will be split between the **City (50%)** and the developer **(50%)**.

(B) **Base Course.** All base courses shall be constructed in accordance with **Sections 300-309 of the Standard Specifications.**

Aggregate Base Course shall be constructed in accordance with **Section 301**, including the following requirements:

- (1) A spreader box must be used.
- (2) No layer may be more than **four (4) inches** in thickness (compacted).
- (3) Compaction shall be not less than **one hundred percent (100%)** of the standard laboratory density.
- (4) Compaction shall be attained by the use of rollers in accordance with **Article 301.05(a) of the Standard Specifications.**
- (5) No surface materials shall be placed until the base course is accepted in writing by the Superintendent of Streets.
- (6) If the percentage of compaction of the base course is questionable, the Superintendent of Streets shall have the sole discretion to hire a qualified testing firm to run compaction tests. The cost of this testing work will be split between the **City (50%)** and the **developer (50%)**.

Upon completion of all street work to the satisfaction of the Superintendent of Streets, the Superintendent shall issue a formal letter of approval to the City Council and developer. Actual acceptance of maintenance responsibilities for the streets shall not occur until the **two (2) year** maintenance guarantee expires as noted in **Section 34-4-29(B)** of this Code. (**Ord. No. 844; 03-19-96**)

34-3-17 **STREET IMPROVEMENT STANDARDS.**

(A) **Curb and Gutter.** All streets shall be bounded by a vee gutter with a minimum width of **twenty-four (24) inches** and a minimum depth at any point of **eight (8) inches**, or integral concrete curb and gutter in conformity with the current State of Illinois "**Standard Specifications for Road and Bridge Construction**"; provided the vee gutter poured separately from the pavement is tied with drilled or drilled and grouted #4 reinforcing bars, mid-depth of pavement, at **thirty (30) inch** centers to prevent joint separation and heaving, and that this requirement may be waived in the case of marginal access streets with adequate shoulders. **(See also Section 34-3-23(E))** The Planning Committee and the City Engineer may recommend the type and size of curb and gutter to be utilized. Pavement joints shall extend through the proposed curbing and sealed. Following curb pours, all curbing shall be coated with pigmented curing compound, at application rates required in the "Standard Specifications".

(B) **Pavement Types.** All streets and alleys shall be paved as indicated below; provided that equivalents to the following standards may be recommended by the Planning Committee and the City Engineer depending on engineering and traffic volume considerations.

- (1) **Alleys, Marginal Access, Local, Local Collector:**
 - (a) **seven (7) inches** of concrete; or **(Ord. No. 1083; 01-18-05)**
 - (b) **three (3) inches** of Class "I" Mixture E, D or C on **eight (8) inches** of stabilized base with **four (4) inches** of compacted stone sub-base; or
- (2) **Collector (Residential) Local:**
 - (a) **seven (7) inches** of concrete; or **(Ord. No. 1083; 01-18-05)**
 - (b) **six (6) inches** of BAM overlaid with **two (2) inches** of Class "I" Mixture C; or
- (3) **Collectors (Non-Residential):**
 - (a) **eight (8) inches** of concrete; or
 - (b) asphaltic concrete construction meeting the current State of Illinois "**Standard Specifications for Road and Bridge Construction**", **three (3) inches** of Class "I" surface course over **eight (8) inches** of crushed stone base course or a comparable specification recommended by the Planning Committee and the City Engineer.

(C) **Concrete Pavement Details.** All concrete streets and alleys shall be constructed in general accordance with the State of Illinois "**Standard Specifications for Road and Bridge Construction**" and "**Highway Standards**", with specific requirements below.

- (1) Monolithic pours, such that all curbing and lanes are poured at the same time, are allowed.
- (2) The centerline and additional lane lines, if any, shall have **thirty (30) inch** long, #4 bars, mid-depth of the pavement at **thirty (30) inch** centers, the full length of the joints.
- (3) If curb and gutter is poured separately from pavement, the lanes must be poured separately.

- (4) If separate lane pours are made, a keyway and bent bars must be utilized and the concrete must be edged at the joint.
- (5) The joints at the centerline and additional lane line, if any, shall be sawed and sealed for monolithic pours.
- (6) Transverse joints shall be a minimum **fifteen (15)** apart.
- (7) All sawed joints shall be **one-third (1/3)** the depth of the pavement, a minimum **one-eighth (1/8) inch** wide and sealed with hot poured sealer.
- (8) Higher classification streets may require more extensive joint types, as deemed necessary by the City.
- (9) Following pours, all surfaces shall be coated with pigmented curing compound, at application rates required in the **"Standard Specifications"**.
- (10) Pavement surfaces shall have a Type A surface, except the carpet drag shall not be required. **(Ord. No. 909; 02-17-98)**

DIVISION IV - BLOCKS

34-3-18 **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.

34-3-19 **BLOCK LENGTH.** No block shall be longer than **one thousand four hundred (1,400) feet** nor shorter than **three hundred (300) feet**. Wherever practicable, blocks along collector streets shall not be less than **one thousand (1,000) feet** in length.

34-3-20 **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.

34-5-21 **RESERVED.**

DIVISION V - SIDEWALKS

34-3-22 SIDEWALKS REQUIRED. Sidewalks are required in all subdivisions unless the Planning Committee advises the City Council that, in the area in question, sidewalks are not needed to ensure public safety, and/or that topographical conditions make the installation of sidewalks impractical. All sidewalk plans must include continuity (flow through) with adjacent existing subdivisions and proposed future subdivisions. **(Ord. No. 1083; 01-18-05)**

34-3-23 SIDEWALK CONSTRUCTION STANDARDS.

(A) Relationship to Curb. The street-side edge of every sidewalk shall either abut the curb or be located at least **five (5) feet** from the curb to allow sufficient space for specified ornamental tree planting. If the sidewalk abuts the curb, tree wells shall be provided.

(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**.

(D) Grade. No sidewalk shall be constructed at a grade steeper than **eight percent (8%)**.

(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. **(Ord. No. 844; 03-19-96)**

DIVISION VI - STREETLIGHTS AND NAMES

34-3-24 **REQUIRED.** 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 (1) 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.

34-3-25 **STREETLIGHT SYSTEM STANDARDS.** The design and installation of the streetlight system in every subdivision shall be reviewed by the Planning Committee and the Superintendent of Utilities.

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 **eighteen (18) feet** high.

34-3-26 **STREET NAME SIGNS.** Street name signs of the size, height, and type approved by Planning Committee and the Superintendent of Streets shall be 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. A street which is planned as a continuation of an existing street shall bear the same name.

34-3-27 **RESERVED.**

DIVISION VII - UTILITIES

34-3-28 **LOCATION OF UTILITIES.** All utility lines, including gas, electric power, water, sewer, telephone, and CATV shall be located **underground** through the subdivision. Underground service connections to the property line of each platted lot and tap-ons shall be installed at the subdivider's expense; provided that, on the recommendation of the Planning Committee and the Superintendent of Utilities, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership.

34-3-29 **UTILITY EASEMENTS.** Easements shall be provided for public and private utilities with said easements being permitted along rear, side, or front lot lines, depending on topographic or other conditions. Rear and side yard easements shall generally be **twenty (20) feet** wide and centered on abutting lot lines, while front yard easements shall be at least **ten (10) feet** wide; however, the final determination of the precise location and minimum width of said easements shall be made by the Planning Committee and the Superintendent of Utilities.

34-3-30 **WATER FACILITIES REQUIRED.** An adequate supply of potable water shall be provided to every platted lot in accordance with Illinois Department of Public Health regulation. If the public water system is reasonably accessible, each lot shall be properly connected thereto at the property line. If the public water system is not available, individual wells may be used or a private central water system may be developed, provided the Planning Committee and the Superintendent of Utilities approve such facilities. All water distribution lines shall be at least **six (6) inches** in diameter.

34-3-31 **FIRE HYDRANTS.** Fire hydrants of the size and type approved by the Planning Committee and the Superintendent of Utilities shall be installed in every subdivision as part of the water distribution system; every hydrant shall include a shut-off valve and box. The distance from any lot to a hydrant, measured along the centerline of the public right-of-way, shall not be greater than **five hundred (500) feet**.

34-3-32 **WATER VALVES.** Water valves of a type approved by the Planning Committee and the Superintendent of Utilities shall be installed so that not more than **eight hundred (800) feet** of water line shall be put out of service at any one time.

34-3-33 **SANITARY SEWERS REQUIRED.** All proposed sanitary sewer facilities shall comply with the regulations of the Illinois Department of Public Health and Illinois Environmental Protection Agency, and must be approved by the Planning Committee and the City Engineer.

34-3-34 **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.

34-3-35 **WHEN PUBLIC SYSTEM PLANNED.** In areas where the public sanitary sewerage system is not reasonably accessible but where plans for the installation of said system have been approved by the Illinois Environmental Protection Agency, the developer shall provide sanitary sewers in accordance with such plans and temporarily cap them. To serve the subdivision until the time when connection to the public system becomes practicable, an approved private central sewage disposal system shall be installed or, in the case of subdivision containing not more than **fifteen (15) lots**, individual sewage disposal systems may be used.

34-3-36 **INDIVIDUAL DISPOSAL SYSTEMS.** Individual sewage disposal facilities, such as septic tanks, shall not be installed in any subdivision containing more than **fifteen (15) lots** as shown as the final plat or as subsequently developed. Where individual disposal facilities are permitted, the Planning Committee and the Zoning Administrator may require that the minimum lot size be increased as necessary above usual zoning district requirements.

34-3-37 - 34-3-38 **RESERVED.**

DIVISION VIII - DRAINAGE AND STORM SEWERS

34-3-39 **IMPROVEMENTS.** The Planning Committee shall not recommend the approval of any plat unless, after consultation with the City Engineer, they determine that the proposed provisions for storm water drainage are adequate. Drainage improvements in the subdivision shall be coordinated with existing and planned drainage improvements elsewhere so as to form an integrated municipal system. The storm water drainage system shall be separate and independent of the sanitary sewer system. The design of storm sewer systems, culverts, curb and gutter, inlets, ditches, detention ponds, lakes, and other drainage improvements, shall be based on procedures outlined in the current edition of the Illinois Department of Transportation Drainage Manual, hereinafter referred to as the Drainage Manual, with the additional requirements and modifications of this Code. Drainage improvements that fall under the jurisdiction of State agencies, including those for developments abutting State-owned right-of-way and facilities, shall be reviewed and approved by the appropriate State agency in conjunction with the City.

34-3-40 **PLAN AND CALCULATION REQUIREMENTS.** Improvement plans and drainage calculations shall be submitted for review by the Planning Committee and City Engineer, with inclusion of the following:

(A) A plan sheet with north arrow, scale, existing contours at intervals not greater than **five (5) feet**, drainage area boundaries, surrounding drainage features, and proposed contours, when applicable.

(B) Improvement plans shall include the following for both proposed and existing features:

- (1) Drainage easements.
- (2) Drainage appurtenance details (inlets, manholes, culverts, frame and grates, curb and gutter, detention storage structures, bridges).
- (3) Channel details (swales, ditches, creeks, ponds, detention basins).
- (4) Dimensions of appurtenances and channels.
- (5) Elevations of appurtenances and channels, including those required for ditch grading.
- (6) Arrows showing existing and proposed directions of surface runoff.
- (7) Base flood elevations (BFE's) for Zone A areas, or other areas considered to be flood-prone areas by the Planning Committee.
- (8) Retention facilities in every case and detention facilities when required by **Section 34-3-45(B)** unless the Developer can adequately demonstrate the hydrology and hydraulics of the area are such that retention/detention facilities are not necessary. **(Ord. No. 1083; 01-18-05)**

(C) Drainage calculations, prepared in general accordance with the Drainage Manual, including:

- (1) Hydrology for each sub-area.
- (2) Pavement encroachment calculations.
- (3) Inlet, storm sewer, ditch, culvert, and bridge capacity and headwater calculations.

- (4) Base flood elevation (BFE) determination calculations.
- (5) Detention storage calculations.
- (6) Culvert design calculations for culverts requiring inlet or outlet control design.
- (7) Pre- and Post-development runoff and velocity, for each point in the development where runoff enters another property or common drainage system, at the 100-year storm frequency.

34-3-41 **PLANNING.** Improvements shall be planned with the following considerations and requirements. The Planning Committee and City Council reserve the right to waive or expand requirements, in the interests of the City:

(A) Changes to existing topography and disruption of existing drainage patterns is minimized.

(B) Runoff from all areas upstream of the proposed development shall be accounted for in calculations and accommodated with drainage appurtenances or channels so that upstream areas are not adversely affected. Upstream water surfaces increased by the downstream development such that channel or pond banks are exceeded, drainage appurtenances no longer have capacity to effectively accommodate runoff. State and federal policies regarding increases in upstream water surfaces are not met, or storage capacity for future development is eliminated, shall not be allowed.

(C) Accommodation of future increases in upstream runoff, with associated decreases in upstream runoff travel time, shall be considered in the design of the development. This shall be based on an estimation of the maximum development of the upstream areas, undetained, including existing streets and systems, permitted by the zoning district regulations, as determined by the Planning Committee and City Engineer.

(D) Drainage areas contributing runoff, shall be generally determined in accordance with the Drainage Manual. Impervious areas shall include future and immediately planned pavement, curb and gutter, sidewalk, driveways, parking lots, and roofs. A minimum roof and driveway area of **two thousand (2,000) square feet** shall be used per lot.

(E) Partial compensation for improvements may be afforded by the City. The City Council, with the assistance of the City Attorney and the City Engineer, may make satisfactory arrangements to compensate the developer for the costs of constructing improvements in the development that accommodate runoff from upstream areas estimated to be greater and/or traveling faster than anticipated under the requirements of **Section 34-3-41(C)**, attributable to revised land use or future street improvements, not including improvements to existing streets abutting the development, outlined in **Section 34-3-14**. Similar, full or partial compensation may also be given for constructing detention storage facilities accepting runoff that is not solely attributable to the development.

(F) Costs associated with construction of improvements abutting existing streets, per **Section 34-4-14**, shall include drainage improvements.

(G) Wherever practicable, proposed storm sewer, culverts, or channels shall be positioned along property lines.

(H) Drainage easements shall be provided and shown on improvement plans and final plats. Combined drainage and utility easements shall be allowed. Similar to **Section 34-3-29**, the final determination of the location and width of drainage, or drainage and utility, easements shall be that of the Planning Committee, and the Superintendent of Streets. Generally, all storm sewer, culverts, or channels not within easements outlined in **Section 34-3-29**, shall have drainage easements as wide as anticipated flow width or appurtenance width, a minimum of **ten (10) feet** wide, centered on abutting lot lines. Channels, such as swales, and easements, shall be provided at every lot line. Larger easements may be required for natural channels.

(I) Wherever practicable, any drainage systems for storm water runoff shall be located as far from potable water supply systems as possible, with minimum horizontal and vertical clearance in conformance with applicable state and federal requirements.

(J) Modifications to existing channels, including ditches, swales, creeks, rivers, ponds and lakes, that require state and/or federal sign-offs or permits shall be minimized. Modifications to similar features that are not under state and/or federal jurisdiction, but local jurisdiction, shall be minimized, and state and/or federal requirements may be implemented in determining feasibility.

(K) Detention storage and/or retention storage facilities shall not be placed in significant channels or in flood-prone areas which would nullify their effectiveness, as determined by the Planning Committee and City Engineer.

(L) Lots shall be designed and graded so that runoff is directed away from, or around, locations for buildings.

(M) Proposed development in Zone "A", or higher, areas denoted on the National Flood Insurance Protection (NFIP) information, and/or areas estimated to be prone to flooding, not denoted by NFIP information as determined by the Planning Committee, will not be allowed without determination of the base flood elevation (BFE), appropriate measures to remediate such areas if development will occur within the BFE boundary, providing certification for the BFE on the Final Plat if development is not anticipated to occur within the BFE boundary and remediation measures are not proposed, and/or providing to the City the appropriate state and federal sign-offs for the remediations.

34-3-42 **HYDROLOGY.** Runoff affecting the proposed development shall be calculated with methods outlined in the Drainage Manual, with the additional requirements and modifications of this Section.

(A) **Calculation Method.** The rational method may be used for estimating runoff from areas less than **two hundred (200) acres** for existing and proposed features, except those for which headwater criteria control design, including large culverts draining more than **fifteen (15) acres**. Estimates of runoff for features requiring control of headwater shall be used on Soil Conservation Service methods or higher.

(B) **Headwater Criteria.** For features requiring headwater control, capacity shall be calculated at _____ for the 50-year flood frequency and headwater criteria based on a 100-year flood frequency.

(C) **Channels.** All ditches, swales, and creeks shall be designed for a 50-year flood frequency.

(D) **Small Culverts.** All culverts and open pipes upstream of, and connected to a storm sewer system, with contributing drainage areas less than **fifteen (15) acres**, shall be designed with capacity for the 50-year flood frequency.

(E) **Large Culverts.** All culverts and open pipes upstream of, and connected to a storm sewer system, with contributing drainage areas greater than **fifteen (15) acres** shall be designed with capacity for the 50-year flood frequency and shall afford less than **six (6) inches** of increase in the upstream water surface.

(F) **Storm Sewer.** All storm sewers shall be sized for the 10-year flood frequency.

(G) **Pavement Drainage.** Quantities of runoff entering pavement, including that entering curb and gutter and inlets, shall be estimated for the 10-year flood frequency.

(H) **Surfaces.** Manning roughness (n) values shall be estimated using the Drainage Manual for the estimated future surface types. Rational method runoff coefficients (C) shall be 0.3 for grass and 0.9 for all impervious surfaces. SCS (TR55 or TR20) curve numbers (CN) shall be estimated using the Drainage Manual. Composite values will be required, when applicable.

(I) **Time of Concentration.** Time of concentration (t_c) shall be based on the Drainage Manual kinematic wave procedure, unless other methods such as HEC-1, are utilized.

(J) **Detention Storage.** See Section 34-3-45.

(K) **Sump Lines.** Runoff for sump lines does not have to be calculated.

34-3-43 **HYDRAULICS.** Runoff affecting the proposed development shall be accommodated with methods outlined in the Drainage Manual, with the additional requirements and modifications of this Section.

(A) **Channels.** All ditches, swales, and creeks shall be adequately sized so that the water surface elevations do not exceed the top of the banks. Swales and ditches along property lines shall have minimum 1:4 sideslopes and a **two (2) foot** bottom to allow for mowing. Ditches along roadway embankments should have similar geometries. Channel slopes should not be less than 0.3 percent. Channels that will experience significant flow velocities due to slope or outletted flows shall have rip rap and filter fabric installed their full length. Swales and ditches shall not outlet directly into roadway pavement, wherever practical, but shall be intercepted by either a pipe stub, area inlet, curb and gutter inlet, culvert or defined ditch at the toe of a roadway slope.

(B) **Culverts.** Culverts shall be sized for storm frequencies outlined in **Section 34-3-42.** The minimum inside diameter shall be **twelve (12) inches.** The minimum diameter for culverts under roadways shall be **fifteen (15) inches** for minimal disruption of the roadway, if future expansion is required. The minimum allowable slope shall be **0.3 percent**, wherever practical. Culverts shall be constructed of Class A material, in accordance with the Standard Specifications.

(C) **Requirement for Storm Sewers.** Significant flows for existing or proposed channels shall be **five (5) cubic feet per second (cfs)** for any storm frequency. All channels that experience, or will experience, significant flows shall be enclosed with storm sewer, unless the Planning Committee determines that this is not feasible.

(D) **Storm Sewers.** Storm sewers shall be sized for the storm frequencies outlined in **Section 34-3-42**. The minimum inside diameter shall be **twelve (12) inches**. The minimum diameter for culverts under roadways shall be **fifteen (15) inches** for minimal disruption of the roadway, if future expansion is required. The minimum allowable slope shall be **0.3 percent**, wherever practical. Whenever practical, storm sewers should be designed so that water surface elevation is no greater than **one-half (1/2)** the inside diameter of the pipe. Capacity calculations should be tabulated per Drainage Manual requirements. Hydraulic grade lines may be required, if these are determined necessary by the Planning Committee.

(E) **Encroachment Criteria.** Parking lanes may be used for storage of gutter flows. For streets that have **two (2) traffic lanes**, encroachment will be allowed to within **ten (10) feet** either side of centerline. For streets with more than **two (2) traffic lanes**, encroachment will be allowed such that there are **ten (10) feet** of driving width for each lane.

(F) **Area Inlets.** Inlet capacities shall be calculated according to the Drainage Manual, in conjunction with manufacturer's data. Area inlets shall be located where significant ditch flows occur. Area inlets as the initial intercepts for the system shall be sized to accommodate a 50-year flood frequency. Weir flow shall determine capacity, if upstream channel flow depths are less than **four-tenths (0.4) feet**.

(G) **Pavement Inlets.** Inlet capacities and location shall be calculated in accordance with the Drainage Manual and manufacturer's data. Inlets shall be required at sag points, including those occurring at intersections. Inlets shall be adequately spaced along the curb and gutter so maximum encroachment is not exceeded. Maximum inlet spacing shall be **three hundred (300) feet** from a peak or other inlet on grade. Curb opening inlets without flag grates will not be allowed at non-sag locations.

(H) **Manholes.** Manholes with or without inlets constructed on top shall be required where there is a change in pipe size, direction of pipe, and at lateral connections to the mainline system. Pipe tees may be used for lateral connections when the lateral is less than **fifty (50) feet**. Placing manholes in driving surfaces should be avoided whenever practical. If unavoidable, manhole lids should not be placed in wheel paths.

(I) **Inlet and Manhole Construction.** Inlet grates shall be pedestrian safe. All inlets with slab tops shall have an access manhole cast into them. All non-grate area and sag inlets with slab tops shall have epoxy-coated reinforcing bar placed the full length of the opening, if the opening is greater than **five (5) inches**. All pipe, inlet, manhole, culvert, or other appurtenance shall be grouted water tight, if gaskets are not utilized. All appurtenances constructed in the field from brick.

(J) **Backfill.** All pipe trenches located under roadway pavement, curbing, and sidewalks shall be backfilled in accordance with the Standard Specifications. Construction of roadway shall not occur until trenches have been compacted to the satisfaction of the City Superintendent of Streets. All pipe, inlets, manholes, culverts, or other appurtenance shall be placed on a minimum of **four (4) inches** of backfill material, or more if soil conditions warrant such.

34-3-44 **SUMP LINES.** Sump pumps, roof gutter downspouts, or other storm water appurtenances shall not discharge directly onto the ground or pavements, surrounding buildings, but shall be connected to a buried pipe, referred to as an intermediate sump line, that shall connect to a common buried sump line pipe, referred to as sump lines, or storm sewer. When practical, storm sewer can be used in lieu of the sump lines. Construction of the intermediate sump line shall be the responsibility of the homeowner or his or her contractor. The sump line, or storm sewer, shall be constructed by the developer and his or her contractor at the time the development is constructed, in accordance with the following.

(A) **Location.** Sump lines shall be located within drainage easements, along back lot lines, or along lot lines to service those lots that do not abut a storm system. Sump lines shall not be located through lots or under pavements. Wherever practical, sump lines or intermediate sump lines shall connect into the storm sewer at the top of the storm sewer or into a manhole or inlet at an elevation higher than the storm sewer pipes.

(B) **Capacity.** The capacity of the sump lines does not have to be calculated. The minimum inside diameter shall be **six (6) inches**. The minimum slope, wherever practical, shall be **0.5 percent**.

(C) **Risers.** Sump lines shall terminate with a riser similar to those used for sanitary sewer construction or a manhole. The minimum distance between risers, or risers and manholes, shall be **three hundred (300) feet**. The top of the riser shall be covered with a cast, adjustable lid similar to those used for water main valves, except "WATER" shall not be denoted on the casting.

(D) **Material.** All sump lines shall be AWWA C900, DR18, push-on gasketed joints or approved equal. 12-gauge copper wire does not have to be installed. All connections between intermediate sump lines and sump lines, intermediate sump lines and storm sewer, or sump lines and storm sewer shall be water tight and grouted, wherever applicable.

34-3-45 **EFFECTS ON DOWNSTREAM.** The development shall be designed so as to eliminate adverse effects on areas downstream of the development. Outlets of a new or existing drainage features adjoining the development, not required to have detention storage or entering retention facilities, shall be designed to dissipate velocities and cause minimal impact to existing downstream features. Adequate sketches showing the location, size, configuration, or any other requested information, of all impounding facilities, levees, retention, and/or detention storage, shall be submitted to the Division of Natural Resources, Permits, for their determination of the impounding classification.

(A) **Retention Facilities.** Any pond, lake or other retention facility, that is allowed under **Section 34-3-41**, shall be at least **four (4) feet** in depth at the deepest point, unless fish habitat is to be provided, for which the minimum depth shall be **eight (8) feet** at the deepest point for at least **twenty-five percent (25%)** of the bottom area to afford winter habitat. The banks of these facilities shall be no greater than 1:4 at the normal pool elevation. The normal pool volume shall be equal to the runoff volume for the 100-year flood frequency, as a minimum. An emergency outlet shall be provided and sized to that runoff entering the facility for at least the

25-year flood frequency can be outletted, with minimal headwater increases. Wherever practical, the outlet control should not be influenced by downstream effects. If it is, pond routing techniques shall be used to show that there is enough storage capacity to insure surrounding buildings are not adversely affected. The retention facility should have enough adjoining non-developable area surrounding it so contributing basin runoff for a 100-year storm event, occurring simultaneously with normal pool elevation conditions, can be adequately stored to insure surrounding buildings are not adversely affected.

(B) **Detention Facilities.** Detention storage will be required when the peak quantity of runoff, at the 100-year storm frequency, for the Pre- and Post-development runoff, differs by **sixty percent (60%)** or more for each point in the development where runoff enters another property or common drainage system, unless this is not deemed feasible by the Planning Committee. Detention facilities may be wet-detention, essentially becoming retention facilities, if similar requirements for the retention facility are applied to the detention facility. The detention facility, if not dually serving as a retention facility, shall have storage capacity checked for the 10- and 100-year storm frequencies, so that the Pre-development peak flows are not exceeded with the detention facility in-place. Parking lot and street storage will not be allowed. The travel time for the runoff entering the detention facility, if channelized by either channels or storm sewer, should generally be less than Pre-development conditions, unless large rerouting of runoff is occurring, and shall be considered in design. When elevations are such that detention facilities cannot be constructed so that outlet conditions do not affect the operation of the facility, consideration may be given to waiving this requirement of outlet conditions, such that the storm sewer system is partially utilized for detention, however, detailed calculations will be required to insure such a system functions adequately.

34-3-46 RESERVED.

DIVISION IX - EROSION AND SEDIMENTATION CONTROL

34-3-47 **EROSION CONTROL.** In the development of any subdivision, the following erosion and sedimentation control regulations shall be observed.

(A) The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.

(B) Large trees (those having a diameter of **two (2) inches** or more when measured **twelve (12) inches** above the ground) shall be retained and protected to the maximum extent consistent with development of the site.

(C) Land shall be developed in the smallest increments of workable size so that adequate erosion and sediment controls can be provided and coordinated with ongoing construction work. When soil is exposed, the exposure shall be for the shortest feasible period of time.

(D) Temporary vegetation or, where appropriate, mulching or other nonviable cover shall be used to protect areas exposed during development.

(E) Adequate provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions both during and after development. Appropriate devices, such as sediment basins, desilting basins, or silt traps, shall be installed and maintained to remove sediment from surface waters leaving the development.

(F) No development shall be occupied until:

- (1) Grading has been completed in accordance with the approved final plat and plans; and
- (2) At least **four (4) inches** of topsoil equal in quality to the soil that was on-site prior to development has been spread over each residential lot.

34-3-48 **RESERVED.**

DIVISION X - DEDICATIONS FOR PUBLIC USE

34-3-49 **DEDICATION OF PARK LAND.** The City Council may require the developer to dedicate (i.e., to transfer without compensation) to this Municipality or other appropriate governmental entity suitable parcel(s) of land within the subdivision for parks, playgrounds, schools, or other public purposes **provided** the need for such facilities is **uniquely** and **specifically** attributable to said subdivision. Any such dedicated area shall be shown on the final plat.

If a parcel of land suitable for such purposes is not available within the subdivision, the City Council may require that, as a condition for final plat approval, the developer deposit funds with this Municipality to acquire or improve recreational or educational facilities that are/will be located in the vicinity of the subdivision and available and beneficial to the residents thereof. The amount of the required deposit shall not exceed that portion of the cost of such acquisition/improvement which is uniquely and specifically attributable to the subdivision.

34-3-50 **RESERVATIONS FOR PUBLIC USE.** Instead of -- or besides -- requiring the developer to **dedicate** parcels, the City Council may require that the developer **reserve** land for parks, playgrounds, schools, or other public purposes in locations designated in the municipal comprehensive plan. Since public acquisition of reserved land requires compensation, it is not essential that the need for such land be uniquely and specifically attributable to the subdivision. **(See 65 ILCS Sec. 5/11-12-8)**

34-3-51 **ACQUISITION TIME LIMIT.** This Municipality (or other governmental entity) must take action to purchase or condemn any land reserved for public purposes within **twelve (12) months** from the date of final plat approval. Failure to initiate such action within the prescribed time limit shall result in removal of the reservation and the consequent freeing of the property for other permitted development.

ARTICLE IV

PLATS AND PLANS

DIVISION I - PRELIMINARY PLATS

34-4-1 **PLAT REQUIRED.** Except as specifically provided otherwise below, every person who proposes to subdivide any land located within the subdivision jurisdiction of this Municipality shall file **four (4) copies** of the preliminary plat of the subdivision with the City Clerk.

He shall also file **one (1) copy** of the preliminary plat and supporting data with the Clinton 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 Planning Committee (**See 7- ILCS Sec. 405/22.02a**).

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 preliminary plat 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.

34-4-2 **EXCEPT TO PRELIMINARY PLATS.** The provision of **Section 34-4-1** shall not apply to:

- (A) Minor subdivisions as defined at **Section 34-2-2**; or
- (B) Land that is specifically exempted from the Illinois Plats Act as now or hereafter amended (**See 765 ILCS Sec. 205/1**).

34-4-3 **PRELIMINARY PLAT INFORMATION REQUIRED.** Every preliminary plat shall be prepared by an Illinois Registered Land Surveyor or professional engineer at any scale necessary for clarity provided the resultant drawing does not exceed **thirty-six (36) inches square**. Said preliminary plat, together with the supporting data, shall provide all of the following information:

- (A) Names and addresses of the owner, subdivider (if not the owner), and Illinois Registered Land Surveyor or professional engineer;
- (B) Proposed name of the subdivision;
- (C) Zoning district classification of the tract to be subdivided;
- (D) North arrow, graphic scale, and date of map;
- (E) Dimensions of the tract, and its gross area;

- (F) 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;
- (G) Locations of such features as bodies of water, ponding areas, natural drainageways, railroads, cemeteries, bridges, parks, schools, etc.;
- (H) Locations and right-of-way widths of all existing and proposed streets and alleys;
- (I) Locations, widths, and purposes of all existing and proposed easements;
- (J) Proposed finished grade of site;
- (K) Location and size of existing and proposed sanitary and storm sewers;
- (L) Locations, types, and approximate sizes of all other existing and proposed utilities;
- (M) Locations, dimensions, and areas of all parcels to be reserved or dedicated for schools, parks/playgrounds, and other public purposes; and
- (N) Locations, dimensions, and areas of all proposed or existing lots within the subdivision.
- (O) Photographs of the site (aerial photos are acceptable). **(Ord. No. 665A; 04-18-89)**

34-4-4 **PRELIMINARY PLAT NARRATIVE.** The narrative statement to accompany graphics material as part of the application shall contain, at a minimum, the following information:

- (A) Development schedule providing guidelines and sequence for the completion of the proposed development.
- (B) A description of the economic viability of the development shall be required to include a market analysis, cash flow projections and expected types of funding. (Except in R-1)
- (C) The nature and extent of clearing and grading.
- (D) A statement of the present ownership of all land within the subject area. Unified control after construction shall include deed restrictions and other building agreements assuring operation and maintenance of common lands and improvements.

34-4-5 **IMPACT REQUIREMENTS OF SUBDIVISION.** The applicant shall project expected impacts of the development to include, but not be limited to projections of:

- (A) A description of the projected population, in total, and by age group categories, and an explanation of the methods by which such projects were derived.
- (B) Anticipated kinds of commercial and industrial development and their projected employment.
- (C) Volume and nature of projected traffic.
- (D) Water consumption and supply.

(Ord. No. 665A; 04-18-89)

34-4-6 **PLANNING COMMITTEE ACTION.** The Planning Committee 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 Planning Committee and the subdivider mutually agree to extend this time limit. **(See 65 ILCS Sec. 5/11-12-8)** If the Planning Committee 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. If the Planning Committee approves the preliminary plat, they shall promptly so inform the City Council. **(Ord. No. 665A; 04-18-89)**

34-4-7 **ACTION BY THE CITY COUNCIL ON PRELIMINARY PLAT.** If the Planning Committee has approved a preliminary plat, the City Council, by resolution, shall either accept or reject the plat within **thirty (30) days** after their next regularly scheduled meeting following the Planning Committee's action. If the City Council rejects the preliminary plat, their resolution shall specify the aspects in which the plat fails to comply with this Code and/or the Official Map. The City Clerk shall attach a certified copy of the City Council resolution of approval or disapproval to the preliminary plat. **One (1) copy** of the resolution and plat shall be retained by the Clerk, **one (1) copy** shall be filed with the Chairman of the Planning Committee, and **one (1) copy** shall be given to the subdivider. The City Council shall **not** qualify a preliminary plat for recording. **(Ord. No. 665A; 04-18-89)**

34-4-8 **RESERVED.**

DIVISION II - IMPROVEMENT PLANS

34-4-9 **SUBMISSION OF PLANS.** After the City Council has approved the preliminary plat, but prior to submission of the final plat, the subdivider shall furnish **four (4) copies** of the plans and specifications for all improvements to be installed within or in conjunction with the proposed subdivision to the City Clerk for joint review by the Planning Committee, the Superintendent of Utilities and the Superintendent of Streets. These plans and specifications shall be signed and sealed by the registered professional engineer responsible for their preparation. Until the City Superintendents certify in writing that the proposed improvements conform to generally accepted engineering practices and to the standards imposed in this Code:

(A) the Zoning Administrator shall not issue any building permit to allow construction of said improvements; and

(B) the City Council shall not act upon the application for final plat approval. **(Ord. No. 844; 03-19-96)**

34-4-10 **INFORMATION REQUIRED.** Improvements plans shall consist of black or blue line prints not larger than **thirty-six (36) inches square**. 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) Locations of all trees having a diameter of **two (2) inches** or more when measured **twelve (12) inches** above the ground;

(J) Landscaping, erosion, and sedimentation control features;

(K) High water elevations of all lakes/streams adjoining or within the tract;

(L) Such other information as the Planning Committee and/or City Engineer may reasonably require to perform their duties under this Section; **(Ord. No. 665A; 04-18-89)**

(M) Number of dwelling units by type and gross density per acre;

(N) The approximate location, size, character and number of all proposed buildings, structures, signs and uses;

(O) The location and size of proposed off-street parking, loading and pedestrian and vehicular traffic circulation; and its relationship to adjacent circulation systems;

(P) Perspective or such other drawings as are necessary to indicate the relative character and compatibility of the different land uses of the proposed development with the immediate areas as well as within the project area.

34-4-11 **INSPECTIONS REQUIRED.** The subdivider/developer shall notify the Superintendent of Streets and the Superintendent of Utilities of both the start and completion of construction of improvements, as applicable. **(Ord. No. 844; 03-19-96)**

(A) The Superintendent of Streets and the Superintendent of Utilities shall inspect said improvements while they are under construction. If it is determined that the improvements are being built in violation of this Code, the Superintendent shall promptly notify the Zoning Administrator who, in turn, shall issue a stop order.

(B) The City Superintendents shall inspect improvements upon their completion. This municipality shall not accept any completed improvement until the Planning Committee and the appropriate City Superintendent has certified that it complies with this Code. **(Ord. No. 844; 03-19-96)**

34-4-12 **FILING "AS-BUILT" RECORDS.** Upon the completion of approved improvements, the subdivider/developer shall file with the City Clerk a set of reproducible cloth- or polyester-base film positives showing the as-built details and any deviations from the approved plans.

34-4-13 **RESERVED.**

DIVISION III

ASSURANCE FOR COMPLETION OF
REQUIRED IMPROVEMENTS

34-4-14 **COMPLETION OR GUARANTEE OF SAME.** 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 approved improvements plan have been completed by the subdivider/developer at his expense, inspected by the City Superintendents 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. **(Ord. No. 844; 03-19-96)**

34-4-15 **FORMS OF ASSURANCE.** At the option of the City Council, the required legal assurance may be either a performance bond or an escrow deposit. Every performance bond shall be reviewed by the City Attorney, and posted with the City Clerk. Any funds to be held in escrow shall be deposited with the City Clerk.

34-4-16 **AMOUNT OF BOND OR DEPOSIT.** The amount of the performance bond or escrow deposit shall be equal to the City Engineer's estimate of the cost of constructing the uncompleted portion of the required improvements plus all required inspection fees. Any escrow deposit may be in the form of:

- (A) cash;
- (B) 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
- (C) certificates of deposit, treasury bills, or other readily negotiable instruments approved by the City Treasurer, and made payable to this Municipality.

34-4-17 **ELIGIBLE SURETIES.** No person shall be eligible to act as surety unless he has been approved by the City Treasurer. 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 Municipality's jurisdiction.

34-4-18 **TERM OF ASSURANCE, EXTENSION.** The initial term of any performance bond or escrow agreement shall not exceed **two (2) years**. If all the required improvements have not been completed by the end of the **two (2) year period**, the City Council may either extend said bond/escrow agreement for **one (1) year** only, or may proceed as per **Section 34-4-20**.

34-4-19 **RELEASE OF BOND/ESCROW DEPOSIT.**

(A) The City Clerk/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 until:

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

34-4-20 **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 City Council, 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 (as estimated by the City Engineer) or the amount of the bond not theretofore released, whichever is less; or

(B) order the City Treasurer to retain all escrowed 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/escrow deposit in an amount sufficient to cover any increase in the cost of constructing the required improvements.

34-4-21 **RESERVED.**

DIVISION IV - FINAL PLATS

34-4-22 **APPROVAL OF PLAT BY COUNCIL.** The Clinton County Recorder of Deeds shall not record any final plat of a subdivision located within the subdivision jurisdiction of this Municipality until said final plat has been approved by the City Council. 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 this Division.

34-4-23 **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 **four (4) copies** of the final plat and supporting data with the City Clerk 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**.

34-4-24 **INFORMATION REQUIRED.** Every final plat shall be prepared by an Illinois Registered Land Surveyor on new linen tracing cloth, or 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 **thirty-six (36) inches square**. 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;
- (C) accurate metes and bounds or other adequate legal description of the tract;
- (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) reference to recorded plats of adjoining platted land by record name, plat book, and page number;
- (F) accurate locations of all existing streets intersecting the boundaries of the subdivision;
- (G) 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;
- (H) name and right-of-way width of every proposed street;
- (I) purpose of any existing or proposed easement(s);
- (J) number of each lot, lot dimensions, and (in a separate list) lot areas;
- (K) purpose(s) for which sites, other than private lots, are reserved;

(C)

LAND SURVEYOR'S CERTIFICATE

I, _____, an Illinois Registered 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.

Illinois Land Surveyor

Illinois Registration Number

Date

(D)

COUNTY CLERK'S CERTIFICATE

I, _____, County Clerk of Clinton 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

(E)

CERTIFICATE OF CITY COUNCIL

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

Mayor

City Clerk

(F)

FLOOD HAZARD CERTIFICATE

We, the undersigned, do hereby certify that no part of this plat to be recorded is situated within **five hundred (500) feet** of any surface drain or watercourse serving a tributary area of **six hundred forty (640) acres** or more. If this plat is within **five hundred (500) feet** of any surface drain or watercourse, we hereby certify that this plat has been reviewed by the Illinois Department of Transportation Division of Water Resources and their report is on file with the Clinton County Recorder of Deeds.

By:
Owner(s)

By:
Land Surveyor/
Professional Engineer

Illinois Registration Number

Date

34-4-26 ADMINISTRATIVE REVIEW, ADVISORY REPORT. Within **thirty (30) days** from the date of application for Final Plat approval, the Planning Committee shall review said Final Plat (and supporting data), and shall advise the City Council in writing whether it substantially conforms to the approved preliminary plat. A copy of their Advisory Report shall be forwarded to the City Superintendents. **(Ord. No. 844; 03-19-96)**

34-4-27 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 City Council and the subdivider mutually agree to extend this time limit. **(See 65 ILCS Sec. 5/11-12-8)** 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 and the Official Map; and
- (C) to the City 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 formal written approvals have been submitted to the City Council by the Superintendent of Utilities and Superintendent of Streets; or
- (2) the subdivider/developer has posted a performance bond or deposited funds in escrow to guarantee the satisfactory completion and dedication of all required improvements.
(Ord. No. 844; 03-19-96)

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 City 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 Chairman of the Planning Committee, and **one (1) copy** shall be given to the subdivider.

(E) The **two (2) year period** maintenance guarantee is provided in accordance with **Section 34-4-29(B)** of this Code.

34-4-28 **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 City Clerk. Major changes require the filing of a new Final Plat and complete review.

34-4-29 **MAINTENANCE OF IMPROVEMENTS.**

(A) The subdivider/developer shall maintain all the improvements in the subdivision until they have been accepted by and dedicated to this City or other appropriate entity.

(B) Prior to dedication, the subdivider/developer shall post a maintenance bond, or other security as defined in **Section 34-4-16**, with the City Clerk in the form approved by the City Attorney. Said bond shall be in the amount determined by the City Engineer to be sufficient to guarantee the satisfactory condition of the required improvements for a period of **two (2) years** from the date of their acceptance and dedication. If at any time during the **two (2) year period** the improvements are found to be defective, they shall be repaired/replaced 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 Clerk, this Municipality shall use the maintenance bond to make the necessary repairs/replacement. If the cost of repairs/replacement 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.

34-4-30 **VACATION OF PLATS.** In accordance with State law (**See 765 ILCS 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 this Municipality or other public entity or public utility owning such facilities the property, rights-of-way, and easements necessary for continuing public service by means of those facilities and for maintaining or reconstructing the same. The vacation instrument shall be approved by the City Council in the same manner as plats of subdivision, and shall also be approved by the Clinton County Superintendent of Highways, the Highway Commissioner of Breese Township, the District Engineer of the Illinois Department of Transportation, and the public utilities involved. In the case of platted tracts wherein any lots have been sold, the written vacation instrument must also be signed by all the owners of lots in said tract.

ARTICLE V

OTHER ADMINISTRATIVE MATTERS

DIVISION I - SUBDIVISION VARIANCES

34-5-1 **APPLICATION REQUIRED.** Any subdivider/developer desiring a variance from the requirements of this Code shall file a written application therefor with the City Clerk 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 Planning Committee shall prepare an advisory report on every variance application and submit it, together with the completed application, to the City Council.

34-5-2 **REVIEW BY PLANNING COMMITTEE.** The Planning Committee shall review the variance application and any comments by the Superintendents of Streets and Utilities and/or the City Engineer and submit their advisory report to the City Council together with their recommendation on preliminary plat approval (**See Sec. 34-4-6**). The Planning Committee's advisory report shall be responsive to all the variance standards set forth in **Section 34-5-3**.

34-5-3 **ACTION BY CITY COUNCIL, VARIANCE STANDARDS.** At the same meeting at which they take action on the application for preliminary plat approval (**See Sec. 34-4-7**), 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. 34-1-1**); and
- (B) strict application of the subdivision requirements (**See Article III**) 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 engendering the variance request are not applicable to other tracts and, therefore, that a variance would be a more appropriate remedy than an ordinance amendment; and
- (F) the variance, if granted, will not materially frustrate implementation of the municipal comprehensive plan including the Official Map.

34-5-4 **RESERVED.**

DIVISION II - AMENDMENTS

34-5-5 **APPLICATION FOR.** Amendments to this Code may be proposed by the Planning Committee, any member of the City Council, the Superintendents of Streets and Utilities, or any other party in interest. Every amendment proposal shall be filed on a prescribed form in the City Clerk's office. The City Clerk shall promptly transmit each proposal to the Planning Committee for a public hearing.

34-5-6 **PUBLIC HEARING, NOTICE.** The Planning Committee shall hold a public hearing on every amendment proposal within a reasonable time after said proposal is submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date and place of the hearing and the nature of the proposed amendment shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing by publication in a newspaper of general circulation within this Municipality. Notice of the public hearing may be made in pamphlet form provided that such notice is authorized by the City Council. The pamphlet shall be available for inspection at City Hall and the City Library, and it shall be posted in at least **one (1)** other public place within the City. (**Ord. No. 844; 03-19-96**)

34-5-7 **ADVISORY REPORT, ACTION BY THE CITY COUNCIL.** Within a reasonable time after the public hearing, the Planning Committee shall submit an advisory report to the City Council. The City Council shall act on the proposed amendment at their next regularly scheduled meeting following submission of this report. Without another public hearing, the City Council may either pass or reject the proposed amendment or may refer it back to the Planning Committee for further consideration.

34-5-8 **RESERVED.**

DIVISION III - FEES

34-5-9 **FEES ESTABLISHED.** By resolution, the City Council shall establish (and may amend from time to time) a schedule of filing fees for the various reviews and procedures identified in this Code, namely:

- * Filing Preliminary Plat
- * Filing Improvement Plans
- * Inspection of Improvements
- * Filing Final Plat
- * Filing Variance Request
- * Filing Amendment Proposal

The fees are intended to defray the administrative costs connected with the processing/conducting of such reviews or procedures and do not constitute a tax or other revenue-raising device. All such fees shall be paid by the applicant to the City Clerk.