

CHAPTER 34

SUBDIVISION CODE

ARTICLE I

GENERAL PROVISIONS

34-1-1 **TITLE.** This Chapter shall be known and cited as the Red Bud Subdivision Code.

34-1-2 **SCOPE.** For the purpose of the present and future development of the City and for the promotion of public health, safety, convenience and general welfare of persons living within the territory governed, the provisions and regulations hereafter contained shall govern the subdividing and platting of lands lying within the corporate limits of the City and within all unincorporated territory located within **one and one-half (1 1/2) miles** of the City, as now and hereafter existing, except as otherwise noted in this Code. Within the area of jurisdiction of the City, the provisions of the Statutes of the State of Illinois are hereby adopted as part of the Official Plan of the City.

34-1-3 **PURPOSE AND INTENT.** In accordance with the **Illinois Compiled Statutes**, this Chapter regulates the subdivision and development of land in order to assist in achieving the following specific objectives:

- (A) to preserve, protect, and promote the public health, safety, and welfare;
- (B) to implement the City Comprehensive Plan and Official Map;
- (C) to provide a pleasant living environment by furthering the orderly layout and development of land;
- (D) to avoid legal and other problems by requiring that subdivided land be properly documented and recorded;
- (E) to conserve and increase the value of land, improvements, and buildings throughout the City;
- (F) to preserve the City's natural beauty and topography to the maximum feasible extent;
- (G) to protect against injury or damage caused by pollution, storm water run-off, 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 ensure that the proper installation and maintenance of adequate water mains, sanitary sewers, storm water sewers, and other utilities and services, and;
- (J) to ensure that in conservation areas adequate parks and similar facilities can be made available to serve the residents of new developments.

34-1-4 JURISDICTION AND CONFLICTING LAWS.

(A) This Chapter shall be applicable within the corporate limits of the City and within all unincorporated territory located within **one and one-half (1.5) miles** of said limits, as extended from time to time, provided such territory is not located within the subdivision jurisdiction of another municipality.

(B) Whenever the requirements of this Chapter differ from those of any statute, other lawfully adopted ordinance or regulation, easement, covenant, or deed restriction, the more stringent requirement shall prevail. Developers are therefore encouraged to review such regulations, including requirements of the Illinois Department of Transportation, and to ensure compliance.

34-1-5 INTERPRETATION. This Code is intended as Minimum Requirements to provide for coordinated, efficient and economic development of the City, to ensure the adequacy of street and utility facilities and to promote the public health, safety and welfare. Thus, in accordance with State law, whenever this Chapter imposes higher standards than other governing bodies, said higher standards shall supersede the County regulations in the unincorporated territory located within the subdivision jurisdiction of the City.

34-1-6 SEVERABILITY. If any provision of this Chapter is declared unconstitutional or invalid by a court of competent jurisdiction, that judgment shall not affect the validity of any other provision hereof not specifically included in said judgment.

34-1-7 APPLICATION OF CODE. No lot, tract, or parcel of land in a subdivision as defined herein may be conveyed unless a Final Plat of the property has been approved according to the requirements and provisions of this Code and recorded in the office of the County Recorder of Deeds.

34-1-8 RULES AND DEFINITIONS. In construing the intended meaning of terminology used in this Chapter, 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 34-1-11**; terms not defined in **Section 34-1-11** shall have the meanings respectively ascribed to them in the Red Bud Zoning Code or in **Section 1-1-15** of the City Code; if any term is not defined either in **Section 34-1-11** or in the Red Bud Zoning Code, or in **Section 1-1-15** of the City Code, said term shall have its standard English dictionary meaning.

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

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

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

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 Chapter, 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.

Block: An area of land entirely bounded by streets, highways, barriers, or way (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless said 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.

Building Set-Back Line - Building Line: The line nearest the front or side of and across a lot establishing the minimum yard to be provided between the principal building or structure and the lot line.

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 (2)** roughly parallel streets, measured along the **third (3rd) street** with which both said "parallel" streets intersect.

City: The City of Red Bud, Illinois, a municipal corporation.

City Superintendent: Superintendent of Streets and Utilities of the City of Red Bud.

City Engineer: The duly appointed City Engineer of Red Bud.

Code Administrator: The employee of the City appointed by the Mayor, with the advice and consent of the City Council, to administer this Chapter; or his duly authorized representative. This employee is also referred to as "City Inspector".

Collector Street: A street which carries, or in the future will carry, significant volumes of traffic on a continuous route to expedite the safe movement of through traffic. Collector streets are identified on the City's most recent comprehensive plan or as determined by the City Council, and shall be built in their entirety throughout a proposed subdivision at the developer's expense. Collector streets shall be **forty-four (44) feet** wide as measured from back of curb to back of curb. The right-of-way shall be **sixty (60) feet** with the street center line to be the same as the right-of-way centerline. Horizontal curve radii shall be a minimum of **five hundred (500) feet**.

Commission: The duly appointed Planning Commission of the City.

Comprehensive Plan: The plan or any portion thereof adopted by the City Council to guide and coordinate the physical and economic development of the City. The Comprehensive Plan includes, but is not limited to, plans and programs regarding the location, character, and extent of

streets and related facilities; public buildings and uses; utilities, schools; residential, commercial, or industrial land uses; parks, drainage facilities, etc.

Concept Plan: The drawings and documents indicating the proposed layout of the subdivision which is submitted for consideration and tentative approval.

Corporate Authority: The Mayor and the City Council of the City of Red Bud.

County: The county in which the property is located.

County Clerk: The County Clerk of the county in which the property is located.

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

Crosswalk: A strip of land dedicated to public use, which is reserved for pedestrian access.

Cul-de-Sac - Court: A short street having one end open to traffic and the other end having a vehicle 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 the City or other public entity.

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

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

Dimensions: Refers to both lot depth and lot width.

Distribution Line: A pipeline other than a gathering or transmission line.

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

Drainage Right-of-Way: The land required for the installation of storm water sewers or drainage ditches, as required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein.

Easement: A grant by the property owner of the use of a strip of land by the public or a person for a specified purpose.

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

Fill: Earth, gravel, small rock or rubble (not to exceed **three (3) inches** in diameter) used to build up a piece of ground.

Final Plat: The final plat of all or a portion of the subdivision which is presented pursuant to petition for final approval of the City Council, and when approved to be filed with the proper County Recording Officer.

Flood Hazard Area: All land subject to periodic inundation from overflow of natural waterways when subjected to the maximum possible runoff as designated by an ordinance or ordinances of the City from time to time.

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

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

Improvement: Refers to site grading, street work and utilities (including water, sewer, electric, gas, and storm water), to be installed or agreed to be installed by the subdivider on land to be used for public or private streets, and easements or other purposes as are necessary for the general use of lot owners in the subdivision.

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

Inlet: A receptacle, located where a street gutter opens into a storm water sewer, designed to retain matter that would not readily pass through the sewer and to allow storm water runoff to enter the sewer.

Intersection: The point at which **two (2)** or more public rights-of-way (generally streets) meet.

Local Street: All streets are local streets unless they are identified as being collector streets on the City's most recent comprehensive plan or if they are deemed collector streets by the City Council. Local streets shall be a minimum of **thirty-four (34) feet** wide as measured from back of curb to back of curb. The right-of-way shall be **fifty (50) feet** with the street centerline to be the same as the right-of-way centerline. Horizontal curve radii shall be a minimum of **one hundred fifty (150) feet**.

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 not coincide with a "lot of record."

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 Area, Gross: The area of a horizontal plane bounded by the front, side, and rear lines of a lot, but not including any area occupied by the waters of a duly recorded lake or river.

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

Maintenance Guarantee: Any security which may be accepted that guarantees certain improvements constructed under conditions set forth by the Mayor and the City Council shall at the time they are accepted for public maintenance be in such condition as to require no additional work beyond normal upkeep.

Maximum Density: A minimum **ninety-five percent (95%)** compaction as determined by ASTM Specifications D-698 for clayey materials and a minimum relative density of **seventy-five percent (75%)** as determined by ASTM Specifications D-2049 for granular materials.

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

Owner: Every individual, firm, association, or other legal entity having a proprietary interest in the land and/or subdivision.

Pipeline: Any conduit through which natural gas, liquefied petroleum, oxygen or other flammable or combustible products, or any of their products is conveyed or intended to be conveyed. The definition of pipeline shall include compressor stations and other facilities integrated with pipeline operations.

Planning Commission: The Planning Commission of the City of Red Bud.

Preliminary Plan: The preliminary plat of all or a portion of the subdivision which is presented pursuant to petition for approval of the City Council.

Red Bud Zoning Code: The Zoning Laws of the City of Red Bud, Illinois **Chapter 40** of the City Code as amended from time to time.

Reserve: To set aside a parcel of land in anticipation of its acquisition by the City (or other governmental 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 the City or other unit of government for streets, alleys, and other public improvements.

Service Line: A line that transports natural gas from a common source of supply to:
(A) a customer meter or the connection to a customer's piping, whichever is farther downstream, or
(B) the connection to a customer's piping if there is no customer meter.
The customer meter is the meter that measures the transfer of gas from the City distribution system to a customer.

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.

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

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

Street, Frontage Road: A minor street, parallel with and adjacent to, or in the immediate vicinity of, an arterial street or limited access highway, used for local access to abutting lots and therefore relieving said arterials from providing such access.

Street, Temporary Stub: A street that is temporarily terminated without the use of a cul-de-sac because it is planned for future continuation.

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.

Subdivider: Any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit, to create a subdivision as defined in this Section.

Subdivision: Any division of land into **two (2)** or more lots for which a subdivision plat is required as set forth in the Illinois Plat Act, **765 ILCS 205/1** and following as amended from time to time.

NOTE: When no plat of subdivision is required by the Illinois Plat Act, all division of land shall be required to provide easements as outlined in **Chapter 34** of the City of Red Bud Code of Ordinances.

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

Transmission Line: A pipeline subject to pressure of **one hundred twenty-five (125)** or more PSIG and operates at a hoop stress of **twenty percent (20%)** or more of SMYS (specified minimum yield strength).

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

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

Yard: A space on the same lot with a building, which is open, unoccupied, or unobstructed by structures, except as provided in the Zoning Code.

34-1-9 GENERAL REGULATIONS. Upon passage and adoption of this Subdivision Code, no plat of any subdivision shall be valid or entitled to be recorded unless and until the same has been approved by the City Council in accordance with the procedures of this Code.

No improvements will be made within any subdivision until the preliminary plats for the subdivision and improvement plans for said subdivision have been approved by the City Council.

Where a tract of land is to be subdivided in several phases and the subdivider requests approval in parts, the preliminary plat for the entire tract to be developed, must be submitted with phases identified to demonstrate the total design as proposed for the entire subdivision.

The provisions of this Code will be held to be the minimum requirements necessary in the subdivision of land.

A certificate of approval as provided by **Illinois Compiled Statutes, 1992, Chapter 65, Section 5/11-12-12**, as amended from time to time, shall not be issued unless the map or plat of any proposed subdivision provides for streets, alleys, public ways, ways for public service facilities, storm or flood water run-off channels and basins and public grounds, in conformity with the applicable requirements of the Red Bud Municipal Code and the Official Map of the City of Red Bud. **(See 65 ILCS 5/11-12-12)**

ARTICLE II

APPLICATION

34-2-1 GENERAL REGULATIONS. Before any land is subdivided in the City and before a subdivision plat and/or improvement plans are approved by the City Council, those seeking to subdivide or seeking to obtain said approvals shall submit an application complying with the rules and regulations set forth in this Chapter.

34-2-2 INTENT AND PURPOSE. The objective of this procedure is to provide an opportunity for the applicant (subdivider) and the City to confer regarding the concept and basic elements of the proposed development. This procedure is intended to provide the foundation for a clear understanding and line of communication between the applicant and the City concerning the applicant's development proposals and the City's subdivision development regulations and further serve to conserve time, effort and expense. By allowing the applicant an early opportunity to gain the City's input into the proposed development, this procedure should facilitate and expedite the formal subdivision review and approval process.

34-2-3 PREPARATION. Prior to preparing and submitting the application and concept plan for a subdivision, the applicant shall review the City's applicable codes and ordinances to determine the specific procedures and steps to prepare and submit a subdivision plat and plans for approval. The Comprehensive Plan of the City shall be reviewed by the subdivider to determine how his subdivision will compliment the plan and development guidelines and policies. Requirements as to the general layout of streets and for reservations of land, street improvements, storm water drainage, water and sanitary sewer, community facilities and relationship to other developments in the immediate area shall be discussed and determined during review. Documentation of same shall be provided with the concept plan for the subdivision.

34-2-4 APPLICATION PROCEDURE AND CONCEPT PLAN REQUIREMENTS. Prior to preliminary plat submittal, an owner of the land, developer, or his representative, shall file a concept plan and a subdivision application, see **Figure 34-2-4**, with the Code Administrator. Attached shall be a neat concept plan (of sufficient scale, preferably on 11" x 17" reproducible paper) with at least the following information:

- (A) Site boundaries, size and general description and location;
- (B) Approximate subdivision lot boundaries and dimensions;
- (C) Proposed layout of streets, lots and other features in relation to existing conditions;
- (D) General site topography. U.S.G.S. datum (7.5' Quadrangle Map acceptable);
- (E) Major existing and proposed trees, tree masses and vegetation as well as existing buildings and structures (current Sidwell Map acceptable);
- (F) Existing land use of adjacent property;

- (G) Location and size of existing water lines and sanitary sewers that will serve the proposed project;
- (H) Name and address of licensed professional engineer, surveyor that will be used in preparing the preliminary and final plat if known;
- (I) Any existing or proposed common open space and community facilities.

34-2-5 **REVIEW PROCEDURES AND CONSIDERATIONS.** Upon submission of an application for concept plan approval, the Code Administrator in conjunction with appropriate City staff and department heads, shall meet to review and consider approval of the concept plan before further work on the preliminary plat and engineering plans are initiated. There is no fee for the review and consideration of a concept plan. The Code Administrator shall have **thirty (30) days** to review and comment on the concept plan. The following steps and procedures shall apply:

(A) Upon receipt of an application for concept plan approval, the Code Administrator shall schedule the applicant to review and consider the proposed subdivision development.

(B) The Code Administrator shall consider the concept plan to determine if the plat and proposed development conforms with the Subdivision Code and development guidelines and standards set forth. Particular attention will be given to width of streets, their relation to the topography of the land, water and fire protection, sewage disposal, storm water drainage, lot sizes and arrangement, the further development of adjoining lands as yet unsubdivided and the requirements of the City's Comprehensive Plan and amendments as adopted;

(C) Comments and recommendations generated as a result of the Code Administrator's review shall be kept intact and filed along with the preliminary plat and subsequent submissions. Furthermore, the applicant shall be provided with a list of all comments and suggestions regarding the sketch plan and actions necessary to proceed with preparation of the preliminary plat.

(D) Said approval of the sketch plat by the Code Administrator shall constitute authorization to prepare and submit a preliminary plat.

ARTICLE III

PRELIMINARY PLATS

34-3-1 **FILING OF PRELIMINARY PLATS.** The person or persons proposing a subdivision must first submit to the Code Administrator at the City Hall, **four (4) copies** of a Preliminary Subdivision Plan prepared in accordance with the applicable requirements for plats set forth herein.

34-3-2 **COUNTY SOIL AND WATER DISTRICT.** The subdivider will also submit **one (1) copy** of the Preliminary Plat to the applicable County Soil and Water Conservation District and provide written proof of such submittal to the Code Administrator. The Soil and Water Conservation District may comment on the preliminary plat within **thirty (30) days** after receiving the application.

The subdivider shall be responsible for and make payment to the County Soil and Water Conservation District any fees charged for review of the plat.

34-3-3 **VARIATIONS.** The City Council may grant a variance or special exception from any provision in this Code by following the following provisions:

(A) When a subdivider seeks a variance or special exception, same shall be submitted to the Planning Commission by application in writing upon filing of a preliminary plat. Upon receipt of the preliminary plat, the Planning Commission shall hold a hearing at its next scheduled meeting which is more than **five (5) working days** following receipt of the plat. The Planning Commission shall hold a hearing on the variance(s) or exception(s) requested. Following the hearing, the Planning Commission will forward a written recommendation to the City Council which recommendation shall include references to Paragraphs (B) (1) through (4) below.

(B) No variance or exception shall be recommended by the Planning Commission unless **two (2)** of the following provisions are met:

- (1) Any variance or except granted shall comply with the intent and purpose declared in this Code.
- (2) The topographical or other physical conditions peculiar to the site suggest the need for a variance or exception and without which a non-necessary hardship would be created.
- (3) The variation or exception will afford better site design and land utilization.
- (4) Any variation recommendation shall be in writing and clearly state all conditions which necessitated the variance or special exception. The specific terms of the variance shall be stated in writing and shall accompany the Planning Commission's recommendation o the City Council.

34-3-4 ACTION BY THE CODE ADMINISTRATOR AND PLANNING COMMISSION.

(A) In the event a subdivider wishes to construct a subdivision, he shall first submit **four (4) copies** of a preliminary plat to the Code Administrator who shall review same within **thirty (30) days** from receipt. If the preliminary plat complies with the City's Subdivision and Zoning Codes, the City's Comprehensive Plan and the conditions of **Chapter 65 ILCS 5/11-12-8**, the Code Administrator shall so inform the City Council in writing at its next regularly scheduled meeting, or special meeting, for approval. Any preliminary plat received by the City Council less than **five (5) days** from its next regularly scheduled meeting shall not require the action of the City Council until its following regularly scheduled meeting.

(B) If the Code Administrator does not approve the preliminary plat for reasons that it does not comply with the Subdivision Code, the City Zoning Code, the City's Comprehensive Plan and/or the conditions of **Chapter 65 ILCS 5/11-12-8**, the reason should be so stated in the Administrator's written report. This report shall be completed within **thirty (30) days** of the filing of the preliminary plat and forwarded to the subdivider who has the option of either complying with the applicable code or regulation or seeking the approval of the preliminary plat as presented by requesting a hearing before the Planning Commission per **Section 34-3-3** of this Code. The Planning Commission, at its next regularly scheduled meeting more than **five (5) working days** from the filing of the request for review of the preliminary plat by the subdivider, shall consider the request of the subdivider at a hearing and make its written recommendation to the City Council per **Section 34-3-3** above. The City Council, at its next regularly scheduled meeting more than **five (5) working days** following receipt of the Planning Commission's recommendation shall either grant or deny the variance(s) or exception(s) requested by the subdivider, all per **Section 34-3-3** of the Code.

(C) If, however, the subdivider, upon receipt of the Code Administrator's report, decides to correct the preliminary plat, the subdivider would again submit it to the Code Administrator who would have **thirty (30) days** from receipt to review the amended preliminary plat. If the plat conforms to the City's rules and regulations as stated above in Paragraph (A) of this Section, the Code Administrator shall provide a written report to the City Council stating that all of the City's rules and regulations have been complied with and the City Council shall consider the preliminary plat for its approval at its next regularly scheduled meeting more than **five (5) working days** following receipt of the written report from the Code Administrator. If, on the other hand, variances remain, the Code Administrator would so notify the subdivider in writing within **thirty (30) days** following receipt of the filing of the amended plat as to why the amended preliminary plat does not comply with the City's rules and regulations for subdivision as stated above in Paragraph (A) of this Section. The subdivider shall then either submit the amended preliminary plat to the Planning Commission for review as stated above in Paragraph (B) or the subdivider may further amend the preliminary plat for resubmission to the Code Administrator, the choice of which is the subdivider's. This process shall continue until the preliminary plat is finally approved by the City Council or abandoned by the subdivider.

(D) All submitted preliminary plats and all reports as required in this Section shall be filed with the Code Administrator and shall be in a public record upon being filed.

34-3-5 ACTION BY THE CITY COUNCIL.

(A) If approved by the City Council, the variance shall be attached to the preliminary plat and shall be made part of the final plat. The application for the variance or exception, all recommendations of the Planning Commission and the final action of the City Council shall be filed in the Office of the Code Administrator and shall be a public record.

(B) The City Council, by resolution, shall either accept or reject said Preliminary Plat at their next special or regularly scheduled meeting, which occurs more than **five (5) days** following the Planning Commission's recommendation.

(1) If the City Council accepts the preliminary plat, their motion of acceptance will authorize the required City officials to sign and date the preliminary plat. Subdivider shall then provide the City with **one (1) original** and **five (5) copies** of the preliminary plat with all required signatures, and provide the City with the Preliminary Plat on disc in the City's current ACAD format.

(2) If the City Council rejects the variance, their resolution shall specify the aspects in which the plat fails to comply.

(C) The Code Administrator shall attach a certified copy of the Council's resolution of approval or disapproval to the preliminary plat.

(1) **One (1) copy** of the resolution and plat shall be retained by the Clerk, **one (1)** shall be filed with the Code Administrator and **one (1) copy** shall be given to the subdivider.

(2) City Council approval shall not qualify a preliminary plat for recording.

34-3-6 REQUIREMENTS FOR PRELIMINARY PLATS.

(A) With the submittal of each preliminary plat, the subdivider shall pay an application fee of **Twenty-Five Dollars (\$25.00)** per lot as shown on the proposed preliminary plat, minimum fee of **One Hundred Fifty Dollars (\$150.00)**.

(B) The planning arrangement and design of any proposed subdivision shall contain the following information:

(1) A simple, complete and explicit title which does not duplicate the name of a previously recorded plat, except in the case of additions. In the case of a re-subdivision, the title shall contain the full name of the subdivision being re-platted.

(2) Date, North point and scale.

(3) Dimensions of all lines shown.

(4) The exact angle made by, or the direction of all intersecting boundary lines, intersecting street lines and the location of said lines in reference to section, quarter section or land-grant lines and corners.

(5) The exact position and character of all boundary markers set and/or found.

(6) Contour lines in **one (1) foot** intervals of existing elevations of the subdivision.

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- (7) Name and signature of owner and the legal description of the boundaries of said subdivisions certified to including the seal of a licensed Illinois Land Surveyor.
- (8) Zone District Classification.
- (9) Name of each adjoining subdivision, intersecting street name thereof and adjoining unsubdivided land labeled as such.
- (10) Existing and proposed street, alley easement, lot, property and building lines, with each street width dimension and right-of-way measurements for at least **three hundred (300) feet** beyond the limits of the proposed subdivision.
- (11) Depict all proposed lakes, ponds, and storm sewer system with the direction of flow indicated.
- (12) The proposed plan of water distribution and proposed sewage disposal layout.
- (13) Where the street line is curved on a regular curve, the radius of the intersecting angle of the tangents shall be shown. Where a street line is curved on an irregular curve, the base line method of referencing shall be used. Off-set distances from the base line shall be shown at a sufficient number of measured intervals to definitely re-establish the curved street lines. The lengths of all base lines and the angles between them, or their directions shall be shown. Where practical, the beginning, the ending of a base line shall be at the street corner of a lot and such corners shall be marked with concrete or stone monuments or iron stakes.
- (14) When an angle occurs in any lot line between lot corners, the measurement of the angles, or the direction of the lines shall be shown.
- (15) Names or numbers of all streets within the proposed subdivision. Those in line with streets in nearby subdivisions shall have the same name or number, all others different.
- (16) Acreage and tracts to be dedicated for public use, other than streets, alleyways and easements.
- (17) Preliminary plat shall be drawn to a scale of not more than **one hundred (100) feet to one (1) inch** and shall not result in a drawing over **thirty-six (36) inches** in longest dimension on any **one (1) sheet**.
- (18) Utility and surface water drainage easements indicating:
 - (a) Location
 - (b) Width
 - (c) Purpose and flow direction (if applicable)

34-3-7 GENERAL STATEMENT. The subdivider shall conform to the following principles and standards of land subdivision in the design of each subdivision or portion thereof. No preliminary plat shall be approved unless it conforms to the following minimum standards of design.

34-3-8 STREET PLANNING. The arrangement, character, extent, width and location of all streets shall be considered in their relation to existing and planned streets in the City's comprehensive plan, to reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement of streets in new subdivisions shall provide for the continuation of existing streets in adjoining areas. Where adjoining unsubdivided areas the proposed arrangement of the streets shall allow access to the unsubdivided areas, taking into consideration locations and elevations. In no case shall land be subdivided in such a manner that adjoining property be denied access.

Where subdivision streets or rights-of-way are continuations or extensions of existing streets or rights-of-way, the width thereof shall be of the same or greater width as the existing street or right-of-way except that in no case shall the street or right-of-way in the subdivision be of less width than the minimum as provided herein. Dedication of half or portions of a street shall be permitted only when there is no other logical method of platting. Reserve strips, of any type, shall not be allowed.

34-3-9 GENERAL STREET DESIGN REQUIREMENTS. The following requirements shall also be met when planning the street network:

- (A) Streets shall intersect at right angles.
- (B) Local street curb intersections shall be rounded by radii of at least **twenty-five (25) feet** minimum, as measured to the edge of pavement; intersections involving collector streets shall have radii of not less than **forty (40) feet**.
- (C) When **two (2)** local or collector streets intersect such that there are **four (4) approaches**, approaches opposite each other must have centerline offsets greater than **one hundred twenty-five (125) feet**. **See Figure 34-3-9(C)** at the end of this Chapter.
- (D) Abrupt breaks in the centerline of streets such that the diverging centerline is at an angle with the projected centerline are prohibited. Large gradual curves shall be used. **See Figure 34-3-9(D)** at the end of this Chapter.
- (E) Streets that will be extended in the future by the developer or designated by the City shall be terminated at the property line without a cul-de-sac.
- (F) When extension of streets terminating in cul-de-sac's are proposed, the cul-de-sac shall be removed.
- (G) The minimum radius for any curve in the street centerline shall be **one hundred fifty (150) feet** to insure proper stopping sight distance. The minimum radii for the corresponding street classification as prescribed in this Section shall be used.
- (H) When local streets are connected to collectors, the PC or PT of any radius of said street shall begin at least **seventy-five (75) feet** back from the intersection with the collector centerline or at greater lengths as required by the State or County. **See Figure 34-3-9(H)** at the end of this Chapter.
- (I) When proposed streets access State or County routes, all locations of access streets shall be approved by the County or State in writing and such approval shall be presented to the City.
- (J) Unless topography indicates a need for a greater length, dead-end streets, designed to be so permanently, shall be no longer than **five hundred (500) feet** and shall terminate in a circular open space having a radius at the outside of the pavement of at least

forty-five (45) feet and a diameter at the outside of the right-of-way of at least **one hundred ten (110) feet**.

(K) No local street shall be in excess of **eight percent (8%)** grade and no collector street grade shall be in excess of **six percent (6%)** grade except as otherwise approved by the City Council due to adverse topographic conditions. For adequate drainage, the minimum grade of any new street shall not be less than **one-half percent (0.5%)**.

(L) The City Council shall not approve streets which will be subject to frequent inundation or flooding as identified by Local, State or Federal agencies and/or the City. All requirements of said agencies shall be followed when designing roadways.

(M) Alleys shall be avoided in single-family and multi-family zoning districts; however, alleys may be allowed in business or industrial districts for service access, such as off-street loading, unloading and parking, only if no other options are available.

(N) Dead-end alleys shall not be permitted, except where provided with adequate turn-around facilities at the dead-end, or where such dead-end alleys provide the only access to off-street parking or loading spaces.

(O) Alleys, where allowed, shall have a right-of-way of not less than **twenty (20) feet**.

(P) Intersection of more than **two (2) streets** at **one (1) point** shall be prohibited.

(Q) Where the subdivision abuts on or contains an existing or proposed area service highway, the City Council may require that street layout is such that no lots front an existing or proposed area service highway.

(R) Wherever the Illinois Department of Transportation or the County has gone on record as desiring the relocation and/or the construction of a new highway or whenever a municipality has duly recorded with the County a comprehensive plan and/or adopted an official map defining the location of streets, the subdivider shall reserve rights-of-way for the construction of such streets or highways with rights-of-way alignments and widths as prescribed by the appropriate jurisdictional agency.

(S) All streets shall be extended to subdivision property line.

34-3-10 RIGHT-OF-WAY, STREET, SIDEWALK AND CURB AND GUTTER REQUIREMENTS. The following shall be the minimum requirements provided under the terms of this Code. The City Council, however, reserves the right to waive or modify the following requirements due to limitations imposed by topography and/or other factors. The property owner shall install sidewalks on their property as a condition for occupancy (**See Section 40-7-3**). Sidewalks shall be constructed according to the requirements of this Code. Signalization will be required if warrants of the Illinois Municipal Traffic control devices are met as amended from time to time. These requirements are also applicable in situations where State Highways are accessed. Prior to approval of final plat, the developer shall submit to the City letters of approval for intersection geometry, possible required signalization and for ditch flow calculations obtained from the State Department of Transportation. Payment, if any, for these Letters of Approval, will be made by the subdivider. (**Ord. No. 1257; 08-01-11**)

(A) **Sidewalk, Curb and Gutter Requirements.**

(1) **Curb and Gutter.** All curb and gutter shall have a minimum width of **twenty-four (24) inches** measured from back of curb to the edge of pavement and shall be mountable. See **Figure 34-3-10(A)(1)(L)** local streets. Collector streets shall have barrier type curb and gutter. See **Figure 34-3-10(A)(1)(C)**.

- (2) **Grass Area.** A **three (3) foot** grass area measured from the back of the curbing towards the lot, shall be provided for on both sides of the street for all streets except for a collector for which no grass area will be required.
- (3) **Sidewalks.**
 - (a) Local streets shall have **four (4) foot** concrete sidewalks as measured from the back of the curb and towards the lot and **three (3) foot** grass area between the back of the curb and sidewalk shall be provided on **one (1) side** of a street. Local street sidewalks are required on **one (1) side** of street as determined by City.
 - (b) Collector streets shall have **five (5) foot** concrete sidewalks as measured from the back of curb and gutter towards the lot on both sides of the street. No grass area between back of curb and sidewalk is required on collector streets.
 - (c) See **Section 34-4-21.**
- (4) **Additional Lanes.** Additional lanes, including turn lanes, will be required if traffic analysis indicates the need for more lanes.

34-3-11 ADDITIONAL RIGHT-OF-WAY REQUIREMENTS. Whenever the subdivision adjoins a non-access highway constructed by the Illinois Department of Transportation, which is the maintenance responsibility of the Illinois Department of Transportation, the City Council, upon the recommendation of the Illinois Department of Transportation, may require the reservation of a service road with a minimum right-of-way of not less than **sixty (60) feet**, which road shall parallel the highway and may have connections thereto at locations that are jointly approved by the City Council and the Illinois Department of Transportation.

(A) Wherever any highway, constructed by the Illinois Department of Transportation, which is the maintenance responsibility of the Illinois Department of Transportation, traverses or adjoins the subdivision, the subdivider shall reserve a right-of-way having a width of not less than **sixty (60) feet** from the center line of such highway.

(B) If any tract of land proposed to be subdivided (or any part thereof) lies adjacent to any highway over which the Illinois Department of Transportation has jurisdiction with respect to maintenance and upkeep and an access is desired from such highway to any lot, street, roadway, alley or otherwise in such proposed subdivision, then the subdivider shall be required to obtain and submit to the Code Administrator a written permit from the Illinois Department of Transportation granting him permission to construct such access way.

34-3-12 COUNTY HIGHWAYS. Wherever any highway, constructed by the County, which is the maintenance responsibility of the County and traverses or adjoins the subdivision, the subdivider shall reserve a right-of-way having a width of not less than **fifty (50) feet** from the center line of any County highway and **thirty (30) feet** from the center line of any road district highway in the County.

34-3-13 **NOISE ABATEMENT.** If the project or subdivision is to be developed within **one thousand (1,000) feet** from the centerline of the highway, consideration must be given to the relationship between the highway traffic noise and the proposed nature of the development. In order to alleviate excessive highway noise impacts, the City Council, based upon Illinois Department of Transportation standards, may require the developer to conform to additional setback requirements or provide adequate buffering.

34-3-14 **EASEMENTS AND OUTLOTS.** Easements of not less than **ten (10) feet** in width shall be provided on each side of all front and rear lot lines and alongside lot lines where necessary for storm and sanitary sewers, gas, water and other mains and for electric, telephone and cable lines or for other public or quasi public utilities. Easements of greater width may be required along or across lots when necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement, and along all lots that border the subdivision.

(A) Adequate easements for storm water drainage shall be established along any natural drainage channel and in such other locations as may be necessary to provide satisfactory disposal of storm water from streets, alleys and all other portions of the subdivision. The location and minimum widths of such easements shall be approved by the City Council and shall be wide enough for vehicle access beyond back slope of ditch.

(B) The maintenance of drainage easements shall be the responsibility of the lot owner or adjacent lot owner(s) who are contiguous with the drainage easement. No tree or structure shall be placed or erected in any easement for utility or drainage purposes and the City personnel may have free access to, and use the easements at any time.

(C) The maintenance of outlots used as detention storage areas or common ground shall be the responsibility of the owner(s) who is (are) contiguous with the drainage easement. The City shall require a separate, acceptable written maintenance agreement in addition to any restrictive covenants for acceptance to a detention/common area/storage area that is shown on a plat. Such agreement shall be in force before any lot sales in the development.

34-3-15 **BLOCKS.** No block shall be longer than **one thousand two hundred (1,200) feet** or less than **five hundred (500) feet** in length.

(A) All blocks, whenever it is deemed essential by the City Council to provide access to schools, playgrounds, shopping centers and other community facilities, shall have a crosswalk with a right-of-way of at least **ten (10) feet** in width near the center of the block.

(B) The length, width and shapes of blocks shall be determined with due regard to building sites, land use, zoning requirements, access, safety and convenience.

(C) Where a subdivision adjoins a collector street, or a state or county highway, the greater dimension of the block shall generally front or back upon such collector street or highway to avoid unnecessary multiplicity of points of ingress or egress.

34-3-16 **LOTS.** Lot area and dimensions shall conform to the requirements of the applicable district of the City Zoning Code.

(A) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, property related to topography and the character of surrounding development.

(B) All remnants of lots below minimum lot area size left over after subdividing a larger tract shall be added to adjacent lots, rather than allowing to remain as unusable land.

(C) Lots with double frontage should be avoided where possible. Corner lots and lots with double frontage will have extra dimension sufficient to permit the establishment of front building or setback lines on the adjoining streets.

(D) The subdividing of the land shall be such as to provide each lot with satisfactory access to a public street.

(E) Lots shall be graded by the developer so as to provide drainage away from building locations. Adjacent lots shall be graded such that the connecting yards are not at vastly differing elevations, thusly creating high and low lots adjacent to each other. Furthermore, dirt excavated from basements shall be accounted for in the site grading plan or hauled off site.

(F) Developer shall indicate first floor elevation of primary structure to be built for each lot.

(G) In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, wetlands, steep slopes, water courses, historic spots, or similar conditions and plans adjusted to preserve those which will add attractiveness, safety and stability to the proposed development.

34-3-17 PUBLIC RESERVATIONS. When a school board, park board or the governing body of a City goes on record as desiring to purchase ground in the subdivision for a school, park or other public purpose, such area shall be reserved for acquisition by the applicable public entity within a **twelve (12) month** period. If within this **twelve (12) month** period, an acquisition price cannot be agreed upon or condemnation proceedings have not been instituted, the owner or subdivider may subdivide, sell, or dispose of said ground.

34-3-18 DRAINAGE AND STORM SEWERS.

(A) **Purpose and Intent.** It is the policy of the City to protect and promote the public health, safety and general welfare. The criteria for storm water detention will reduce the possibility of damage to public and private property, will reduce the erosion on land and creek channels, will assist in the attainment and maintenance of water quality standards, and will preserve and enhance the environmental quality of the watercourses in the City. This criteria provides uniform procedures for designing and checking the design of storm drainage systems.

(B) 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.

34-3-19 EROSION AND SEDIMENT CONTROL. The following standards shall be applied in the subdivision and construction of land areas:

(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) Natural plant covering shall be retained and protected so far as is consistent with developing the site. Where topsoil is removed, sufficient arable soil of identical type shall be placed to a depth of **four (4) inches** over the entire development.

(C) Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any **one (1)** period of time. Erosion and siltation control measures shall be installed prior to construction, throughout construction and after final grading to permit growth of new vegetation.

(D) The developer must comply with the Illinois Environmental Protection Agency specifications for soil erosion and sediment control latest edition. Developer must apply for an NPDES Permit, as applicable, through Illinois Environmental Protection Agency, hereinafter referred to as "IEPA" or other permit(s) as required by IEPA from time to time. Said permit shall be filed with the Code Administrator.

(E) The developer shall be required to install and maintain silt fence **two (2) feet** behind the back of curb on all lots until vegetation is established or until the lot is built on and the yard is established.

34-3-20 **TREE REMOVAL AND CONSERVATION OF VEGETATION.** All subdivisions shall be planned, designed, constructed and maintained so that:

(A) Existing healthy trees and native vegetation on the site, including those within right-of-way and easements, shall be preserved to the maximum extent feasible.

(B) All construction debris shall be removed from site and not burned or buried.

(C) Uprooted trees and associated vegetation may be burned on site in accordance with Illinois Environmental Protection Agency and Illinois Department of Transportation specifications.

34-3-21 **WATER INSTALLATION.** All proposed water systems shall connect to the City water system and shall comply with the regulations of the Illinois Department of Public Health and the Illinois Environmental Protection Agency, and must be approved by the City.

The location of the water system shall be shown on the preliminary plat. The improvement plans, when submitted, shall be in accordance with the Standard Specifications for Water and Sewer Main Construction in Illinois and the City's Subdivision Code for Water Installations per **Section 34-4-13**. The subdivider shall provide all labor, equipment and materials necessary to construct the water system as shown on the plans. Testing shall be done by the subdivider and witnessed by a representative of the City. All water main extensions to the subdivision, both the cost of and construction of, will be borne by the subdivider.

34-3-22 **SEWER INSTALLATIONS.** All proposed sanitary sewer facilities shall connect to the City sewer system and shall comply with the regulations of the Illinois Department of Public Health and the Illinois Environmental Protection Agency, and must be approved by the City.

(A) The location and flow direction of the sewer system shall be shown on the preliminary plat. The improvement plans shall be in accordance with the applicable provisions of

the Standard Specifications for Water and Sewer Main Construction in Illinois and the City's Subdivision Code for Sewer Installations per **Section 34-4-12**. The subdivider shall provide all labor, equipment and materials necessary to construct the sanitary sewer as shown on the plans. Testing shall be done by the subdivider and witnessed by a representative of the City. All sewer main extensions, both the cost of and construction of, will be borne by the subdivider.

(B) **Alternate Methods of Disposal.** In the event it is not possible, or feasible, for the subdivider to extend the public sewer system into the proposed subdivision, for whatever reason, the subdivider has the right to petition the City Council for the right to install an alternative method of sewage disposal. Any such petition shall be considered on an individual basis with each case standing on its own merits. No subdivision shall be approved without the City Council's approval of the method of sewage disposal.

34-3-23 GAS MAIN INSTALLATIONS. A subdivider who subdivides an area within the City may request connection to the City's natural gas system and installation of natural gas mains and lines. Such request will be granted unless the City's gas allotment is insufficient to serve additional customers. The connection to the gas system and construction of gas mains and lines throughout the subdivision shall be done by the City at the expense of the subdivider. Payment shall be made at time of application for connection to the gas system per **Section 38-6-14** of the City's Revised Code of Ordinances.

(A) The City shall not bear the cost of extending gas mains. For progressive "standard" residential lot-to-lot extensions within a platted subdivision or populated area the charge per lot shall be **Four Hundred Fifty Dollars (\$450.00)** to be paid in advance of installation. A standard residential main extension is defined as one having a length of **one hundred fifty (150) feet** or less and being connected to an existing source of supply within that length. This charge is final and non-refundable.

(B) For main extensions (1) other than "standard" residential lot-to-lot installations within or to reach a lot or development, or (2) commercial installations, or (3) industrial installations, either inside or outside the corporate limits, the charge shall be the total estimated cost to the City and shall be paid as an estimate by the applicant at the time the request for gas service is approved. The cost to the City shall include all materials, labor, equipment, engineering and related items required to complete the gas main extension. In the event that the amount so deposited is greater or less than the actual cost of the extension, such excess or deficiency shall be refunded or paid, as the case may be, prior to initiating gas service.

34-3-24 ELECTRIC INSTALLATIONS. A subdivider who subdivides an area within the City shall make connection to the City's electric system. The connection to the City's electric distribution system and construction of the electric distribution lines throughout the subdivision shall be done at the expense of the subdivider. Payment shall be made at the time of application for connection to the electric system and construction of the electric distribution lines within the subdivision shall be according to the City's Revised Code of Ordinances.

CERTIFICATE REQUIREMENTS

The following certificates shall be executed on the Preliminary Plat:

STATE OF ILLINOIS)
)
COUNTY OF _____) SS

Phase 1 is approved this _____ day of _____, 20__.

City of Red Bud Code Administrator
City of Red Bud, Illinois

CODE ADMINISTRATOR

STATE OF ILLINOIS)
)
COUNTY OF _____) SS

The City Council of Red Bud, Illinois hereby approves the lot layout as shown on this preliminary plat.

Phase 1 is approved this _____ day of _____, 20__.

MAYOR

CITY CLERK

LAND SURVEYOR STATEMENT

At the request of _____
has prepared a preliminary subdivision plat based upon a boundary survey by _____
for a tract of land located at _____.

SURVEYOR

OWNER'S STATEMENT

The undersigned, developer(s)/owner(s) of the tract of land herein platted and further described hereon, have caused the same to be surveyed and subdivided in the manner shown on this plat, which subdivision shall hereinafter be known as _____.

DEVELOPER/OWNER

ARTICLE IV

IMPROVEMENT PLANS

34-4-1 **SUBMITTAL OF IMPROVEMENT PLANS.** After the preliminary plat for the proposed subdivision has been approved, **three (3) copies** of improvement plans and required calculations for the proposed subdivision shall be submitted to the Code Administrator at City Hall. Improvement plans shall be prepared in accordance with the applicable requirements set forth herein.

34-4-2 **PERMITS.** Copies of permits required from State, Federal and local agencies (e.g. IEPA sewer and water permits, IHPA, NPDES Permit, 404 Permits, Endangered Species Certification etc.) not required for the Preliminary Plat submittal shall be submitted with the improvement plans for appropriate signatures.

34-4-3 **APPROVAL: IMPROVEMENT PLANS.**
(A) The City's Utility Superintendent shall review the improvement plans within **thirty (30) days** from the date of filing or the filing of the last item of supporting data, whichever is later and for approval or disapproval of same. If disapproved, the reason(s) shall be submitted to the Code Administrator in a written report. Upon filing of the corrected improvement plans, the City Superintendent shall review same and either approve or disapprove of them, providing a written report to the Code Administrator. Code Administrator shall forward written report to subdivider. This process shall continue until the plans are approved. The Superintendent shall file his report within **thirty (30) days** of receiving each corrected plan and upon approval, shall file his report with the Code Administrator who will forward them to the City Council.

(B) The City Council shall review the recommendation of the Code Administrator and shall either approve or disapprove the Improvement Plans.

(1) If the City Council accepts the improvement plans, their motion of acceptance will authorize the required City officials to sign and date the improvement plans and permits. Subdivider shall then provide the City with **one (1) original** and **five (5) copies** of the improvement plans with all required signatures. Subdivider shall also provide City with **one (1)** set of 11" x 17" improvement plans and provide the City with the improvement plans on disc in the City's current ACAD format.

(2) If the City Council rejects the improvement plans, their resolution shall specify the aspects in which the plans fail to comply.

(C) The improvement plan approval shall remain in effect for **five (5) years** from the date of the City Council's approval of said plans unless extended per **Section 34-4-4.**

(D) Staged improvement plans shall coincide with that of the preliminary plat staging. Improvement plans for delayed stages shall be submitted within a **five (5) year** period following approval of the preliminary plat and coinciding with successive preliminary plat

submittals. After **five (5) years**, improvement plans will again need to be submitted for review as stated in **Section 34-4-3**.

34-4-4 CAPITAL IMPROVEMENTS. Final plats shall not be approved by the City Council unless the capital improvements or facilities intended to be dedicated to the City, other public good or acceptable private entity have been completed, inspected and accepted by the City prior to such approval.

34-4-5 REQUIREMENTS FOR IMPROVEMENT PLANS.

(A) With submittal of improvement plans the subdivider shall pay application fee of **Twenty-Five Dollars (\$25.00)** per lot as shown on preliminary plat - minimum fee of **Two Hundred Fifty Dollars (\$250.00)**.

(B) Developer shall notify the City Superintendent, or his designee a minimum of **twenty-four (24) hours** in advance before EACH improvement is installed at the development.

(C) Improvement plans shall be prepared on an exhibit not to exceed **thirty (30) inches** by **thirty-six (36) inches**.

- (1) Title page, which shall include a key map showing the relationship of the area to be subdivided to the project area and which shall reflect areas of the project area previously subdivided plus adjacent streets.
- (2) North arrow and graphic scale.
- (3) Title Block showing name and address of developer and engineering firm, as well as telephone and fax numbers.
- (4) **Two (2)** or more bench marks, in or near the subdivision, to which the subdivision is referenced. The elevation shall be based on the sea level datum.
- (5) Summary of quantities
- (6) List of the standards and specifications followed, citing volume, section, page or other references.
 - (a) Sanitary sewers, indicating:
 - (i) Location.
 - (ii) Size.
 - (iii) Manholes (spaced apart not more than **four hundred (400) feet**).
 - (iv) Invert and rim elevations at manholes.
 - (v) Flow directions.
 - (b) Culverts, indicating:
 - (i) Type.
 - (ii) Location.
 - (iii) Size.
 - (iv) Invert elevation.
 - (c) Water main layout, indicating:
 - (i) Location.
 - (ii) Size.

- (iii) Looped pattern where practicable.
- (iv) Fire hydrants, spaced apart not more than **four hundred (400) feet**.
- (v) Valves, indicating:
 - a. Valve manhole or
 - b. Valve box
- (d) Storm sewer layout, indicating:
 - (i) Location.
 - (ii) Catch basins at intervals not more than **four hundred (400) feet**.
 - (iii) Storm water is not carried across or around any intersection.
 - (iv) Surface water drainage pattern for individual lot and block.
 - (v) Invert elevations.
- (e) Paving details.
- (f) Details of streets, existing and proposed sanitary sewers, water lines, drainage channels, swales and storm sewers.
- (g) Plans and profiles of streets, storm and sanitary sewers, water lines and other improvements. The plans and profiles shall be drawn at a scale not more than **fifty (50) feet** to the inch (**50' = 1"**) horizontal; and **one (1) inch** equals **ten (10) feet (1" = 10')** vertical.
- (h) Any structural or non-structural measure proposed to prevent soil erosion and sediment control must be shown or included in a statement accompanying the improvement plans.
- (i) Existing and proposed survey monuments on street plans or on the proposed final plat.
- (j) Final grading plan shall be incorporated into improvement plans with proposed and existing contours shown at **one (1) foot** contour intervals. Final grades shall not be altered by any lot owner.
- (k) All required structural details for bridges, culverts, non-standard pump station wet wells, manholes, etc. shall be included in the improvement plans. The design drawings for precast wet wells, manholes, culverts, headwalls, etc., shall be referenced IDOT standards included in the plans or standard shop drawings submitted during construction. All drawings for bridges and non-standard opening culverts shall be signed by an Illinois registered structural engineer.
- (l) The signature and seal of an Illinois Registered Professional Engineer.

34-4-6 GENERAL STATEMENT.

(A) Utility and street improvements shall be provided by the subdivider, at subdivider's expense, in each new subdivision in accordance with the standards and requirements described in the following section. The requirements set forth below shall be considered as minimum requirements and nothing contained herein shall be construed to mean that the subdivider cannot construct or provide improvements of a higher type. Subdivider's engineer, at subdivider's expense, shall be on the job during construction of improvements if required by the City Council due to specialized construction not ordinarily associated with subdivision construction within the City.

(B) All new streets, which are created and dedicated for use within a subdivision, shall be graded, drained and surfaced in accordance with the minimum requirements herein below set forth and in a manner which will provide complete and adequate drainage of all the streets, alleys and public grounds in the entire subdivision, including any such work which may be necessary in order to provide adequate and satisfactory drainage along the side of any existing public street which lies adjacent to the subdivision.

(C) In general, all such new streets within the subdivision and all work to be undertaken thereon shall be designed and constructed according to the Standard Specifications for Road and Bridge Construction and accompanying Highway Standards and Design Manual, adopted by the Department of Transportation of the State of Illinois, IEPA standards and other referenced codes as the same are in effect at the time the improvement plans are submitted.

(D) All labor and material costs for initial and remediation testing during construction as deemed necessary by the City shall be borne by the developer. Testing for work items that can be damaged by weather, traffic or any other cause shall be performed within **seven (7) days** prior to associated construction, else improvements will not be dedicated (e.g. soil compaction test). Construction of work items shown on the improvement plans shall progress such that no more than **twenty (20) working days** shall elapse between associated construction (e.g. subgrade and subsequent surfacing). Developer shall be responsible for all road repairs of existing streets that was a result caused by the construction traffic into the new development. The developer shall be responsible for the cleanup of any debris off streets from construction. A City Inspector shall be on site during construction of all improvements, the cost of such inspector to be billed at the inspector's regular rate as determined and published from time to time by the City. The subdivider shall pay for same within **thirty (30) days** of billing and if not so paid, the inspector shall issue a stop-work order until the payment is made. No building permit shall be issued in the new development until the City Council has approved and authorized the filing of the Final Plat.

(E) When a subdivision contains water supply system, park area, or other physical facilities that have not been dedicated to and accepted by an existing public agency, adequate provision shall be made for the continuous maintenance supervision, operation and reconstruction of such facilities by the subdivider, subject to the regulations of the Department of Public Health, the Illinois Environmental Protection Agency and any other State or Federal agency.

(F) No final plat shall be approved for recording unless the improvements required in this Article have been completed by the developer.

34-4-7 REQUIREMENTS FOR INSPECTION. The subdivider/developer shall notify the City Superintendent, or designee of the beginning and completion of the construction of all improvements.

(A) The City Inspector shall inspect said improvements while they are under construction and if he determines that they are being built in violation of this Chapter or the approved plans, he shall promptly notify the Code Administrator who, in turn, shall issue a stop work order.

(B) The City Superintendent shall also inspect improvements upon their completion.

(1) The City shall not accept any completed improvements until the City Superintendent has certified that they comply with the provisions of this Chapter.

34-4-8 **REQUIREMENTS FOR "AS-BUILT" RECORDS.** Upon the completion of all improvements, the subdivider/developer shall file with the Code Administrator, **five (5)** sets of reproducible plans showing as-built details of all improvements for sewer, water, and any deviations from approved plans. The sanitary sewer "as-built" drawings shall illustrate the location and approximate depth of all service laterals; the size, location and flow line elevations of all sewer mains; the top and flowline elevations of all manholes; and any other pertinent information. Drawings shall be submitted before building permits will be issued.

34-4-9 **TRANSMISSION LINES ON IMPROVEMENT PLANS.** All development applications and improvement plans, in addition to any other requirement provided for in this Code, shall provide the following if the land to be developed contains a Transmission Line.

(A) Location, size, operating pressure, location class as defined in the United States Department of Transportation, in the State of Illinois and operating hoop stress in percentage of specified minimum yield strength of all Transmission Lines located upon the subject property and as surveyed by a professional land surveyor licensed in the State of Illinois;

(B) The location of all on-site pipeline easements and rights-of-way of any kinds;

(C) The approximate location, based upon approximate field measurements supplied by the respective pipeline owner and the size, operating pressure, location class as defined by the United States Department of Transportation, in the State of Illinois and operating hoop stress in percentage of specified minimum yield strength of all off-site pipeline within **seventy-five (75) feet** of the subject property;

(D) The approximate location of all off-site pipeline easements and rights-of-way within **seventy-five (75) feet** of the subject property as depicted on tax maps or other documents accepted by the City Council.

(E) Cross-sections and profiles of the pipeline in areas of disturbance within **seventy-five (75) feet** of the pipeline, showing existing and proposed conditions and improvements.

34-4-10 **EARTHWORK.** All topsoil beneath proposed roadway embankment shall be removed to a minimum depth of **four (4) inches**. All fill used for embankments beneath roadways and sidewalk areas shall be free of topsoil. Required compaction shall conform to requirements outlined in the IDOT Standard Specifications of the State of Illinois. The maximum lift thickness shall be **six (6) inches**. Roadway construction shall not proceed until required

compaction has been achieved and documentation is approved by the City Superintendent. Embankment and cut areas shall not have slopes exceeding 3:1. Sufficient fill and cut shall be provided behind curb and gutter in embankment areas to contain the curb and gutter and for future sidewalks. Slopes and dimensions for these areas shall be in accordance with the street requirements. Erosion and sediment control and tree removal and conservation of vegetation requirements of Minimum Standards of Design shall be adhered to. All final grading should be completed prior to installation of utilities. Grading of areas within right-of-ways shall conform to requirements outlined in this Code (e.g. locations of future sidewalk).

34-4-11 PUBLIC UTILITY ENGINEERING REQUIREMENTS.

- (A) All proposed water and sanitary sewer facilities shall comply with IEPA standards and Illinois Department of Health standards as adopted from time to time.
- (B) Ducts and/or casing pipes should be installed prior to roadway construction in areas where utilities will cross roadways.
- (C) Public utilities to be installed in easements adjoining roadways unless City Council warrants otherwise.

34-4-12 SANITARY SEWERS. All sanitary sewers shall be installed in accordance with the Standard Specifications for Water and Sewer Main Construction in Illinois and per **Section 34-3-22** of this Code.

(A) **Sanitary Sewer.**

- (1) Sanitary sewer pipe shall be polyvinyl chloride (PVC). The standard dimension ratio (SDR) shall be 26. Joints shall be in conformance with ASTM D3212. Gaskets shall be in conformance with ASTM F477.
- (2) Manholes shall be **four (4) foot** in diameter, fitted with polypropylene steps and shall be pre-cast concrete conforming to ASTM C478. Manholes shall be constructed with a silica fume admixture to prevent hydrogen sulfide corrosion. Pipe connections between manholes shall be flexible watertight connections conforming to ASTM 923.
 - (a) Manhole castings shall conform to the requirements of gray iron castings ASTM A48. The manhole lids shall have concealed half pick holes and have the word "Sanitary" cast in the face of the lid.
 - (b) Manhole frame and lids may be adjusted with pre-cast concrete adjusting rings for adjustments up to a **twelve (12) inch** dimension. The subdivider will be responsible for all adjustments.
- (3) Sanitary sewer laterals, shall be **six (6) inch** wye fittings with **six (6) inch** schedule **forty (40)** laterals shall be constructed on each lot from the sanitary sewer main to the building line. Laterals shall be extended to **four (4) feet** above final grade, and capped for pressure testing. These shall be mapped and marked for future locating.

- (4) All sanitary sewers that collect debris, silt, mud, concrete, building supplies, or other deleterious materials shall be jet cleaned and the cleaning shall be the sole cost and responsibility of the subdivider.
- (B) **Lift Stations.** Lift station details shall be shown in the plans. Lift stations have emergency power hookup capability and be constructed with emergency overflow outlets. The manufacturer of pumps and controls shall be determined by the City Superintendent.
- (C) **Sewer Main Testing.**
 - (1) **Air Testing.** In conformance with the standard specifications for water and sewer main construction in Illinois.
 - (2) **Mandrel Testing.** In conformance with the standard specifications for water and sewer main construction in Illinois.
 - (3) **Vacuum Testing.** In conformance with ASTM C-12447-93 standard test method for concrete sewer manholes by the negative air pressure (vacuum) test.

34-4-13 WATER. All water mains shall be installed in accordance with the Standard Specifications for Water and Sewer Main Construction in Illinois and per **Section 34-3-21** of this Code.

- (A) **PVC (Polyvinyl Chloride) Pipe Water Main.**
 - (1) Water mains shall be constructed of poly-vinyl (PVC) pipe conforming to the NSF Standard 14 and AWWA C-900. The pipe shall conform to ASTM D2241 and shall be constructed of piping materials designated as class 12454B (PVC 1120). The pipe shall have a standard dimension ratio (SDR) of 18. Schedule ratings shall be in accordance with ASTM B 1785 (PVC).
 - (2) **Joints.** Elastomeric seals (gaskets) used for push on joints shall comply with ASTM Standard F477, and shall be pressure rated in accordance with ASTM D3139.
 - (3) Fittings shall be ductile iron, mechanical joints, and cement mortar lined. Fittings shall be in conformance with AWWA C153/A21.53-84, "American National Standard for ductile iron compact fittings, **three (3) inch** through **twelve (12) inch** for water and other liquids." Cement mortar shall be in conformance with ANSI/AWWA C104/A21.4. The fittings shall be tar coated in conformance with AWWA C151. Ductile iron pipe fittings shall be utilized at all bends in the water main.
- (B) Water main service system lines shall be **one (1) inch** pipe, AWWA C901, 200 p.s.i. polyethylene plastic pipe, ASTM D2737 with tracer wire.
- (C) Resilient seat gate valves, Mueller type meeting AWWA C509 shall be installed in locations approved by the City Superintendent. Valve boxes, Tyler brand shall be **two (2) piece**, cast iron, screw type adjustable with a cast iron cover marked "Water". All valves must have a valve box. Resilient seat gate valves shall in design, shell wall thickness, material and workmanship, conform to the latest AWWA C509 standard for resilient seat gate valve.
- (D) Water main service pipe.
 - (1) All water service lines under concrete pavement shall be encased in a **two (2) inch** PVC pipe.

- (2) The subdivider shall provide and install the meter setter, meter tile, saddle, corporation stop and lid assembly at each lot. The City shall provide the water meter.
 - (3) The subdivider is responsible for finish grades for all meter tiles, valves and fire hydrants.
- (E) Tracer wire shall be THWN soft drawn solid number twelve (12) copper and shall be connected to all valves and hydrants. All tracer wire connections shall be soldered.
- (F) Installation of hydrants shall be accomplished in such manner that each lot is within **four hundred (400) feet** of fire hydrant when measured along the center line of the right-of-way. No fire hydrant shall be placed on a main smaller than **six (6) inches** in diameter. Hydrants shall be located within **fifteen (15) feet** of a cross street. Hydrant details shall be shown in the plans. Hydrants shall be painted red. Hydrants shall be a 3-way Mueller type A-423 Centurion 200, **five and one-quarter (5 ¼) inch** valve opening, **six (6) inch** mechanical joint shoe, and have a minimum **four (4) foot** bury. All hydrants shall have a resilient seat gate valve between the main and the hydrant. All hydrants shall be rodded to the tees.
- (G) **Testing.**
- (1) Pressure test in conformance with the standard specifications for water and sewer main construction in Illinois.
 - (2) Leakage test in conformance with the standard specifications for water and sewer main construction in Illinois.
 - (3) Disinfection testing. Any of the methods stated in AWWA standard C651-92 are accepted as a means of disinfection of water mains.

34-4-14 GAS. All gas mains shall be installed by the City at the subdivider's expense if gas is requested by the subdivider per **Section 34-3-23** of this Code and approved by the City Council.

34-4-15 ELECTRICAL POWER, TELEPHONE AND CABLE ANTENNA TELEVISION (CATV). All electric primary shall be installed by the City at the subdivider's expense per **Section 34-3-24** of this Code.

Telephone and CATV Primary and service lines shall be placed underground through the subdivision. The conduit or cables shall be located within easements or public rights-of-way in a manner which will not conflict with other underground services. All transformers and terminal boxes shall be located so as not to be unsightly or hazardous to the public. The location of such services shall be in easements adjoining roadways unless otherwise approved by City Council. Utilities under roadways shall be installed prior to roadway construction and utility installation or ducts and casing pipe should be installed. All easements dedicated to the City may be assigned by the City for telephone and cable TV purposes. The developer shall comply with all of the City's Rules and Regulations dealing with its electric system. The City shall install all electrical mains and transformers as required at its expense.

34-4-16 DRAINAGE REQUIREMENTS. The design of storm sewer systems, culvert, curb and gutter, inlets, ditches and other drainage improvements, shall be based on

procedures outlines in the current edition of the Illinois Department of Transportation Drainage Manual, as amended from time to time, hereinafter referred to as the drainage manual, with the additional requirements and modifications of this Section.

34-4-17 DRAINAGE AND STORM SEWERS. Every residential subdivision and commercial, institutional or industrial development shall be provided with roadway drainage facilities which can satisfactorily accommodate the storm water surface runoff incident to the **twenty-five (25) year** design storm. These minimal design requirements shall not be construed to relieve the developer of any legal responsibilities for downstream/upstream storm water damages inflicted or backup from the development.

(A) **General Design Consideration.** The plans and specifications shall include provisions to show compliance with the drainage laws of the State of Illinois and any subdivision thereof in effect at that time. By requiring that the developer evidence compliance with drainage law(s), the City assumes no responsibility to landowners or others for damage caused by noncompliance with such law(s).

- (1) **Storm Sewers.** Properly-sized storm sewers shall be provided to carry surface runoff from paved access. Such storm sewers shall be of sufficient length that they shall transport the runoff to rear lot lines or existing natural drainage ways or swales providing their location does not encroach upon the building site.
- (2) **Drainage Swales.** Natural drainage swales may be utilized to accommodate surface runoff providing they are located near lot line and the flows induced therein do not pose health or safety hazards for residents.
- (3) **Sufficient Design.** All storm sewers, culverts, other drainage structures and/or drainage swales which are proposed in drainage ways shall be of sufficient design to pass the **one hundred (100) year** storm event without an increase in either headwater elevation or velocity.
- (4) **Drainage Detention/Retention.** In order to protect downstream property from potential damages by increased flows or greater velocities it will be necessary for the developer to provide for drainage detention/retention facilities which should be designed for the excess runoff due to the proposed development for both the **ten (10) year** and the **one hundred (100) year** storm event.

(B) **Technical Requirement.** Storm drainage facilities shall be designed and constructed in accordance with the criteria set forth herein. Upon submittal of the improvement plans, drainage maps and calculations shall be provided to the Code Administrator for review and approval. Design maps and calculations shall include, but not be limited to the following:

- (1) Pre and post development drainage area maps with north arrow, scale, contours at vertical intervals not greater than **two (2) feet**, drainage area boundaries, surrounding existing inlets, culverts and storm sewers that are affected by development. Sub areas shall also be indicated.
- (2) Calculations showing runoff calculations for each sub-area.

- (3) Curb and gutter and inlet capacity calculations including consideration of bypass flows.
- (4) Storm sewer, ditch and culvert capacity and velocity computations.
- (5) Detention/retention calculations.
- (6) Culvert design calculations for culverts requiring design based on headwater criteria.
- (7) Outlet flows and velocities at the appropriate storm frequency shall be clearly noted either in calculations or on the plans to facilitate determination of detention storage and/or erosion control requirements.
- (8) Pre and post development runoff calculations at **one hundred (100), twenty-five (25), and ten (10) year** storm frequencies for the entire development area shall be submitted.
- (9) **Pipe/Storm Sewers.** All pipe sewers shall be determined by utilization of either the "Rational Method", or the SCS method, for the design storm(s) previously specified.
 - (a) The minimum diameter for pipe culverts shall be **fifteen (15) inches** and the minimum diameter for storm sewers shall be **twelve (12) inches**.
 - (b) Pipes/storm sewers located under paved surfaces shall be reinforced concrete pipe with rubber-gasket joints and sufficient wall thickness and reinforcement to carry the intended loading with the materials meeting the requirements of ASTM C-76 and ASTM C-443. All concrete storm pipe to be IDOT inspected and stamped or manufacturers certifications submitted that are satisfactory to the City.
 - (c) Pipes/storm sewers located outside paved surfaces and under nominal fill loadings may be of any of the following materials:
 - (i) Plastic pipe meeting the requirements of ASTM D-2241, ASTM D-3034, ASTM F-679 and/or AWWA C-900.
 - (ii) Reinforced concrete pipe with sufficient wall thickness and reinforcement to carry the intended loading and meeting the requirements of ASTM C-76.
 - (d) Installation shall be in accordance with the Illinois Standard Specification for Road and Bridge Construction. All trenches for pipes/storm sewers that are located under or within **three (3) feet** of a paved surface shall be properly backfilled with rock and compacted to a minimum density of **ninety-five percent (95%)** of maximum Standard Lab Dry Density as prescribed by AASHTO T-99. Compaction testing shall be as directed by the City Inspector at the developer's sole expense.

- (10) **Inlets/Catch Basins.** The spacing for inlets/catch basins shall be calculated such that the runoff from the design storm shall not encroach upon the pavement by more than **eight (8) feet** in the **twenty-five (25) year** storm event. Under no circumstances shall water travel more than **four hundred (400) feet** on paved surfaces. Inlets/catch basins shall be constructed in accordance with IDOT standards. Open throated inlets are preferred by the City. All open-throat inlets shall not have a vertical throat opening greater than **six (6) inches**. Streets where the slope exceeds **five percent (5%)** shall utilize vared inlets within the curb and gutter or angled open throat inlets to prevent by-pass of storm water flows.
- (11) **Drainage Grades.** Minimum/maximum gradients of pipes/storm sewers and earth drainage ways/swales shall conform to the following criteria:
 - (a) **Pipes/Storm Sewers.**
 - (i) Minimum velocity shall be **three (3) feet** per second to provide a cleansing velocity.
 - (ii) Maximum grade - non; Rip-rap and/or energy dissipaters shall be utilized as needed at discharge points to minimize erosion.

(C)

Drainageways/Swales Ditches.

- (1) Proposed ditches or swales shall be adequately sizes such that the water surface elevations do not exceed the top of the ditch back slope. Ditches along lot lines shall have a minimum 4:1 sideslope and **two (2) foot** bottom to allow for mowing. Ditches along roadway embankments shall have a minimum sideslope of 3:1 and **two (2) foot** bottom. Maximum depth of proposed ditches or swales shall be **two (2) feet**. All proposed ditches and swales greater than **two (2) feet** in depth shall be piped utilizing area inlets.
- (2) All ditches and swales shall be maintained by the developer until the **two (2) year** maintenance period has expired. Thereafter adjacent and contiguous lot owners shall maintain the ditches and swales. All ditches and swales shall be cleaned and reseeded as deemed necessary by the Code Administrator. If duty is transferred to lot owner(s) as developer's designee, the developer remains liable if designee(s) default(s) in this requirement.
- (3) All development drainage ways/swales meeting the requirements below except for natural streams and creeks, shall be paved. The paved drainage ways shall conform to IDOT Standards. The width of the paved swale shall be determined by the flows involved and conform to IDOT Design Standards. In no case shall the paved swale be less than **twelve (12) inches** deep with a **six (6) inch** bottom and with no steeper than 3:1 side slopes. This includes all storm sewer and/or culvert outfalls and yard drainage swales.

- (4) Drainage swales to be paved shall be those with a flow rate of **four (4) CFS** or greater in the **ten (10) year** storm event.
- (5) For drainage ways/swales not requiring paving under (1) above the following shall apply:
 - (a) Minimum grade - 1%
 - (b) Maximum Grade - 3% with no protection other than sod for those that do not require paving. However, should velocities in the **twenty-five (25) year** storm event exceed those allowable per the soil type as shown in Table 9 - 503a in the IDOT Drainage Manual protective lining shall be required.
 - (c) **Twelve percent (12%)** with paving, rip-rap, and/or energy dissipaters, or paving etc.
- (6) Manholes conforming to IDOT Standards shall be installed at all changes in vertical grade or horizontal alignment of storm sewers if at locations other than inlets/catch basins.

(D) **Storm Water Runoff.** Any person, firm, corporation or other entity proposing to construct buildings or develop land within the jurisdiction of the City shall prepare, for approval by the City Superintendent or his designee, a Stormwater Management Plan that describes the manner in which erosion, sediment and runoff resulting from the development will be controlled and managed. No building or construction permits or plat approval shall be issued by the City until the Stormwater Management Plan has been approved by the City Superintendent or his designee as meeting the requirements of this Code. Downstream property owners, watercourses, channels, or conduits shall not receive storm water runoff from proposed upstream developments at a higher peak flow rate than would have results from the same storm event occurring over the site of the proposed development with the land in its natural, undeveloped conditions, nor shall storm water runoff exceed the capacity of the natural drainage system.

- (1) Stormwater runoff resulting from a proposed development shall be detained on-site:
 - (a) By wet or dry bottom reservoirs
 - (b) By underground reservoirs
 - (c) On parking lots
 - (d) By other detention methods approved by the City Superintendent.
- (2) For purposes of designing adequate on-site detention facilities, the Illinois State Water Survey rainfall data for this region shall be used.
- (3) **General Design Features.**
 - (a) Detention Basins may be constructed to temporarily detain the storm water runoff so that the rate at which it is released is the same rate as before development. The following features shall be incorporated into the design of any detention basin:
 - (i) **Storage Volume.** The volume of storage provided shall be sufficient to store flows both during and immediately after the maximum storm event which can be expected to occur once every **ten (10) years**. After the appropriate volume has

been determined a **one (1) foot** "freeboard" shall be added to the storage elevation to determine the final height of the detaining fill or structure.

- (ii) **Outlet Control Works.**
 - a. Outlet works shall be designated to limit peak outflow rates from detention storage areas at or below peak flow rates that would have occurred prior to the proposed development.
 - b. Outlet works shall not include any mechanical components or devices and shall function without requiring attendance or control during operation.
- (iii) **Spillway.** Emergency spillways shall be provided to permit the safe passage of runoff generated from a **one hundred (100) year** storm.
- (iv) **Maximum Depth.** The maximum planned depth of storm waters stored shall not exceed **four (4) feet** without properly designed safety features to protect the public.
- (v) **Side Slopes.** The maximum side slopes for grassed basins shall not exceed **one (1) foot** vertical and/or **three (3) feet** horizontal (3:1 slope) for basins less than or equal to **four (4) feet** deep; for basins greater than **four (4) feet** deep the maximum side slope shall not exceed 4:1.
- (vi) **Limits of Ponding.** In no case shall the limits of maximum ponding be closer than **thirty (30) feet** horizontally from any building and less than **two (2) feet** vertically below the lowest sill elevation.
- (vii) **Interior Drainage.** The basin bottom should be designed to drain expeditiously. If the bottom is to be grass, it should have a minimum slope of **one percent (1%)**.
- (viii) **Low Flow Channel.** Small flows through the detention basin should be handled by paved ditches from inflow structures to outflow structure to minimize erosion and ponding. Paved ditch shall be a minimum of **six (6) inches** deep, **six (6) inches** flat bottom and 3:1 side slopes. Paved ditches to be constructed per IDOT Standards.
- (ix) **Multi-Purpose Basins.** If the detention basin is to have other uses, the design of the basin bottom should include under-drains to expedite drying of the bottom between runoff events.

- (x) **Aesthetics.** Designs should result in aesthetically pleasing configurations which will enhance public acceptability.
- (xi) The basin edge must be located a minimum of **ten (10) feet** from the public right-of-ways.
- (b) **Ponds and Lakes.** Ponds and lakes may also be used to temporarily detain the differential runoff from the development. In addition to the general design features, the following should also be incorporated into the design of any detention ponds or lakes:
 - (i) **Normal Pool Depth.** In order to minimize weed growth, the normal pool depth should be **four (4) feet** minimum.
 - (ii) **Depth for Fish.** If fish are to be kept in the pond, at least **one-quarter (1/4)** of the area of the permanent pool should have a minimum depth of **ten (10) feet.**
 - (iii) **Bank Stabilization.** In order to minimize the effects of waves, bank stabilization such as rip-rap or concrete shall be placed **two (2) feet** below and **two (2) feet** above the normal pool elevation.
 - (iv) **Side Slopes Below Normal Pool.** The side slopes below the normal pool elevation may exceed the maximum side slope permitted above normal pool. The design shall, however, include provisions for a **three (3) foot** wide safety ledge having a depth of water not greater than **three (3) feet** immediately adjacent to the shoreline.
 - (v) **All Lakes and Ponds.** A permit or letter stating that no permit is needed must be obtained from the Illinois Department of Natural Resources and shall be submitted to the Code Administrator.
- (c) **Parking Lot Storage.** Paved parking lots may be designed to provide temporary detention storage of storm water on all or a portion of their surfaces. Outlets will be designed so as to slowly empty the stored waters and depth of storage must be limited so as to prevent damage to parked vehicles. Depth of stored water shall not exceed **four (4) inches.**
- (d) **Other Detention Methods.** All or a portion of the detention storage may also be provided in underground or surface detention facilities, to include basins, tanks, or swales, etc.
- (4) **Safety Features.** Design of detention facilities shall incorporate safety features, particularly at outlets, and on steep slopes, as necessary, including but not limited to fencing, handrails, lighting, steps, grills, signs and other protective or warning devices so as to restrict access during critical periods and to afford some measure of safety to both authorized and unauthorized persons.

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Developer's engineer to certify in writing that adequate safety features are included in the plans.

- (a) In addition to any other provisions herein: Any structure built downstream of a dam shall have a lowest sill elevation of **one (1) foot** above the maximum wave height associated with a dam breach at the structure location as per the Illinois Department of Natural Resources (IDNR) Division of Water Resources Dam Safety Permit Requirement.
 - (b) Any dam associated with a detention pond or lake shall be on a single parcel. Split ownership will not be permitted.
 - (c) Any subdivision which contains a dam or is downstream of a dam the following statement shall be on the final plat: "Owner of the parcel containing a dam and those downstream of a dam are hereby cautioned about the risks associated with parcels downstream of a dam and the responsibilities of dam ownership. For further information on the responsibilities and liabilities owners are advised to contact their own attorney, the State Dam Safety Office, and the Illinois Department of Natural Resources, Office of Water Resources."
- (5) The provisions of this Section shall be applicable to all development and subdivisions.
 - (6) The storm water detention facilities must be built in conjunction with the storm sewer installation and be fully operational after the clearing of vegetation.
 - (a) Silt and debris connected with early construction shall be removed periodically from the detention area to maintain full storage capacity.
 - (b) The maintenance responsibility of the detention area shall remain with the developer until the **two (2) year** maintenance period as required by the City has expired and the City Council has accepted all subdivision improvements.

34-4-18 **CURB AND GUTTER REQUIREMENTS.** The general requirements of Code pertaining to street classifications and required curb and gutter types shall be followed by City Curb Ordinance.

- (A) Alleys shall not be required to have concrete curb and gutter.
- (B) All streets constructed after the effective date of this Code and all existing streets bordering on subdivisions for which plat approval is requested after **July 1, 1995** shall be improved with curb and gutters and storm sewer systems designed in accordance with applicable sections of this Code. The improvement plans shall reflect these requirements with the inclusion

of curb and gutter and storm sewer elevations. Existing pavement that is removed shall be replaced with material matching that of the existing pavement.

(C) Combination concrete curb and gutter shall be constructed in accordance with the Standard Specifications and standards and requirements of this Code. **See Section 34-3-10.**

(D) All adjoining pavement joints shall be extended into the curb and gutter and be constructed and filled of similar or higher methods and material. When joints in the pavement are non-existent, trowelled ("cracker" or "fresno") joints of **one-eighth (1/8)** of an inch minimum depth shall be located every **fifteen (15) feet**.

(E) All curb and gutter shall be tied in with adjoining concrete pavement with No. 4 steel tie bars, **two foot six inches (2'-6")** long at **two foot six inch (2'-6")** centers.

34-4-19 CONCRETE PAVEMENTS. All streets shall be designed in accordance with the latest edition of "IDOT Standard Specifications for Road and Bridge Construction" and a **twenty (20) year** design life. Pavement design information shall be included on the plans when collector roadways are involved.

(A) **Minimum Standards of Design.** All streets shall be non-reinforced concrete pavements, **seven (7) inches** thick, on **twelve (12) inch** lime stabilized base. (Code L)

(B) Concrete pavements shall be subject to the City's right to have the developer core the pavement as necessary for inspection. If the first coring is not to code thickness, a second core will be taken not to exceed **six (6) feet** away from the original drilling. Should this second coring be adequate to the Code, no patching is necessary. Any pavement that does not meet thickness or strength requirements will be removed and replaced by the developer. Any pavement requiring replacement shall be done a minimum full lane width by the length determined by the City Superintendent.

34-4-20 REFERENCE MONUMENTS. Permanent monuments shall be of stone or concrete **four (4) inches** by **four (4) inches** by **thirty (30) inches (4" x 4" x 30")** iron pipe or rod cast in the center, set in such a manner that they will not be moved by frost. These monuments must be placed around subdivision perimeters at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line and at all angle points along a meander line, the points to be not less than **twenty (20) feet** back from the normal water elevation of a lake or from the bank of a stream, except that when such corners or points fall within a street, or proposed future street, the monuments must be placed in the right-of-way line of the street.

Lot corners shall be marked by **one-half (1/2) inch** or larger iron pins or pipes not less than **twenty-four (24) inches** in length and driven into the ground and shall be flush with the ground.

34-4-21 SIDEWALKS. Sidewalks shall be constructed in accordance with this Code and the latest edition of IDOT's Standard Specifications for Road and Bridge Construction. All sidewalks shall be a minimum of **four (4) inches** thick. Sidewalks that cross driveway pavement shall be a minimum of **seven (7) inches** thick. All sidewalks must comply with the Americans with Disabilities Act, at subdivider's or homeowner's expense, before they are accepted

by the City. All sidewalks must be constructed in accordance with **Figure 34-4-21(L)** for local streets and **Figure 34-4-21(C)** for collector streets.

(A) **Sidewalk Variances.** A variance may be granted in the provision for sidewalks, if **one (1)** or more of the following conditions are met:

- (1) Where sidewalks are not deemed necessary for public safety or where topographical or other conditions make their installation and use impractical.
- (2) Where the subdivision designer has submitted for review a proposed pedestrian movement plan that provides for more direct and safer movement of pedestrian traffic. **See Section 34-4-23.**

(Ord. No. 1257; 08-01-11)

34-4-22 DRIVEWAY PAVEMENT. All driveways shall be concrete pavement **seven (7) inches** thick.

34-4-23 BIKE PATHS AND TRAILS. In addition to the sidewalk requirements, developers are encouraged to include other methods of pedestrian movement such as bike paths, walking paths and nature trails in conjunction with or partially in substitution for sidewalks.

34-4-24 STREET LIGHTING IMPROVEMENTS. Street lighting improvements shall be purchased and installed to serve all properties within the subdivision. The City shall purchase the poles and lights, install the poles and lights, and be reimbursed by the Developer for the costs of the poles and lights. Street lights and poles must meet City specifications as approved by the City Council.

(A) **Location.** There shall be at least **one (1)** standard luminaire at each intersection and interior of each cul-de-sac and spacing of standards shall not exceed **two hundred fifty (250) feet** in residential areas.

34-4-25 SIGNS.

(A) The developer shall submit a sign plan to be approved by the City Superintendent.

(B) All street and traffic signs and supports shall be paid for by the developer upon completion of same. Street markers shall be placed at each intersection designating the names of the streets entering said intersection. The City shall install the signs at the expense of the developer. All signs and supports will be purchased by City and reimbursed by the developer for the cost of same.

CERTIFICATE REQUIREMENTS

The following certificates shall be executed on the Improvement Plans:

STATE OF ILLINOIS)
)
COUNTY OF _____) SS

Approved this _____ day of _____, 20__.

Red Bud City Superintendent
City of Red Bud, Illinois

CITY SUPERINTENDENT

STATE OF ILLINOIS)
)
COUNTY OF _____) SS

The City Council of Red Bud, Illinois hereby approves the improvement plans contained herein.

Approved this _____ day of _____, 20__.

MAYOR

CITY CLERK

The undersigned does hereby certify that I have approved the plans shown hereon to be known as _____.

DEVELOPER/OWNER

ARTICLE V

ADMINISTRATION AND ENFORCEMENT

34-5-1 **AUTHORITY.**

(A) The primary authority for administration and enforcement of the provisions of this Chapter shall be vested in the following:

- (1) Code Administrator,
- (2) City Superintendent,
- (3) Planning Commission,
- (4) City Council.

(B) In addition to the above, other officials, appointees, or employees of the City may be required and authorized to perform functions authorized in this Chapter.

34-5-2 **CODE ADMINISTRATOR.** The Subdivision Code shall be administered by the Code Administrator.

34-5-3 **DUTIES AND RESPONSIBILITIES.** The Code Administrator, in administering and enforcing the provisions of this Chapter, shall be responsible for, but not limited to, the following specific duties:

(A) to receive, review and forward preliminary plats to the City Council or Planning Commission per **Section 34-5-5**;

(B) to transmit improvement plans to the City Superintendent for his review;

(C) to issue stop orders as necessary when the Code Administrator determines that approved improvements are being constructed in violation of this Chapter;

(D) to pursue actions authorized when a developer fails to complete required improvements;

(E) to evaluate and make recommendations to the City Council concerning proposed minor changes in approved final plats;

(F) to review and forward applications for variations to the Planning Commission;

(G) To periodically review the provisions of this Chapter to determine whether revisions are needed, and to make recommendations on such matters to the Planning Commission as necessary;

(H) to maintain up-to-date records of matters pertaining to this Chapter including, but not limited to, preliminary plats. "As-built" records of completed improvements shall be given to the City Superintendent;

(I) to provide information to subdividers and developers and to the general public on matters related to this Chapter.

34-5-4 **PLANNING COMMISSION.** The City Planning Commission is hereby authorized and empowered to review requests for variances under this Code except of variances involving engineering issues dealing with City utilities and construction of streets which shall be

the exclusive jurisdiction of the City Superintendent to review and make recommendations to the Planning Commission. The Planning Commission shall report its findings and recommendations in writing to the City Council which shall act on same per **Section 34-4-4** and **34-3-4** and **34-3-5** of this Subdivision Code.

34-5-5 **DUTIES AND RESPONSIBILITIES.** The Planning Commission, in administering and enforcing the provisions of this Chapter, shall be responsible for the following specific duties:

- (A) To hear and review applications for variations, and report their findings and recommendations to the City Council;
- (B) To hear and review applications for amendments to the text of this Chapter, and report their findings and recommendations to the City Council;
- (C) To conduct, in accordance with law, meetings and public hearings at the call of the Chairman or at such other times as the Planning Commission may determine.
- (D) To compel, by action of the Chairman, the attendance of witnesses at such meetings and hearings, to allow the testimony of such witnesses or any other person or their designated agent or attorney, and to administer oaths to those who so testify;
- (E) To keep records of its hearings and other official actions, and minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact;
- (F) To file with the City Council its decision and/or recommendations which shall be public record.

34-5-6 **COMPLAINTS.** Whenever any person alleges that a violation of the provisions of this Chapter has occurred, that person shall file a written complaint on forms provided by the Code Administrator. The Code Administrator shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective action.

34-5-7 **CORRECTIVE ACTION ORDERS.** Whenever the Code Administrator finds by inspection or otherwise, any development, person or entity in violation of this Chapter, he shall so notify the responsible party in writing, and shall order appropriate corrective action.

34-5-8 **CONTENTS OF ORDER.**
(A) Every order to take corrective action shall be issued in writing and shall at least include:

- (1) A description of the premises sufficient for identification;
- (2) A statement indicating the nature of the violation;
- (3) A statement of the corrective action necessary to effect compliance;
- (4) The date by which the violation must be corrected;
- (5) A statement that the alleged violator is entitled to a conference with the Code Administrator if he so desires. The statement shall specify the time period within which the conference must be held;

- (6) The date by which an appeal of the corrective action order must be filed, and a statement of the procedure for so filing; the appeal should be filed with the Planning Commission and heard at the next Planning Commission meeting; and
- (7) The Planning Commission must make findings following the hearing and present same and its recommendation to the City Council which shall make the final decision.
- (8) A statement that failure to obey a corrective action order may result in the imposition of fines.

34-5-9 SERVICE OF ORDER.

(A) A corrective action order shall be deemed properly served upon the owner, subdivider, or developer, if it is:

- (1) Served upon him personally;
- (2) Sent by Certified Mail, Return Receipt Requested, to his last known address with Return Receipt sent to the Code Administrator.
- (3) Posted in a conspicuous place on or about the affected premises.

34-5-10 STOP WORK ORDERS. Whenever any work is being done in violation of any provision of this Chapter, the Code Administrator's corrective action order may state that the violation must cease immediately, in which case, the corrective action order is equivalent to a stop work order.

34-5-11 EMERGENCY MEASURES. Notwithstanding any other provisions of this Chapter, whenever the Code Administrator determines that any violation of this Chapter poses an imminent peril to life or property, he may issue a stop-work order without notice provided the alleged perpetrator is given an opportunity for a meeting with the Code Administrator within **twenty-four (24) hours** of the order.

ARTICLE VI

FINAL PLATS

34-6-1 GENERAL REQUIREMENTS. With the submittal of each Final Plat, the subdivider shall pay an application fee of **Twenty Dollars (\$20.00)** per lot as shown on the proposed Final Plat, minimum fee of **One Hundred Dollars (\$100.00)**. The final plat and all accompanying documents shall be presented to the City Council and shall include the following:

(A) 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 five thousand (5,000) feet.**

(B) Accurate distances and directions to the nearest established official monument. Reference corners shall be accurately described on the final plat.

(C) Reference to known and permanent monuments and bench marks from which future surveys may be made together with elevations of any bench marks and the surveyor must, at the time of making his survey, establish permanent monuments (set in such a manner that they will not be moved by frost) which mark the external boundaries of the tract to be divided or subdivided and must designate upon the plat the locations where they may be found.

(D) Accurate metes and bounds descriptions of the boundary and the included area of the subdivision to the nearest **one-hundredth (1/100)** of an acre.

(E) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.

(F) Right-of-way line of all streets, easements and other rights-of-way and property lines and areas of lots and other tracts, with accurate dimensions, bearings and curve data, including radii, arcs and chords, points of tangency, and central angles.

(G) Name and right-of-way width for each proposed street or other right-of-way.

(H) Location and dimensions of any easement and a statement of purpose for each easement.

(I) Number to identify each lot or site.

(J) Purpose for which sites, other than residential lots, are dedicated or reserved.

(K) Lot dimensions and areas of each lot and building lots or setback lines and dimensions.

(L) Location, type, material and size of all monuments and lot markers.

(M) Certifications, before a Notary Public, by the owners in fee of all property embraced within the final plat, acknowledging the plat to be their free and voluntary act, dedicating to the public use forever the streets and drainage easements shown thereon and dedicating the easements shown thereon for the construction and maintenance of "Municipal, Public and Quasi-Public Utility Services".

(N) Reference to recorded subdivision plats within **three hundred (300) feet** of adjoining platted land by record name, date and number.

(O) Restrictions of all types which will run with the land and become covenants in the deeds for lots.

(P) Title or name of subdivision; identification of the portion of the Public Lands Survey in which the subdivision is located and north arrow, growing scale and date shown.

(Q) Certification by registered land surveyor with registration numbers and seal affixed to all final documents prepared by the surveyor.

(R) Certification of dedication of all public areas.

(S) As-built drawings SHALL be submitted to the City after the improvements have been installed. As-built drawings shall include any deviation to improvements, drawn, signed and sealed by developer's engineer.

(T) No building permit shall be issued by the City until a copy of the recorded Final Plat is submitted to the City for filing. In addition, no building permit shall be issued until water, sewer, gas and road construction as stated on the approved improvement plans are completed by the developer and accepted by the City Council subject to developer's maintenance guarantee per **Section 34-6-7** below.

(U) The County Recorder of Deeds shall not record any final plat of a subdivision located within the subdivision jurisdiction of the City until said final plat has been approved by the City Council.

(V) The City Council shall not approve any final plat unless they determine that said plat is in compliance with all pertinent requirements of this Chapter including those set forth below.

- (1) The subdivider of every subdivision who desires final plat approval, shall file **six (6) copies** of the final plat and supporting data with the Code Administrator not later than **one (1) year** after preliminary plat approval has been granted; provided, however, that 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.
- (2) The Code Administrator, the City Superintendent and the City Attorney shall execute written certificates stating that the pertinent sections to be reviewed by each respective person have been completed and this Code has been complied with. In this certification, the Superintendent should state that all improvements have been reviewed and approved and the City Attorney should sign a certificate stating that all legal aspects of documents and plats have been complied with. In general, this Section states that final plats should portray or present all of the items listed in subparagraphs (A) through (V).

34-6-2 REQUIRED CERTIFICATES. As required by State law (**Chapter 765, ILCS Sec. 205/2**), the following certificates shall be executed on the final plat:

(A)

OWNER'S CERTIFICATE

The undersigned, owners of the tract of land herein platted have caused the same to be surveyed and subdivided in the manner shown on this plat, which subdivision shall hereinafter be known as

All rights-of-way and utility easements and public lands shown herein are hereby dedicated to the use of the public forever including the right for easements to be used by cable companies and quasi-public utilities. All easements are to be used for the purposes of installation and maintenance of municipal, public and quasi-public utility services and storm water drainage. All easements shall be maintained by the respective lot owner.

The storm water detention easement on lot(s) _____ as depicted on this plat is hereby reserved for the purpose of constructing, maintaining and repairing storm water drainage facilities, with the right of temporary use of adjacent ground not occupied by improvements for the excavation and storage of materials during installation, repair or replacement of drainage facilities. No structures shall be constructed within the storm water detention easement without the expressed written permission of the City. It is the intent of the subdivider that the property owners shall maintain that part of any drainage easement or drainage way lying within the boundary of their property or that lot owners of the subdivision will establish a property owners association to provide for the maintenance of drainage easements and drainage ways lying within the boundaries of the subdivision; maintenance shall be in accordance with the improvement plans a previously approved by the City. All other utility easements herein depicted as being within the storm water detention easement are hereby made subject to and subordinate to this easement.

This subdivision is subject to conditions and restrictions as recorded in book _____, pages _____ of the _____ County, Illinois records.

In witness hereof, we have hereunto set out hand and affixed our corporate seal this _____ day of _____, 20__.

Owner

(B)

NOTARY PUBLIC'S CERTIFICATE

State of Illinois)
) SS
County of Randolph)

On this _____ day of _____, 20__ before me personally appeared _____ to me known, who, being by me duly sworn, did say that he is president of _____ and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors and _____ further acknowledged said instrument to be the free act and deed of said corporation.

In testimony whereof, the above and foregoing certificate was signed and sealed in the presence of the undersigned, a notary public, on the day and year first above written, for the uses and purposes set forth above.

Notary Public

My commission expires, _____.

**Note: The above is for a corporate notarization. If owner is an individual, partnership, Limited Liability Company, etc., please modify accordingly.

(C)

SURVEYOR'S STATEMENT

At the request of _____, during _____ 20____, _____
_____ has prepared a final plat based upon
a boundary survey performed during _____ 20____, for part of the _____
_____, City of Red Bud, _____
County, Illinois. This plat is in accordance with the current Illinois "Minimum Standards for
Property Boundary Surveys".

Surveyor

(D)

COUNTY CLERK'S CERTIFICATE

I, _____, County Clerk of _____ 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 Red Bud, Illinois do hereby certify that
the plat shown herein was duly presented to the City Council, and approved at a meeting of same
held on _____, 20____, and all dedications of streets, right-of-ways, public land
and easements are hereby accepted by the City subject to developers **two (2) year** maintenance
guarantee.

ATTEST:

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 a special flood hazard area as identified by the Federal Emergency Management Agency community panel number 170575 0025B with an effective date of June 3, 1986.

Developer

Engineer

(G)

For those subdivisions which provide access to a State Highway, the following certification shall also be required and executed on the final plat.

ILLINOIS DEPARTMENT OF TRANSPORTATION CERTIFICATION

This plat has been approved by the Illinois Department of Transportation with respect to roadway access pursuant to 765 ILCS 205/2. However, a highway permit for access is required by the owner of the property. A plan that meets the requirements contained in the Department's "Policy on Permits For Access Driveways to State Highways" will be required by the Department.

District Engineer

Date

(H)

DRAINAGE CERTIFICATE

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

(Engineering Firm Name)

Project Engineer and License Number

Owner

34-6-3 **ADMINISTRATIVE REVIEW PROCEDURES.** Within **thirty (30) days** from the date of application, the City Superintendent, Code Administrator and the City Attorney shall review said Final Plat (and supporting data), and shall each advise the City Council in writing whether it conforms to the approved preliminary plat.

34-6-4 ACTION BY CITY COUNCIL. Upon the receipt of the Code Administrator's final report, the City Council, at its next regularly scheduled meeting, shall either approve or disapprove the application for the Final Plat by ordinance unless the City Council and the subdivider mutually agree to extend this time limit. Failure to act within the prescribed time limits shall be deemed approval unless the subdivider had agreed to extend the time limit. The City Council shall not approve any final plat unless:

- (A) the final plat substantially conforms to the approved preliminary plat; and
- (B) the final plat manifests substantial compliance with the Official Map and with the design and improvements standards of this Chapter unless variances which have been granted; and
- (C) to the Council's knowledge and belief, the final plat complies with all pertinent requirements of State law; and
- (D) all required improvements have been completed, inspected, accepted, and dedicated and accepted subject to the **two (2) year** maintenance guarantee stated in this Code.

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

The City Clerk shall attach a certified copy of the Council's ordinance of approval or disapproval to the Final Plat. **One (1) copy** of the resolution and plat shall be retained by the Clerk, **one (1) copy** shall be filed with the Administrator, and **one (1) copy** shall be given to the subdivider. A final approved plat, without the certification of the City Superintendent, Code Administrator and City Attorney listed herein, but including restrictive covenants applicable to the subdivision and the ordinance approving the final plat shall be filed with the appropriated County Recorder by the subdivider at the expense of the subdivider. **One (1) original and five (5) copies** of the recorded file documents shall be provided to the City for recording.

34-6-5 CHANGES IN APPROVED FINAL PLATS. Once a Final Plat is approved by the City Council, it shall not thereafter be modified; provided, however, that any changes may be made upon written application to the Code Administrator. Any changes shall require the filing of a new Final Plat and complete review as provided for herein. The new final plat shall be signed by all lot owners of record.

34-6-6 ACCEPTANCE OF IMPROVEMENTS. Subsequent to completion of the improvements within the development by the subdivider, the City Superintendent and Code Administrator shall make an inspection of said improvements to ascertain the acceptability of the structural condition, earth slopes, and drainage structures, and that all other requirements of this Chapter have been met.

(A) If said inspection indicates no deficient items and, all "as-built" drawings have been filed with the City Superintendent, and the Subdivider/Developer has posted an appropriate maintenance bond, as hereinafter set forth, the Subdivider/Developer shall transfer title of the improvements to the City, free and clear of any and all liens and encumbrances, without cost to the City, and the City Council shall take formal action to accept the completed improvements for City maintenance.

(B) Should any improvement require correction or repair, the subdivider shall be notified, in writing, of each deficiency.

(1) No street(s) will be accepted in a subdivision until all streets comply with the requirements of this Chapter to the satisfaction of the Code Administrator and Utility Superintendent.

(C) Should the subdivider fail to properly correct any of the noted deficiencies, he shall be responsible for all maintenance, other than snow and ice control, until such time as the streets are completely acceptable to the City.

(1) Under this situation, the subdivider's maintenance responsibility shall be construed to include, but not be limited to, regular mowing of the parkways; periodic cleaning of storm sewers and catch basins.

(2) Should the subdivider fail to discharge any of these responsibilities, he will be notified to rectify the situation by the Code Administrator.

(Ord. No. 1167; 11-05-07)

34-6-7 DURATION OF GUARANTEE.

(A) All improvements within a development shall be guaranteed by the developer to be in satisfactory condition and in compliance with this Chapter for a period of **two (2) years** from the date of dedication.

(B) Prior to dedication, the subdivider/developer shall post a maintenance bond with the City Clerk in the form of a bond, a letter of credit, certificates of deposit, etc., all as shown in **Section 34-4-4(A)(b)** and subparagraphs (1) through (4) of this Code as stated above.

(1) Said bond shall be in an amount determined by the Code Administrator (generally 25% of the estimated construction costs) to be sufficient to guarantee the satisfactory condition of the required improvements for a period of at least **two (2) years**.

(2) It shall be the subdivider's responsibility to request from the City in writing, a final inspection of the improvements not later than **thirty (30) days** after receiving notice from the subdivider.

(3) In any event if the subdivider fails to request a final inspection in writing **thirty (30) days** before the end of the guarantee period, the guarantee period shall be extended until **thirty (30) days** after such time as the notice is received and the improvements are deemed satisfactory by the City.

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

(1) If the subdivider fails or refuses to pay such costs within **ninety (90) days** after demand is made upon him by the Code Administrator, the City shall use the maintenance bond to make the necessary repairs/replacement.

(2) If the cost of repairs/replacement exceeds the bond amount, the subdivider/developer shall be liable for the excess.

(D) Upon final inspection of any completion of the repairs deemed necessary by the City Superintendent, the City Council, by resolution, shall release the subdivider's Maintenance Bond **two (2) years** after its inception provided all repairs have been made to the improvements.

- (1) The City shall issue a written inspection releasing the developer from further responsibility to the City for said improvements.

34-6-8 **VARIATIONS.**

(A) Any subdivider desiring a variation from the requirements of this Chapter shall file a written application therefor with the Code Administrator at the same time that he files his preliminary plat.

- (1) The application shall fully explain the grounds for the variance request, and specify the section(s) of this Chapter which, if strictly applied, would cause great practical difficulties or hardship.
- (2) The Code Administrator shall prepare an advisory report on every application for variation and submit it, together with the completed application, to the Planning Commission within **thirty (30) days** after receiving the request for variance.
- (3) Any variation proposed herein by the developer, which is in effect a variation of the provisions of the Zoning Code contained in **Chapter 40** of the Red Bud Municipal Code, shall only be allowed and granted in compliance with the provisions of **Chapter 40** after a public hearing before the Planning Commission. Nothing contained herein shall be construed as to allow a variation of lot size, setbacks, or any other regulation of the Zoning Code which is not in compliance with the provisions of **Chapter 40**.

ARTICLE VII

AMENDMENTS

34-7-1 **AMENDMENTS.** Amendments to this Chapter may be proposed by the Code Administrator, any member of the City Council, any Planning Commission member, or any party in interest. Every amendment proposal shall be filed on a prescribed form in the Office of the Code Administrator, who shall promptly transmit each proposal, together with any comments or recommendations he may wish to make, to the Planning Commission for a public hearing.

34-7-2 **PUBLIC HEARING, NOTICE.** The Planning Commission shall hold a public hearing on every amendment proposal within a reasonable time after said proposal is submitted to them but no later than **sixty (60) days** be added. 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 hearing, and the nature of the proposed amendment shall be given not more than **thirty (30) days**, nor less than **fifteen (15) days** before the hearing by publication in a newspaper of general circulation within the City.

34-7-3 **ACTION BY THE CITY COUNCIL.** Within **thirty (30) days** after the public hearing, the Planning Commission 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 Commission for further consideration or may grant the proposal with modification(s).

[This Chapter Ord. No. 1152; 04-02-07 unless otherwise noted.]