

EAST PEORIA SUBDIVISION CODE

TITLE 6

- Ch. 1. In General.
- Ch. 2. Procedures.
- Ch. 3. Standards for Construction of Improvements.

*Editor note—Section 1 of Ord. No. 2982, adopted May 20, 1997, repealed Title 6 in its entirety. Formerly, Title 6 pertained to same subject matter and derived from the 1970 Code; Ord. of 1341, adopted Mar. 8, 1977; Ord. of 1513, adopted Nov. 7, 1978; Ord. of 1730, adopted Dec. 30, 1980; and Ord. of 1828, adopted Jan. 12, 1982. Section 1 of Ord. No. 2982 substituted new provisions as herein set out.

Cross reference—Planning and zoning administrator, § 1-4-4.12.

CHAPTER 1. IN GENERAL

SECTION:

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6-1-1. Title.

This Title may be known, cited and referred to as the “East Peoria Subdivision Code.” (Ord. No. 2982, § 1, 5-20-97)

6-1-2. Purpose.

Because every subdivision within the jurisdiction of this Title is or may become a part of the city and because each has or may have an impact on services provided by the city, as well as on services provided by other governmental units serving the community; this Title is adopted for the following purposes:

- (a) To protect and promote the public health, safety and general welfare of the city;
- (b) To guide the future growth and development of the city, in accordance with the comprehensive plan;
- (c) To encourage the orderly and beneficial development of all parts of the community;
- (d) To provide the most beneficial circulation of traffic throughout the city; having particular regard to the avoidance of congestion in the streets and highways, and appropriate pedestrian traffic, and the proper location and width of streets and building setback lines;
- (e) To establish consistent standards of design and procedures to further the orderly layout and use of land, and to insure proper legal descriptions and monumenting of subdivided land;
- (f) To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision and other areas reasonably anticipated to be served by such facilities;
- (g) To preserve the natural beauty and topography of the city and to encourage subdivisions which accommodate these natural features.

(Ord. No. 2982, § 1, 5-20-97)

6-1-3. Jurisdiction.

This Title shall be applicable to any subdivision of land within the corporate limits of the city and contiguous unincorporated territory within one and one-half (P12) miles of the corporate limits of the city as those limits exist at the time the subdivider files an appropriate petition requesting approval of the subdivision.

(Ord. No. 2982, § 1, 5-20-97)

6-1-4. Rules of construction and interpretation.

The language set forth in this Title shall be interpreted in accordance with the following rules of construction unless the context clearly requires a different construction:

- (a) Words used in the present tense shall include the future and the future also includes the present, and words used in the singular number shall include the plural number, and the plural the singular.

- (b) The word “shall” is mandatory and not discretionary.
- (c) The word “may” is permissive.
- (d) The masculine gender includes the feminine and neuter.
- (e) Whenever a word or term defined herein appears in the text of this Title its meaning shall be construed as set forth in the definition thereof unless the context indicates that a different meaning is intended.
- (f) All provisions of this Title imposing duties upon the city; its officers or agents, are directory unless the context clearly requires that the provision be construed as mandatory.
- (g) In their interpretation and application, the provisions of this Title shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.
- (h) Where the conditions imposed by any provisions of this Title upon the subdivision of land are either more restrictive or less restrictive than any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- (i) This Title is not intended to abrogate any easement, covenant or any other private agreement, provided that where the regulations of this Title are more restrictive or impose higher standards or regulations than such easements, covenants or other private agreements, the requirements of this Title shall govern.
- (j) No subdivision of land which was not lawfully existing at the time of the adoption of this Title shall become or be made lawful solely by reason of the adoption of this Title, and to the extent and in any manner that said subdivision of land is in conflict with the requirements of this Title, said subdivision of land remains unlawful hereunder.
- (k) Nothing contained in this Title shall be deemed to be a consent, license or permit to use or subdivide land.
- (l) The provisions of this Title are accumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter, covering any subject matter in this Title.

(Ord. No. 2982, § 1, 5-20-97)

6-1-5. Definitions.

Alley means right-of-way primarily designed to serve as access to the side or rear of those properties whose principal frontage is on a street.

Block means a tract of land bounded by streets or by a combination of streets, public parks, cemeteries, railroad or shorelines, waterways or boundary lines of the corporate limits of the city

City means the City of East Peoria, Illinois.

City clerk means the city clerk of the city or a duly authorized representative. *City council* means the city council of the city.

Collector street means a street which carries traffic from minor streets to major streets including the principal entrance street of a residential development and the streets for circulation within such a development.

Comprehensive plan means those collective documents and ordinances of the city relating to land use and development as amended from time to time.

Condominium subdivision means any subdivision or part of a subdivision which is intended for multifamily buildings to be constructed and sold by the subdivider as condominium units.

Construction plans and specifications means plans prepared by a registered engineer on behalf of the subdivider to show the types, location, lines and grades of the proposed public improvements in the subdivision including an estimate of the cost of completing all items shown thereon.

Control structure means a structure designed to control the flow of stormwater runoff over a specific length of time.

Cul-de-sac means a terminal of a street which permits the safe and convenient reversal of traffic movement.

Easement means a right or privilege to enter and use land for a specific purpose.

Excess stormwater means that portion of stormwater runoff which exceeds the transportation capacity of storm sewers or natural drainage channels serving a specific watershed.

Final plat means the map or plan of a subdivision showing the boundaries of all lots, easements and rights-of-way to be submitted as described in chapter 2 of this Title.

Floodplain means that area which would be inundated by stormwater runoff equivalent to that which would occur with a rainfall of 100-year frequency after total development of the watershed.

Frontage means the length of the front property line of a lot or tract of land abutting a public street.

Grade means the slope of a road, street or other public way, specified in percent and shown on street profile plans as required herein.

Lot means a portion of a subdivision or other parcel of land intended for transfer of fee simple title, a leasehold interest or other possessory interest.

Major street means a street used to provide the through movement of a high volume of traffic.

Minor street means a street of limited continuity used primarily for access to abutting properties and local needs of a neighborhood.

Owner means any person having legal or equitable title to the land sought to be subdivided under this Title.

Outlot means a prohibited remnant of land which remains from a subdivision which by reason of lot width, depth, area, frontage, topography or lack of access cannot be practically developed or zoned for use.

Parkway means an unpaved strip of land situated within the public right-of-way of a street.

Pavement width means the shortest distance between the backs of parallel curbs or outer parallel limits of the paved portion of a street.

Person includes an individual, firm, corporation, association or partnership.

Planning commission means the planning commission of the city.

Planning department means that department of the city charged with the primary responsibility for comprehensive planning and growth management, including the administration of this Title.

Plat officer means the representative of the city designated to review and approve or disapprove plats of survey which do not require consideration by the planning commission or the city council as provided in this Title. In the absence of an appointment of a person to serve as plat officer, the mayor shall serve as ex officio plat officer.

Preliminary plan means the initial drawings and documents relating to a proposed subdivision to be submitted as described in chapter 2 of this Title.

Public improvement means any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, planting strip or other facility for which East Peoria may ultimately assume the responsibility for maintenance and operation.

Public sewer system means a system designed to treat sanitary sewage which system has manholes and collection mains with a minimum diameter of eight (8) inches, which mains discharge into a wastewater treatment plant operating under an NPDES permit.

Public water system means a potable water system with water mains having a minimum diameter of six (6) inches with fire hydrants served by wells and an elevated storage system which in the judgment of the city's fire chief provides adequate flows in the event of a fire.

Public works department means that department of the city charged with responsibility for the operation, maintenance and repair of streets, storm sewers, sanitary sewers, water lines and other infrastructure which supports the needs of residents of the city, including the review and approval of construction plans submitted pursuant to this Title.

Residential estate subdivision means any subdivision where each lot in the subdivision has an area of not less than one (1) acre and where streets are designed and constructed as rural profile streets in accordance with the standard road and bridge specifications.

Right-of-way means any parcel of land dedicated to or used by the public for vehicular and/or pedestrian passage, storm, surface or ground water drainage or public utility placement.

Service road means a public street, generally paralleling and contiguous to a major street, primarily designed to provide safe and orderly points of access at uniformly spaced intervals.

Sidewalk means that portion of a public right-of-way, paved or otherwise surfaced, intended for pedestrian use only.

Standard road and bridge specifications means the “Standard Specifications for Road and Bridge Construction” as adopted and from time to time amended or replaced by the Illinois Department of Transportation together with such additional regulations related to the construction of streets, bridges and storm sewers as may from time to time be adopted by the city.

Standard water and sewer specifications means the “Standard Specifications for Water and Sewer Main Construction in Illinois” as adopted and from time to time amended or replaced by the Illinois Society of Professional Engineers, the Illinois Municipal League, the Associated General Contractors of Illinois and the Underground Contractors Association together with such additional regulations related to the construction of water and sewer mains as may from time to time be adopted by the city.

Storm sewer means a conduit to collect and carry surface water to a discharge course.

Stormwater runoff means the flow of water resulting from precipitation which was not absorbed by the soil or plant material.

Stormwater runoff rate means the rate at which stormwater runoff is released to adjacent land.

Stormwater detention area means areas designed to store excess stormwater.

Street (roadway) means the paved portion of a public right-of-way which affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, throughway or however otherwise designated.

Subdivider (developer) means any person or duly authorized agent of the landowner who undertakes the subdivision of land as defined herein.

Subdivision means:

(a) The division of any land, vacant or improved, into two (2) or more lots, parcels, units, plots or interests regardless of whether or not a plat is required by the Plat Act found at 765 ILCS 205/0.01, et. seq. and regardless of whether such division is accomplished by deed, metes and bounds description, devise, intestacy, lease, map, plat or other instrument recorded or unrecorded.

(b) Any planned development or planned unit development regardless of the nature of the uses to be established within such development.

(c) Any condominium subdivision.

(d) Any multi-family residential development.

(e) Any other development whether or not the division of land is involved and regardless of whether the development is labeled as a subdivision, it being the intent of this chapter to apply to all types of developments having an impact upon facilities protecting the health and safety of residents of the city whether such development is located within the city or within areas lying within one and one-half (1 1/2) miles of the corporate limits of the City of East Peoria which are subject to the subdivision jurisdiction of the city.

Substantial conformance means a final plat is in substantial conformance with a preliminary plan when the final plat contains no changes in a subdivision's street configuration, the number, sizes and configuration of lots and the configuration of stormwater drainage plans and any other utility services.

X-year rainfall event means the average recurrence interval within which a rainfall of given intensity during a 24-hour period will be equalled or exceeded only once. A 100-year rainfall event would have an intensity of rainfall during a 24-hour period which would, on average, be equalled or exceeded only once in one hundred (100) years. This does not imply that it will occur only once in one hundred (100) years or having occurred will not happen again for one hundred (100) years.

Zoning ordinance means the zoning regulations of the city, as amended, being Title 5 of this Code. (Ord. No. 2982, § 1, 5-20-97; Ord. No. 3214, § 3, 5-23-00; Ord. No. 3287, § 1, 2, 5-1-01)

6-1-6. Separability.

It is hereby declared to be the intention of the city that the several provisions of this Title be separable in accordance with the following:

(a) If any court of competent jurisdiction shall adjudge any provision of this Title to be invalid, such judgment shall not affect any other provision of this Title not specifically included in said judgment.

(b) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Title to a particular subdivision of land, such judgment shall not affect the application of said provision to any other subdivision of land not specifically included in said judgment.

(Ord. No. 2982, § 1, 5-20-97)

6-1-7. Subdivision outside the corporate limits but within one and one-half miles thereof.

(a) Subdivisions located outside the city's corporate limits, but within one and one-half (1/2) miles, shall meet all requirements of this Title, in addition to any requirements imposed by either the township or the county. Valid and fully executed jurisdictional boundary line agreements between the city and other municipalities may take precedence in establishing the jurisdiction in unincorporated areas as authorized by 65 ILCS 5/11-12-9.

(b) Storm sewers, sanitary sewers and water mains owned or controlled by the city shall not be extended to property located outside the city's corporate limits except when such property is not currently contiguous to the city and, after approval by the city council, the owner of such property for himself and his successors enters into an agreement to annex such property at such time as it becomes contiguous.

(Ord. No. 2982, § 1, 5-20-97)

6-1-8. Floodplain areas.

(a) The city council may, when it deems necessary for the health, comfort, safety or general welfare of the present or future population of the area and necessary to the conservation of water, drainage sources and sanitary facilities, prohibit subdivision of any portion of the property which lies within the floodplain of any stream or drainage course.

(b) The areas referred to in subsection (a) above shall be preserved from any and all destruction or damage by clearing, grading or dumping of earth, waste material or stumps during the course of adjacent building or development operations.

(c) Notwithstanding the foregoing, all development within subdivisions shall meet the requirements of Title 4, Chapter 13 of the City Code and any other applicable flood control statute, ordinance or regulation governing flood hazard areas.

(Ord. No. 2982, § 1, 5-20-97)

6-1-9. Public lands; suitability of common open space.

(a) Whenever a proposed subdivision contains a land area of six (6) acres or more, the subdivider will, at the recommendation of the city planning commission, be required to sell at fair market value to be determined by appraisal, a reasonable area for public use as park, recreational use, school or other public purpose site. The date of appraisal will be as of the date of submission of the preliminary subdivision plat. Such area sold shall be in addition to all dedications for streets and thoroughfares.

In determining the area to be sold for public use, the planning commission shall give due consideration to present and anticipated population density within such subdivision and to the present and future requirements for such public needs; provided, however, that no subdivider shall be required to sell land to a public body for the aforesaid purpose in excess of seven (7) percent of the total land area within the subdivision.

The price at which the aforesaid land shall be sold by the subdivider to a public body shall be determined as follows:

An appraiser shall be named by the subdivider and another appraiser shall be named by the interested public body. If necessary or appropriate, these two (2) appraisers may name a third appraiser. Each appraiser will appraise the public land completing a fully documented competent appraisal using established appraisal processes incorporating all applicable approaches to value. The city, school board and park board or any other public body shall

have an option to buy said land from the subdivider based on the appraisals. The time limit on this option shall be six (6) months from the date the subdivision is accepted by the city council.

(b) The location of lands set aside or offered for sale for public use shall be agreed to by the subdivider and the planning commission prior to the subdivision's acceptance by the commission. Proposed sites for parks, playgrounds, schools or other public uses, shall be suitably incorporated by the developer into his subdivision plan after proper determination as to its necessity or desirability by the commission and the appropriate public agency involved in the use.

(c) All land conveyed or reserved for acquisition by a public agency shall be of sufficient size and character to meet the minimum frontage and area requirements for lots under the zoning ordinance of the city and shall otherwise be suitable for the purposes intended.

(d) Whenever a preliminary plan includes a proposed establishment of common open space to be owned and operated by other than a public agency, and the planning department finds that such land is not suitable for common land due to terrain, lack of accessibility, benefit to only a limited number of property owners, or difficulty of maintenance, the planning commission, upon recommendation of the planning department, may either refuse to approve such an establishment, or it may require the rearrangement of the lots in the proposed subdivision to include such land within the individual lots.

(e) In any case, where common land not to be owned and operated by a public agency is to be permitted to be included in the subdivision of a tract, the developer shall indicate the method of ownership and method of assuring maintenance of the common open space in a means acceptable to the city attorney. The documents establishing ownership and providing some form of continuing assessments for maintenance of such open space shall be recorded simultaneously with the final plat. The city may require such documents to include the right of the locality to carry out maintenance and assess the property owners of the open space for costs incurred in those instances where the mechanism established to carry out the open space maintenance is unable or unwilling to do so.

(Ord. No. 2982, § 1, 5-20-97)

6-1-10. Enforcement.

(a) No owner or agent of the owner of any parcel of land located in a proposed subdivision shall transfer or sell such parcel before a plat of said subdivision has been approved by the city council and filed with the Tazewell County Recorder of Deeds.

(b) The subdivision of any lot or any parcel of land by the use of a metes and bounds description or by any other method with the intent of evading this Title, for the purpose of sale, transfer or lease is unlawful.

(c) No building permit shall be issued for the construction of any building located on a lot subdivided or sold in violation of the regulations of this Title.

(d) No final plat of any subdivision shall be valid nor entitled to record unless and until the same has been approved by the city council in accordance with the procedure hereinafter provided, and no final plat of any subdivision shall be approved without compliance with the provisions of this Title.

(Ord. No. 2982, § 1, 5-20-97)

6-1-11. Penalties.

Any person who shall violate any of the provisions of this Title shall be subject to a fine of not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00) for each violation, and each day such violation is permitted to exist or continue shall constitute a separate offense.

(Ord. No. 2982, § 1, 5-20-97; Ord. No. 3292, § 44, 7-3-01)

CHAPTER 2. PROCEDURES

SECTION:

- 6-2-1. Procedure.
- 6-2-2. Abbreviated procedure for certain small subdivisions.
- 6-2-3. Approval of plats of survey.
- 6-2-4. Optional sketch plan; submission and review.
- 6-2-5. Preliminary plan; submission and specifications.
- 6-2-6. Notification of school board.
- 6-2-7. Action on preliminary plan.
- 6-2-8. Submission of final plat.
- 6-2-9. Specifications for final plat.
- 6-2-10. Construction plans and specifications.
- 6-2-11. Review of construction plans and specifications.
- 6-2-12. Action on final plat.
- 6-2-13. Financial requirements before release of final plat.
- 6-2-14. Recording of final plat.
- 6-2-15. Preliminary approval of certain components of public improvements.
- 6-2-16. Inspection of, acceptance of and warranty for public improvements.
- 6-2-17. Release of security for expiration of two-year warranty period.

6-2-1. Procedure.

(a) In order to provide an orderly basis for the processing of subdivision plans prior to approval, the city council shall consider such plans in two (2) stages, as follows:

- (1) Preliminary plan to be submitted with application for preliminary approval.
- (2) Final plat for recordation of all or part of a subdivision to be submitted with the required supporting data and documents together with application for final approval.

(Ord. No. 2982, § 1, 5-20-97)

6-2-2. Abbreviated procedure for certain small subdivisions.

The subdivider of any proposed subdivision having four (4) or fewer lots fronting on an existing street complying with the standards imposed by this Title may, at the discretion of the planning department, submit a final plat together with any construction plans deemed necessary without following the steps which ordinarily precede the submission of a final plat. (Ord. No. 2982, § 1, 5-20-97)

6-2-3. Approval of plats of survey.

Any plat of survey which does not create a subdivision within the meaning of this Title shall nevertheless be submitted to both the planning department and the public works department for review and comment. Upon receipt of such comment, the plat officer shall either approve or disapprove the plat of survey. No plat of survey shall be approved if the recording of such plat would undermine the purposes for the adoption of this Title as set forth at section 6-1-2 of this Title.

(Ord. No. 2982, § 1, 5-20-97)

6-2-4. Optional sketch plan; submission and review.

Prior to submitting a preliminary plan, the subdivider may submit to the planning department a sketch plan of the tract containing such data as is necessary to permit review and comment on the concept.

The planning department shall review and evaluate the sketch plan as soon as practicable and shall report to the subdivider an opinion as to the merits and feasibility of the improvements contemplated by the sketch plan. The planning department may consult with the public works department regarding the sketch plan and may submit the sketch plan to the planning commission for comment.

(Ord. No. 2982, § 1, 5-20-97)

6-2-5. Preliminary plan; submission and specifications.

Every proposed subdivision of land shall first be submitted to the planning department in the form of a preliminary plan. The following graphic and descriptive items shall be shown on the preliminary plan and accompanying application for approval. The lack of any required information shall be cause for disapproval of a preliminary plan:

- (a) *Application.* A written application by the subdivider, on forms furnished by the planning department, shall accompany each preliminary plan and contain the following information:
 - (1) *Name.* The proposed development shall be given a name for identification purposes, such name being unique to the East Peoria area to avoid duplication and confusion with previously recorded plats.
 - (2) *Location and description of property.* Location of property by ownership, section number, subdivision (with block and lot numbers), place or locality name as applicable shall be specified, and in case of unsubdivided properties, location on roads by which property is reached, such as "On south side of Washington Avenue, 0.25 miles westerly from its intersection with Oakwood."
 - (3) *Basic facts and proposals pertaining to the property:*
 - a. Size of tract in acres or of existing lots, if any, in square feet.
 - b. Existing zoning classification of property under the city or Tazewell County zoning ordinance and any rezoning proposed to be requested.
 - c. Number of lots proposed in subdivision.
 - d. The name and address of each school district in which any portion of the property to be subdivided is located.
 - (4) *Information as to ownership:*
 - a. Name, address and telephone number of the legal owner of the property or his agent and a copy of the last instrument conveying title to each parcel or property involved in the proposed subdivision, giving grantor, grantee, date and land records involved.
 - b. Listing of any existing covenants affecting the property.
 - c. Name, address and telephone number of engineer or surveyor responsible for surveys and for subdivision design shown on the preliminary plan.
 - (5) *Fees.* Upon submission of the application, the subdivider shall pay a fee of fifty dollars (\$50.00) to cover the costs of providing public notice.
- (b) *The drawing:* The subdividers shall submit twenty (20) prints of a drawing of the proposed subdivision in accordance with the following requirements:

- (1) Drawn at a scale suitable to the project involved, for the average development, a scale of one hundred (100) feet to the one inch (1" = 100') is preferable; for very small areas a larger scale should be used. A north arrow and date shall also be shown.
- (2) A topographic map depicting existing contours within the subdivision and within adjoining properties at vertical intervals of not more than two (2) feet except in unusual topographical conditions.
- (3) The accuracy of the boundary outline and all data shown on the drawing shall be certified by a professional engineer or land surveyor licensed in the State of Illinois. The boundary of the property shall be bold lines, with the bearing and distance of each course in the boundary outline.
- (4) A vicinity sketch or small scale key map of the area surrounding the property to be developed.
- (5) Names of owners of adjacent unplatted land and names of adjacent platted subdivisions including identification by block and lot number of recorded lots or parcels in such platted subdivisions.
- (6) The location, name and width of existing and proposed right-of-way including, without limitation, all streets and sidewalks within or adjoining the property.
- (7) Location of any existing and proposed utilities, and utility easements for utilities such as sewers, water mains, storm drains, gas, oil transmission lines, etc., together with any towers, poles or other structures in connection with electric transmission lines within the property or immediately adjacent thereto, with approximate pipe sizes and directions of slope.
- (8) Information showing any portion of the property lying within a 100-year floodplain (zone A on flood insurance rate maps) as delineated in any applicable flood control statute, ordinance or regulation. Also indicate drainage channels, streams, springs, swamps, rock outcrops, wooded areas or other features likely to affect the plan.
- (9) Layout showing proposed lot lines, scaled dimensions of lots, and building setback lines. Lots and blocks shall be numbered so as to avoid duplication. The area of each lot shall be shown.
- (10) All sites proposed for schools, parks, playgrounds, water reservoirs or other public uses shall be so identified with scaled dimensions and approximate areas.
- (11) A temporary and, if necessary, permanent erosion control system shall be included with the preliminary plan submitted by the subdivider to control surface runoff and water pollution through the use of basins, ditch checks, temporary ditches, mulch barriers, mulches, grasses and other erosion control devices or methods all as required by applicable provisions of the City Code.

- (12) All lots proposed for uses other than single-family dwellings, such as churches, public utilities, shopping centers, multiple-family dwellings, business or manufacturing, shall be so indicated with scaled dimensions and area for each site.
- (13) When the proposed subdivision lies within more than one zoning district, the lines showing the limits of each zoning classification shall be clearly indicated. Zoning boundaries must coincide with lot lines.
- (14) A preliminary plan showing a proposed subdivision, or a development intended for a use other than that permitted by the existing zoning classification may be conditionally approved subject to the rezoning of the property to the proper classification for such intended use in accordance with the applicable zoning ordinance.

(Ord. No. 2982, § 1, 5-20-97)

6-2-6. Notification of school board.

Within three (3) business days after a preliminary plan is submitted for approval, the city council acting through the planning department, shall notify the president of the school board of each school district in which any of the subdivided land is located that the preliminary plan has been submitted for approval and that it is available for inspection. The notice shall also give the date, time and place of the hearing on approval or disapproval of the preliminary plan. The notice shall be served by certified mail, return receipt requested, or by personal delivery. Failure to notify the school board as required by this section does not invalidate any plat, 765 ILCS 205/2.

(Ord. No. 2982, § 1, 5-20-97)

6-2-7. Action on preliminary plan.

(a) *Public hearing.* The planning commission shall conduct a public hearing on the preliminary plan. Notice of the public hearing shall be published in a newspaper of general circulation in the city not less than seven (7) days prior to the date of the hearing.

(b) *Recommendation to the city council.* Within forty-five (45) days after submission of the preliminary plans by the subdivider, the planning commission shall recommend that the city council either approve or disapprove the preliminary plan. If the planning commission recommends disapproval of a preliminary plan, it shall within said forty-five (45) days provide both the subdivider and the city council with a written explanation of the reasons for its recommendation. If the preliminary plan is not satisfactory, the planning commission may give qualified approval to the preliminary plan and permit the subdivider to make recommended changes and additions before submission to the city council. A recommendation for disapproval does not constitute rejection of a preliminary plan. The city council may approve or disapprove a preliminary plan regardless of the recommendation of the planning commission. If the planning commission fails to make a recommendation within the time limits established by this subsection, the preliminary plan shall be submitted to the city council for its consideration without a recommendation by the planning commission. The subdivider and the planning department may mutually agree to extend the forty-five-day period.

(c) *Action by city council.* Within thirty (30) days after the next regular meeting of the city council following action by the planning commission, the city council shall either approve or reject the preliminary plan. Failure by the city council to act within the period established by this subsection shall constitute rejection of the preliminary plan. The city council and the subdivider may mutually agree to extend the thirty-day period.

(d) *Authority to proceed with final plat.* Upon approval of the preliminary plan, the planning department shall provide to the subdivider a copy of the preliminary plan with a certificate of approval in the following form signed by the mayor:

This preliminary plan has received the approval of the East Peoria city council and the subdivider may proceed with the preparation of the final plat and other documents required by the East Peoria Subdivision Code.

Dated this _____ day of _____

CITY OF EAST PEORIA

By: _____

Its Mayor

ATTEST:

Its City Clerk

(Ord. No. 2982, § 1, 5-20-97)

6-2-8. Submission of final plat.

After approval of the preliminary plan by the city council, the developer may submit a final plat and other documents in the form required by this Title. No final plat may be submitted more than one year after the approval of the preliminary plan; provided, however, the subdivider may elect to seek final approval of a geographic part or parts of an approved preliminary plan and may delay application for approval of other parts until a later date or dates beyond one year. All public improvements required to serve the part or parts for which final approval is sought must be provided and in such case only such part or parts of the preliminary plan not have received final approval shall be recorded. Written application by the subdivider for approval, on forms furnished by the planning department, shall accompany each final plat.

(Ord. No. 2982, § 1, 5-20-97)

6-2-9. Specifications for final plat.

The final plat shall be clearly and legibly drawn in permanent black ink upon mylar or similar material. The final plat and accompanying application for approval shall contain the graphic and descriptive items listed below. The subdivider shall pay a fee of ten dollars (\$10.00) for each lot shown on the final plat. The lack of information under any item specified herein, or improper information supplied by the subdivider, may be cause for disapproval of a final plat:

(a) The drawing.

- (1) The final plat of a subdivision shall be drawn to a scale of not less than one inch equals one hundred (100) feet (1" = 100'), and shall be drawn on one or more sheets with dimensions not exceeding twenty-four (24) inches by thirty-six (36) inches. If more than two (2) sheets are required, a cover sheet of the same dimensions shall be included showing the entire subdivision on one sheet and the component areas shown on the other sheets. Linear dimensions are to be given on the final plat to the nearest one-one-hundredth (1/100) of a foot.
- (2) Subdivision boundaries, easements and lot lines, plus any other lines pertinent to the plat, except contour lines shall be neatly and clearly shown, together with accurately calculated dimensions and bearings so that each line and property corner may be located and reproduced upon the ground.
- (3) Other information to be shown on plat:
 - a. A title showing the name of the subdivision.
 - b. Location of all survey monuments and their description together with a north arrow.
 - c. The name and width of all right-of-way. Proposed streets which are obviously in alignment with existing streets already named shall bear the name of such existing streets. In no case shall the name for proposed streets duplicate existing street names regardless of the suffix used such as street, road, boulevard, drive, place, court or any abbreviation thereof.
 - d. The minimum building setback lines.
 - e. Reference to recorded subdivision plats adjoining the site displaying lot lines and streets.
 - f. Lots of record shall be consecutively numbered in accordance with the numbering system used on the approved preliminary plan.
 - g. Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and, thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat.
- (4) A copy of the final plat shall be submitted on a 3 floppy disk in a format of "FILENAME.DWG" or such other format as is acceptable to both the public works department and the planning department.

(b) Certification by surveyor and owner:

- (1) Properly executed certification by the surveyor of the property shown on the plat is required in substantial conformance with typical example as follows:

Surveyor's Certification)
State of Illinois) SS
County of Tazewell)

I, _____, registered Illinois land surveyor No. _____, do hereby certify as follows:

- 1. That I have surveyed the property represented by the above plat in accordance with the laws of the State of Illinois and with the ordinances of the City of East Peoria;
- 2. That I have set, or caused to be set, iron pins and other monuments as required by the East Peoria Subdivision Code identifying all corners and curves as shown on said plat and all measurements are given in feet and decimals thereof;
- 3. That the foregoing plat accurately represents the property as subdivided;
- 4. That (said subdivision lies within) (no portion of said subdivision lies within) five hundred (500) feet of any surface drain or water course serving a tributary area of six hundred forty (640) acres or more;

Name of Firm of Surveyor: _____
Signature of Land Surveyor: _____
Address: _____
Date: _____

(2) Owner's certification.

State of Illinois)
) SS
County of Tazewell)

We, the undersigned, hereby certify that we are the owners of all of the premises embodied in the attached plat of subdivision and that we have caused said plat to be made and that it is a true and correct plat of the aforesaid subdivision as laid out in lots and streets by _____, registered Illinois land surveyor number _____. We hereby dedicate to the City of East Peoria or any other public body having jurisdiction over a subdivision, all public streets and other public areas shown on the plat.

A permanent nonexclusive easement is hereby reserved for and granted to the City of East Peoria and any other public body having jurisdiction and to those public utility companies providing services to the subdivision, including but not limited to, telephone companies, electric utility companies, cable television companies, and to their successors and assigns in, upon, across, under and through the areas shown as dedicated for utility easements on the attached plat of the subdivision for the purpose of installing, operating, maintaining, repairing and renewing electrical, gas, telephone, or other utility lines and appurtenances thereto, sanitary sewers, storm sewers, water mains, and appurtenances thereto. A right is also hereby granted to said city and utilities to cut down, trim or remove any trees, shrubs or other plants

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that interfere with the operation of or access to any utility installations in or upon or across, under or through said easements. No permanent buildings shall be placed on said easements, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses and rights.

Optional.

Each lot or part hereof in this subdivision shall be subject to restrictions as recorded in declaration of restrictions placed on record in the Office of the Tazewell County Recorder of Deeds. Each contract for sale, conveyance or lease of any lot or part thereof shall be made expressly subject to these restrictions, and each purchaser, grantee or lessee in the acceptance of such contract, conveyance or lease shall thereby subject himself, his heirs, executors, administrators and assigns to these restrictions.

IN WITNESS WHEREOF, the undersigned have caused this certificate to be executed this _____ day of _____ Owner:

*State of Illinois)) SS
County of Tazewell)*

I, the undersigned, a notary public, in and for said county and state aforesaid, do hereby certify that _____ personally known to me to be the same person _____ whose name _____ subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that _____ signed, sealed and delivered said instrument as • _____ free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

GIVEN under my hand and notarial seal this day of _____ A.D.

Notary Public

(c) Official approvals:

Mayor's Certificate:

*State of Illinois)) SS
County of Tazewell)*

I, _____, Mayor of the City of East Peoria, Illinois, do hereby certify that this final plat has received the approval of the East Peoria City Council.

Dated this _____ day of _____.

*CITY OF EAST PEORIA,
By: _____
Its Mayor*

County Clerk’s Certificate:

State of Illinois)
) SS
County of Tazewell)

I hereby certify that there are no delinquent general taxes, unpaid current taxes, delinquent special assessments or unpaid current special assessments against any of the real estate affected by the foregoing plat.

Given under my hand and seal this _____ day of _____.

Tazewell County Clerk

City Clerk’s Certificate:

State of Illinois)
) SS
County of Tazewell)

I hereby certify that there are no delinquent special assessments or unpaid current special assessments against any of the real estate affected by the foregoing plat.

Date _____

City Clerk

Final plat certificate required for subdivision bounded by state highways:

I, _____, District Engineer for the Illinois Department of Transportation, hereby certify that the foregoing plat complies with the applicable regulations imposed by the Illinois Department of Transportation.

Dated this _____ day of _____.

Il Department of Transportation, District Engineer

(Ord. No. 2982, § 1, 5-20-97)

6-2-10. Construction plans and specifications.

Upon submission of the final plat, the subdivider shall deliver to the planning department three (3) copies of construction plans and specifications prepared, signed and sealed by a professional engineer registered in the State of Illinois which shall include or be accompanied by at least the following:

- (a) Street profile plans for each new street in the proposed subdivision. In cases where the grades of the streets involved are already established, or in cases of small subdivisions or resubdivisions, the submission of such street profile plans may be excused by the public works department.

- (b) All public improvements including, without limitation, public sidewalks, sanitary sewers, water mains, storm sewers, streets, curbs and gutters, street lighting facilities and appurtenances thereto.
- (c) Structures for the control of drainage, stormwater and erosion as required by this Title and by other provisions of the East Peoria City Code.
- (d) An estimate of the cost of constructing all public improvements and all drainage, stormwater and erosion control structures, which estimate shall include the cost of engineering services and shall be prepared and signed by the registered professional engineer who prepared the construction plans and specifications.
- (e) An acknowledgement signed by both the subdivider and the engineer who prepared the construction plans and specifications that the subdivider and engineer have entered into a contract for engineering services which acknowledgment shall be in a form prescribed by the public works department.
- (f) Restrictive covenants (if any) in a form acceptable for recording, and other data, such as other certificates, affidavits, etc., as may be required in order to comply with this Title.

(Ord. No. 2982, § 1, 5-20-97)

6-2-11. Review of construction plans and specifications.

Upon receipt of the construction plans and specifications, the planning department shall forward two (2) copies to the public works department. The public works department shall complete its review of the construction plans and specifications and recommend either approval, modification or disapproval within thirty (30) days after the date upon which the construction plans and specifications were filed with the planning department. The city may at its option require the developer to pay the reasonable costs incurred by the city in retaining an independent professional engineer to review the final plat and/or the construction plans and specifications for the subdivision.

(Ord. No. 2982, § 1, 5-20-97)

6-2-12. Action on final plat.

The city council shall act upon any final plat which is in substantial conformance with the approved preliminary plan. The city council shall act within sixty (60) days after the date of filing of the last document required by this ordinance to accompany a final plat. Any final plat which, in the opinion of the planning department, is not in substantial conformance with the approved preliminary plan shall be treated as a resubmission of the preliminary plan which must be considered by the planning commission in accordance with the procedures set forth in this Title.

(Ord. No. 2982, § 1, 5-20-97)

6-2-13. Financial requirements before release of final plat.

- (a) After approval of the final plat by the city council, but before execution and delivery of the final plat to the subdivider, the subdivider shall pay or make arrangements for payment of any water or wastewater facilities assessments or any other fees or charges due the city with respect to the property and shall also provide security for the completion of all required improvements to the planning department in accordance with the following conditions:
- (1) Total estimated construction costs and engineering fees for all required improvements. The estimated cost of such construction shall first be reviewed and approved by the public works department; or
 - (2) Total contracted construction costs and engineering fees for all required improvements. Under this circumstance, all construction contracts shall first be reviewed and approved by the public works department.
- (b) *Options for providing security for completion of improvements are as follows:*
- (1) *Cash escrow.* A cash deposit or certified check placed with the city clerk and administered in accordance with the provisions of a mutually acceptable escrow agreement.
 - (2) *Letter of credit.* An irrevocable, straight, commercial letter of credit in the form prescribed by the city attorney with a commercial bank or other financial institution authorized to do business in the state which is acceptable to the city. Deviations from the standard letter of credit shall not be permitted except with the consent of the mayor upon the written advice of the city attorney.
 - (3) *Surety bond.* A surety bond to insure the construction of the improvements in accordance with the approved construction plans and specifications. Said surety bond shall be written by a competent surety company licensed to do business in the state. If a bond is filed, it shall be in the form and with surety and conditions approved by the mayor upon the written advice of the city attorney.
- (c) Such security in whatever form, shall by its terms provide that it shall not expire until released in writing by the city. The subdivider shall complete the public improvements in accordance with the approved plans and specifications and shall meet all other conditions precedent to the acceptance of those public improvements within a two-year period following the approval of the final plat by the city council. If the subdivider fails to complete all required improvements in accordance with the approved plans and specifications within two (2) years following the approval of the final plat by the city council, the city may at its option complete or contract for the completion of the public improvements in accordance with such plans and specifications and pay the cost with the security provided by the subdivider.
- (d) After the subdivider has paid or made arrangements for payment of all water or wastewater facilities assessments or other fees and after the subdivider has provided security for the completion of required improvements as provided in this section, the subdivider is authorized to commence construction of the improvements.

6-2-14. Recording of final plat.

Within ninety (90) days after delivery of an approved final plat to the subdivider by the planning department, the subdivider shall record the final plat with the Tazewell County Recorder of Deeds. If the plat is not so recorded, it shall have no validity and shall not be recorded without subsequent approval of the city council. The city council may extend the filing date an additional ninety (90) days if the subdivider demonstrates unique circumstances or conditions whereby the recording of the final plat could not be accomplished as herein required.

(Ord. No. 2982, § 1, 5-20-97)

6-2-15. Preliminary approval of certain components of public improvements.

Upon the completion of satisfactory testing, the department of public works may give preliminary approval to water mains, sanitary sewers and streets after installation of curbs and base but before installation of pavement. Upon receipt of such preliminary approval from the public works department, the planning department may issue building permits for the construction of improvements to the lots within the subdivision. Notwithstanding the receipt of preliminary approval, the city shall not provide city services within the subdivision including, without limitation, maintenance, snow plowing or garbage pickup until final acceptance of all improvements.

(Ord. No. 2982, § 1, 5-20-97)

6-2-16. Inspection of, acceptance of and warranty for public improvements.

(a) If any plat of subdivision dedicates public streets, easements or other improvements to the public use, the approval of the final plat by the city council shall not constitute acceptance by the city of any such public improvements, irrespective of any act or acts by any officer, agent or employee of the city with respect to such public improvements.

(b) Upon completion of the public improvements, the subdivider and the subdivider's engineer shall submit to the city a signed certificate of compliance which indicates that all public improvements constructed in connection with the subdivision comply with all applicable requirements of this Title and that such public improvements were installed substantially in accordance with the approved construction plans and specifications. The certification shall be in a form developed and approved by the planning department and the public works department and shall in general address each requirement imposed by this Title. The public works department shall review the certificate of compliance and shall conduct such investigation and inspections as it deems appropriate and recommend to the city council such action as the public works department deems appropriate based upon its review and inspection.

(c) Upon completion of the public improvements, the subdivider shall submit "as built" plans for all such public improvements which accurately reflect the location of the public improvements as constructed. Such plans shall be marked by the engineer as "as built"

construction plans. The subdivider or the subdivider's engineer shall submit to the city a copy of the "as built" construction plans on a 3 1/2 inch floppy disk in a format of "FILENAME.DWG" or such other format as is acceptable to the public works department.

(d) If the city council concludes that the representations made in the certificate compliance are accurate, then the city council shall accept the dedication of the public improvements on behalf of the city: However, such acceptance shall not become effective until the subdivider provides a two-year written warranty against structural failure of the public improvements secured by a surety bond, cash bond or irrevocable letter of credit in an amount equal to fifteen (15) percent of the cost of constructing the improvements. Such security shall have the same characteristics as the security for the completion of the public improvements. The security less any amount used to repair defective public improvements shall be released to the subdivider after the first anniversary of the acceptance of the public improvements by the city council. Security for the completion of the public improvements provided at the time of final plat approval shall not be released until such time as the written warranty and security, therefore, have been submitted by the subdivider.

(Ord. No. 2982, § 1, 5-20-97)

6-2-17. Release of security for expiration of two-year warranty period.

The subdivider shall request a final inspection of the improvements not less than thirty (30) days prior to the second anniversary of the acceptance of the public improvements by the city. Upon completion of the inspection and upon receipt of a recommendation from the public works department, the city council shall release the security minus the cost of any necessary repairs to the improvements.

(Ord. No. 2982, § 1, 5-20-97)

CHAPTER 3. STANDARDS FOR CONSTRUCTION OF IMPROVEMENTS

SECTION:

- 6-3-1. Design and construction standards.
- 6-3-2. Utilities in general.
- 6-3-3. Streets.
- 6-3-4. Lots.
- 6-3-5. Sanitary sewers.
- 6-3-6. Stormwater control systems.
- 6-3-7. Sump pump drain line.
- 6-3-8. Water mains and appurtenances.
- 6-3-9. Sidewalks.
- 6-3-10. Street lighting.
- 6-3-11. Monuments.
- 6-3-12. Increase in size of improvements.
- 6-3-13. Exceptions to standards.

6-3-1. Design and construction standards.

The following requirements are hereby established as the minimum standards of design and construction for improvements required to be constructed within subdivisions under the jurisdiction of the city.

(Ord. No. 2982, § 1, 5-20-97)

6-3-2. Utilities in general.

(a) All utility lines shall be located underground within easements or rights-of-way in a manner which will not conflict with other services. Where possible, the location of any utility lines of any nature whatsoever under pavement shall be avoided. All water, sewer, storm sewers and gas lines unavoidably located under street pavement shall be bedded with granular materials as required by the standard road and bridge specifications or the standard water and sewer specifications as appropriate and backfilled with granular backfill.

(b) Telephone, electric, cable TV and gas service shall be placed within easements or rights-of-way in a manner which will not conflict with other services. Aboveground structures identified with said underground facilities shall be located so as to not be unsightly or hazardous to the public.

(Ord. No. 2982, § 1, 5-20-97)

6-3-3. Streets.

(a) No private street or access easement shall be permitted.

(b) The design of new streets shall take into consideration compliance with the comprehensive plan, existing and planned streets, topographical conditions, traffic patterns within the development, stormwater runoff, and public convenience and safety.

(c) Minor streets shall be designed to discourage through traffic.

(d) The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. Where adjoining areas are not subdivided, streets in the new subdivision shall be extended to the boundaries of the subdivision. The subdivider shall at the subdivider's sole cost and expense install street signs mounted on poles in accordance with standards as may from time to time be prescribed by the public works department.

(e) When any subdivision or part of a subdivision is adjacent to only one side of an existing right-of-way which is less than the required width, the subdivider shall dedicate additional right-of-way to meet the requirements of this Title.

(f) The right-of-way of a cul-de-sac shall have a minimum radius of fifty-two and one-half (52.5) feet and a pavement radius of forty (40) feet. The length of a cul-de-sac street shall not exceed six hundred (600) feet except under unique circumstances related to topography and other factors. Each cul-de-sac street shall be considered on its individual merit.

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(g) Service roads are required to service areas fronting on state routes and may be required on other major streets.

(h) Curves in streets shall have a radius of three hundred (300) feet for major streets and one hundred (100) feet for minor streets. All curb corners shall have radii of not less than twenty-five (25) feet.

(i) Drainage gradients of streets shall be five-tenths (5/10) percent where possible and in no case less than four-tenths (4/10) percent. Street grades shall not exceed five (5) percent on major streets nor seven (7) percent on minor streets. Street grades shall provide natural surface drainage of stormwater regardless of the presence of storm sewer facilities. The intent of this requirement is to minimize depressions along any given street profile which will flood in flash storms for which storm sewers are inadequate. Adequate stormwater inlets shall be provided within the street improvements.

(j) Streets shall be laid out so as to intersect as nearly as possible at right angles. Streets shall not intersect at an angle of less than seventy (70) degrees. The intersection of more than two (2) streets shall be avoided unless specific conditions of design dictate otherwise. At each intersection, the corners shall be truncated twenty-five (25) feet in each direction from the true corner.

(k) Right-of-way and pavement widths for streets shall be as follows:

	<u>Right-of-Way Width (feet)</u>	<u>Pavement Width (feet)</u>
<u>Alleys</u>	20	16
<u>Minor street and service roads</u>	55	28
<u>Collector street</u>	60—70	32
<u>Major street</u>	80—100	40—48
<u>Limited access street</u>	120	52*
<u>Street in residential estate subdivision</u>	65	24

**Four foot median strip.*

(l) Alleys may be provided at the rear of lots intended for business, commercial, industrial or multifamily use but shall not be permitted in blocks intended or zoned for single-family dwellings.

(m) The full width of the public right-of-way shall be graded, including the subgrade of the areas to be paved. All stumps, trees that cannot be saved, boulders and similar items shall be removed. All unpaved areas within the right-of-way shall be seeded.

(n) Curbs and gutters shall be required along the outside pavement line of all streets except streets in approved residential estate subdivisions. Mountable curbs shall be utilized (IDOT Standard 2130-9). Wedge type curbs will be permitted with prior approval of the public works department.

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6-3-3

(o) Streets in residential estate subdivisions shall be designed and constructed as rural profile streets in accordance with the standard road and bridge specifications.

(p) At such time as a subdivision is proposed adjacent to a street that is presently or will be accepted and maintained by the city, that street shall be improved to handle the increased traffic due to said subdivision and the additional right-of-way and cost of improvement of one-half (1/2) of the right-of-way adjacent to the proposed subdivision shall be included in the overall subdivision improvement. The improvement, including curb, gutter, storm sewer, sidewalk, and pavement shall be as specified in this Title. Where presently impracticable to construct curb and gutter due to lack of similar improvements on other portions of the same road, an escrow fund will be established into which fund the subdivider will be required to place an amount of money sufficient to carry out the improvement. The amount to be placed in such fund will be documented by an engineering estimate of the current cost of the above required improvements to the adjacent road. The escrow fund can thereafter be used by the city in any general overall improvement or upgrading of such road. The estimate will be required prior to approval of the final plat.

(q) No lot shall be platted within any area which should be appropriately platted as right-of-way for the purpose of serving adjoining undeveloped property. Furthermore, in such cases the street shall terminate in a cul-de-sac which has frontage of at least sixty (60) feet on the boundary of the subdivision.

(r) All streets shall be improved to the following specifications or equivalent as approved by the public works department:

Type	Base	Surface
<i>Alleys, minor collector streets and streets in residential estate subdivisions</i>		
Flexible pavement	9" compacted aggregate type A (CA-6 or CA-b)	3 1/2" bituminous concrete surface course, class I
Or:	7" stabilized granular material (MS 1000)	3 1/2" bituminous concrete surface course, class I
<i>Major street and service roads</i>		
Flexible pavement	12" compacted aggregate type A (CA-6 or CA-b)	3 1/2" bituminous concrete surface course, class I
Or:	8" stabilized granular material (MS 1000)	3 1/2" bituminous concrete surface course, class I
Rigid pavement	See footnote	8" PCC pavement w/standard reinforcement
<i>Limited access streets</i>		
Flexible pavement	8" stabilized granular material (MS 1800)	4" bituminous concrete surface course, class I

<u>Type</u>	<u>Base</u>	<u>Surface</u>
Rigid pavement	See footnote	9" PCC pavement w/standard reinforcement

Footnote:

The subgrade shall be prepared in accordance with the standard road and bridge specifications.

- (a) Base which is installed and compacted prior to November 15 of any year shall not be paved until on or after April 15 of the following year. Base which is installed and compacted after November 15 of any year shall not be paved until the second April 15 following the installation of the base.

(Ord. No. 2982, § 1, 5-20-97)

6-3-4. Lots.

- (a) All lots within a subdivision shall front on a public street.
- (b) Side lot lines shall be at right angles to straight street lines or radial to curved street lines.
- (c) Residential lots served by public sewer and water systems shall not have an area or width less than that required by the zoning ordinance, except lots fronting on a cul-de-sac shall have not less than thirty (30) feet of frontage at the right-of-way.
- (d) Residential lots not served by a public sewer system shall not be less than one and one-half (1.5) acres in size, and shall have not less than two hundred (200) feet of frontage on a public street, except lots fronting on a cul-de-sac shall have not less than one hundred twenty (120) feet of frontage at the right-of-way.
- (e) The size of lots intended for multifamily, commercial or industrial use shall be adequate to provide off-street service and parking facilities as required by the type of use and development contemplated and in accordance with the zoning ordinance of the city, as amended.
- (f) All lots shall be at least one hundred (100) feet in depth. Corner lots shall have extra width sufficient to permit front building setbacks on both adjoining streets.
- (g) Any other provisions of this section to the contrary notwithstanding, lots in a residential estate subdivision shall have a width at the right-of-way of not less than one hundred fifty (150) feet, except lots in a residential estate subdivision fronting on the turnaround of a cul-de-sac street shall have not less than sixty (60) feet of frontage at the right-of-way. Residential estate subdivisions may be located only within a conservation and residential estate zoning district.
- (h) Outlots and reserve strips are prohibited.
- (i) Where no alleys are provided, there shall be dedicated easements of not less than ten (10) feet in width for poles and wires and not less than twenty (20) feet in width for underground conduits, storm and sanitary sewers, gas, water or other utility pipes or lines. Such easements shall be established along the rear of each lot and along side lot lines where necessary to provide proper continuity for such utilities from lot to lot and from block to block. Such easements may be

centered on lot lines. No structures shall be constructed upon the easements. A ten-foot utility easement shall also be provided adjacent to all right-of-way.

(Ord. No. 2982, § 1, 5-20-97; Ord. No. 3214, § 4, 5-23-00)

6-3-5. Sanitary sewers.

(a) Sanitary sewers connected to a public sewer system shall be installed to serve each lot in every subdivision under the planning jurisdiction of the city whether within the city or outside of the city except when a sanitary sewer is unavailable. For purposes of this section, a sanitary sewer is available if it lies within five thousand (5,000) feet of any portion of the proposed subdivision.

(b) Sanitary sewers shall be designed and installed in accordance with the standard water and sewer specifications. The subdivider shall obtain any required permits from any other agency having jurisdiction.

(c) The subdivider shall install sanitary sewer stub terminals to a point at least ten (10) feet inside the property line of each lot in the subdivision. Sanitary sewer building stub connections shall be designed in such a way as to prevent the connection of gravity flow sewers from basements. The end of each sewer stub shall be marked by a full depth two (2) by six (6) marker.

(Ord. No. 2982, § 1, 5-20-97)

6-3-6. Stormwater control systems.

(a) The subdivider shall construct or cause to be constructed a stormwater system which shall be adequate to properly drain the subdivision and all other upstream areas that are tributary to the subdivision. Runoff from such upstream areas shall be calculated as if they were fully developed as single-family residential areas with a density permissible for an R-2 zoning classification under the city's zoning code. The stormwater runoff rate from the subdivision shall not exceed the stormwater runoff rate from the area in its natural undeveloped state. The stormwater runoff rate shall not exceed the available capacity of the downstream drainage system.

(b) The stormwater system shall be designed and constructed in accordance with the standard road and bridge specifications. Minimum capacity of storm sewers shall be adequate to carry a ten-year rainfall event as defined in publications of the Illinois State Water Survey or other agency performing a similar function. Existing natural waterways in subdivisions shall be preserved or improved as part of the stormwater system.

(c) Stormwater control facilities are required to control the release of stormwater from the subdivision in such a manner which will minimize the impact of stormwater from the subdivision on downstream property whether by release rate, erosion or siltation.

(d) Stormwater detention facilities shall be designed for a minimum of a 25-year rainfall event. Each stormwater detention area shall be provided with a method of emergency overflow in the event that a rainfall event in excess of the 25-year rainfall event occurs. This emergency overflow facility shall be designed to function without attention or maintenance. Detention facilities shall be designed to have a dry bottom.

(e) Stormwater detention basin calculations shall be based on the following criteria:

- (1) The undeveloped stormwater runoff rates for areas thirteen (13) acres or less in area, shall be calculated based on the rational method with a coefficient of runoff not less than twenty-five-hundredths (0.25).
- (2) The undeveloped stormwater runoff rates for areas thirteen (13) acres or larger in area, shall be calculated based on the method presented in the IDOT Division of Water Resources and USGS Water Resources Investigations 87-4207, "Technique for Estimating Flood Peak Discharges and Frequencies of Rural Streams in Illinois" or any successor publication.
- (3) The design stormwater runoff rates shall take into account the effects of the development on the time of concentration, rate and quantity of the water discharged.

(f) The subdivider's engineer shall analyze and report on the adequacy of the stormwater detention outlet and on the consequences of a 50- and 100-year rainfall event. The system shall be designed to minimize the effects of such events on downstream facilities.

(g) Outlet control structures shall be simply designed and shall require little or no maintenance for proper operation. Control structures shall be designed to operate at full capacity with only a minor increase in the water surface level.

(h) The velocity of stormwater runoff shall be kept at a minimum and turbulent conditions at outfall control structures will not be permitted.

(i) No structures shall be constructed within stormwater detention areas or discharge channels.

(j) In all subdivisions, ownership and maintenance responsibilities for any component of a stormwater control system lying outside of the dedicated and accepted right-of-way and for all detention facilities shall remain with the property owner(s).

(Ord. No. 2982, § 1, 5-20-97)

6-3-7. Sump pump drain line.

The subdivider shall provide a sump pump drain line which shall serve each lot in the subdivision. Construction of the sump pump drain line shall be in accordance with the standard road and bridge specifications. The sump pump drain line shall be constructed of PVC pipe having a minimum diameter of six (6) inches. Sump pump drain lines shall be drained to storm sewer inlets, manholes or drainage ditches. Manholes or clean-outs shall be provided at maximum spacing of five hundred (500) feet on center and on the end of all lines. Manholes or clean-outs shall also be provided at all changes in the direction of the sump pump drain line. A one and one-half (1.5) inch sump pump service stub shall be provided to each lot in the subdivision to a point ten (10) feet inside of the front lot line. Lateral connections to the sump pump drain line shall be made with approved factory fittings. (Ord. No. 2982, § 1, 5-20-97)

6-3-8. Water mains and appurtenances.

Connections to a public water system shall be installed to serve each lot in every subdivision under the planning jurisdiction of the city whether within the city or outside the city except when a public water system is unavailable. For purposes of this section, no public water system is available unless it lies within five thousand (5,000) feet of any portion of the proposed subdivision. Water distribution facilities will include supply mains of not less than six (6) inches, fittings, valves, and hydrants. An individual water service and curb stop shall be installed to serve each lot within the subdivision. The water supply system shall be designed and constructed in accordance with standard water and sewer specifications. All water mains shall be installed in right-of-way or easements. The subdivider shall also obtain any required permits from any other agency having jurisdiction.

(Ord. No. 2982, § 1, 5-20-97)

6-3-9. Sidewalks.

Public sidewalks shall be required along both sides of all streets except in residential estate subdivisions. All sidewalks shall be four (4) feet in width, a minimum of four (4) inches thick, constructed one and one-half (1.5) feet from the right-of-way line and installed in accordance with city specifications. Sidewalks for business areas shall be the same as those required in residential areas, except in cases where commercial buildings are built immediately adjacent to the front or street property line. In such cases, sidewalks shall be ten (10) feet wide from the curb line outward.

(Ord. No. 2982, § 1, 5-20-97)

6-3-10. Street lighting.

In residential subdivisions, the subdivider shall either:

- (a) Install street lights at each intersection and along straightaways at a maximum spacing of one every five hundred (500) feet. Street lights must be mounted on aluminum poles and both poles and luminaries must be of a type acceptable to both CILCO and the public works department; or
- (b) Impose and enforce a restrictive covenant requiring a yard light on each lot switched only by a photo cell which will cause the light to operate from sunset to sunrise. Such restrictive covenant shall require all yard lights to be located in the yard ten (10) feet from the front lot line and within three (3) feet of the driveway.

(Ord. No. 2982, § 1, 5-20-97)

6-3-11. Monuments.

(a) Permanent reference monuments shall be placed by the subdivider at each corner or angle on the peripheral boundary of the subdivision. Such permanent reference monuments shall be stone or concrete at least three (3) feet length and six (6) inches square with suitable center point and shall be set flush with the ground and planted in such a manner that they will not be removed by frost.

(b) Metal monuments one-half (½) inch in diameter and thirty (30) inches in length shall be placed in the ground at all corners, intersections of streets and alleys with platted boundary lines and at all points on street, alley and boundary lines where there is a change in direction or curvature. All federal, state, county, local or other bench marks, monuments or triangulation stations in or adjacent to the development shall be presumed in precise position. All monuments shall be properly set in the ground before the streets and alleys are accepted by the city.
(Ord. No. 2982, § 1, 5-20-97)

6-3-12. Increase in size of improvements.

If at the direction of the city the developer installs sanitary sewers, water mains, storm sewers, streets or other improvements which have a larger capacity than is necessary to serve the needs of the property described in the final plat, the city may where equitable pay the difference between the cost of the facilities actually installed and the estimated cost of the facilities necessary to serve only the property subject to the final plat.
(Ord. No. 2982, § 1, 5-20-97)

6-3-13. Exceptions to standards.

Where the city council finds the existence of extraordinary circumstances related to the topography or other conditions beyond the control of the subdivider, the city council may where appropriate waive the application of specific standards set forth in this chapter upon a finding of the existence of the following conditions:

- (a) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the subdivider would result as distinguished from a mere inconvenience if the regulations were strictly applied to the property; and
- (b) The conditions are unique to the property for which a waiver is sought and are not applicable generally to other undeveloped parcels of property; and
- (c) The purpose of the requested waiver is not based exclusively upon the desire to make more money from the property; and
- (d) The alleged difficulty or hardship is caused by the application of the regulations in this Title and has not been created by any persons having an interest in the property; and
- (e) The waiver would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

(Ord. No. 2982, § 1, 5-20-97)