

TITLE 15

SUBDIVISIONS

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CHAPTER I

PURPOSE AND INTERPRETATION

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15-1-1: TITLE:

This Ordinance shall be known and may be cited and referred to as the "Subdivision Regulations for the Village of Tiskilwa, Illinois."

15-1-2: INTENT AND PURPOSE:

This Ordinance is adopted for the following purposes:

To insure sound, harmonious subdivision development and community growth which will become a permanent community asset by establishing minimum standards for subdivision design and construction.

To assure the development of land for the highest possible use with all the necessary protection against deterioration and obsolescence which would adversely affect the living environment or tax base.

To provide common grounds of understanding and a sound working relationship between the village and the developer and to safeguard the interests of the homeowner, the subdivider, the investor, and the village.

To control the scattered and premature platting of lots beyond the effective operating range of existing public utilities and improvements.

To cause the cost of design and installation of improvements in new, platted subdivisions to be borne by the persons purchasing the lots, rather than by any direct or indirect burden upon existing property owners beyond the limits of the subdivision who have already paid for the improvements servicing their property.

To bring about compact development of both homes and public improvements without the delay often experienced through future use of special assessment methods.

To coordinate new subdivision design with the design of the village as a whole to allow for the proper capacity of all types of improvements on the basis of an orderly sequence of subdivisions as a part of neighborhoods and neighborhoods as a part of the community.

To secure the rights of the public with respect to public lands and waters.

To improve land records by establishing standards for surveys and plats.

15-1-3: GEOGRAPHIC JURISDICTION:

No person shall subdivide any tract of land which is located within the village or in any unincorporated area which is located entirely or in part within one and one-half (1-1/2) miles of the nearest limits of the village except in conformity with the provisions of these regulations.

15-1-4: GENERAL PROVISIONS:

A. Wherever any subdivision of land shall hereafter be laid out, the subdivider thereof or his agent shall submit a preliminary and final subdivision plat to the Planning Commission. Said plats and plans of proposed improvements, and all procedures relating thereto, shall in all respects be in full compliance with these regulations.

B. Until plats and plans for the subdivision are approved, properly endorsed and recorded:

1. No land shall be subdivided, nor any street laid out, nor any improvements made to the natural land;

2. No lot, tract, or parcel of land within any subdivision shall be offered for sale nor shall any sale, contract sale, or option be made or given;

3. No improvements such as sidewalks, water supply, storm water drainage, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving, or surfacing of streets shall hereafter be made by any owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent.

C. All lands offered to the village for use as streets, alleys, schools, parks, and other public uses shall be referred to the Planning Commission for review and recommendation before being accepted by the Village Board or by any other governing authority of the village.

D. No plat will be approved for a subdivision which is subject to periodic flooding or which contains poor drainage facilities and which would make adequate drainage of the lots and streets impossible. However, if the subdivider agrees to make improvements which will, in the opinion of the Village Engineer, make the area safe for residential occupancy, and provide adequate lot and street drainage, the preliminary plat of the subdivision may be approved. In assessing the suitability of the land to be developed, the village shall take into consideration any recommendations of the Bureau County Soil and Water Conservation.

E. In all subdivisions due regard shall be given to the preservation of historical sites and natural features such as large trees, water courses and scenic views.

F. In the case of tentative plats for parts of tracts, where it appears necessary to the Planning Commission for the satisfactory overall development of an area, an owner may be required to prepare at least a street plan of his entire tract based upon proper topographic surveys before approval of any portion of such plan.

G. Whenever an area is subdivided into lots of 40,000 square feet or more which at a later date be subdivided, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be located which will permit a logical arrangement of smaller lots.

15-1-5: INTERPRETATION:

A. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements.

B. Where the conditions imposed by any provision of this Ordinance upon the use of land either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Ordinance or of any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements, shall govern.

C. This Ordinance is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, then the requirements of this Ordinance shall govern.

D. If any article, section, sub-section, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

CHAPTER 2

RULES AND DEFINITIONS

	Section:
Rules	15-2-1
Definitions	15-2-2

The rules and definitions contained in this Chapter shall be observed and applied in the interpretation of all other Chapters herein, except when the context clearly indicates otherwise.

15-2-1: RULES:

A. Words used in the present tense shall include the future; 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 word "lot" shall include the words "plot", "piece", and "parcel".

15-2-2: DEFINITIONS:

Alley - A strip of land not less than twenty (20) feet in width and not more than forty (40) feet, along the side or in the rear of properties, intended to provide secondary access to these properties.

Building Line - A line within a lot or other parcel of land, so designated on the plat of the proposed subdivision, between which line and street line upon which the lot abuts the erection of a building is prohibited.

Cross-Walkways - Cross-walkway shall mean a strip of land dedicated to public use, which is reserved across a block to provide pedestrian access to adjacent areas.

Cul-de-sac - Cul-de-sac shall mean a street having one open end and being permanently terminated by a vehicular turnaround.

Easement - Easement shall mean a grant by a property owner for the use of a strip of land by the general public, a corporation, or a certain person or persons for a specific purpose or purposes.

Engineer - Engineer shall mean a Professional Engineer registered as such in the State of Illinois.

Final Plat - Final plat shall mean the drawings and documents described in Chapter 4.

Half Street - When a proposed street has its centerline, or within its right-of-way, the boundaries of one or more tracts, that portion of the street on either side of such tract boundary shall be known as a half street.

Intersection Street - The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such an intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

Lot - A parcel of land in a subdivision separated from other parcels or portions by virtue of a plat of subdivision recorded with the appropriate county office and identifiable by reference to said plat of subdivision and not dependent for such identification by metes and bounds.

Planning Commission - Whenever the words "Planning Commission" are used in this Ordinance it shall be deemed to refer to the Planning Commission of the Village of Tiskilwa.

Plat - A map, drawing, or chart on which the subdivider's plans of the subdivision are presented and which he submits for approval and intends to record in final form.

Road or Roadway - Whenever the words "road" or "roadway" are used in this Ordinance it shall be deemed the paved area existing on the street right-of-way and not the street right-of-way width.

Street - An area which primarily serves or is intended to serve as a vehicular and pedestrian access to abutting lands or to other streets. The word "street" refers to the width of the street right-of-way or easement, whether public or private, and shall not be considered as the width of the roadway or paving or other improvement on the street right-of-way.

Street, Local - A street intended primarily as access to abutting properties.

Street, Marginal Access - A local street which is parallel and adjacent to thoroughfare streets and expressways, and which provides access to abutting properties and protection to local traffic from fast, through-moving traffic on the primary streets and expressways.

Street Tree - Street tree shall mean any approved deciduous tree with a minimum of a 2" diameter as measured 1' above the ground.

Subdivision - The division of land into two (2) or more parts, for the purpose, whether immediate or future, of transfer of ownership or building development, including all public streets, alleys, ways for public service facilities, parks, playgrounds, school grounds or other public grounds, and all the tracts, parcels, lots, or blocks, and numbering all such lots, blocks, or parcels, by progressive numbers, giving their precise dimensions.

The following shall not be considered a subdivision and shall be exempt from the requirements of this Ordinance.

A. The division of land into parcels or tracts of five (5) acres or more in size which does not involve any new streets or easements of access;

B. The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access.

C. The sale or exchange of parcels of land between owners of adjoining and contiguous land;

D. The conveyance of parcels of land or interests therein for use as right-of-way for railroads or other public utility facilities which does not involve any new streets or easements of access;

E. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;

F. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;

G. Conveyances made to correct descriptions in prior conveyances.

H. The sale or exchange of parcels or tracts of land following the division into no more than two (2) pairs of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access.

I. The sale of a single lot of less than five (5) acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor, provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land.

Thoroughfare, Major - A street designed to serve as a major traffic artery for movement of vehicles through the village or between various parts of the village.

Thoroughfare, Secondary - A street which is used to carry traffic from local streets to thoroughfare streets.

Village - Whenever the word "village" is used in this Ordinance it shall be deemed to refer to the Village of Tiskilwa, Illinois.

Village Engineer -The person or firm so designated by the Village of Tiskilwa.

CHAPTER 3

PROCEDURE FOR APPROVAL OF PLATS

	Section:
Pre-Application Procedure	15-3-1
Procedure for Conditional Approval of Preliminary Plat	15-3-2
Procedure for Approval of Final Plat	15-3-3

15-3-1: PRE-APPLICATION PROCEDURE:

A. Pre-Application Conference - Prior to the filing of an application for approval of the preliminary plat, the subdivider may submit to the Planning Commission plans and data as specified in Chapter 4. This step does not require formal application, fee or filing of the plat.

B. Advice to Subdivider - The purpose of the pre-application conference is to afford the subdivider an opportunity to avail himself of the advice and assistance of the Planning Commission and to consult early and informally with the Planning Commission staff before preparation of the preliminary plat and before formal application for its approval, in order to save time and money and to make the most of his opportunities.

C. Notification - Within thirty (30) days the Planning Commission shall inform the subdivider that the plans and data as submitted or as modified do or do not meet the objectives of these regulations. When the Planning Commission finds the plans and data do not meet the objectives of these regulations, it shall express in writing to the subdivider its reasons thereof.

15-3-2: PROCEDURE FOR CONDITIONAL APPROVAL OF PRELIMINARY PLAT:

A. The subdivider shall cause to be prepared a preliminary plat, which plat shall include all of the property owned or controlled by the applicant, which properties are adjacent to or considered to be contiguous to the proposed subdivision, which together with improvement plans and other supplementary material as specified shall be submitted to the Village Clerk, with written application for approval.

The Village Council shall, by motion, promptly refer the preliminary plat to the Tiskilwa Plan Commission and shall, at the same time, instruct the Village Engineer to collaborate with the subdivider and the Plan Commission in assembling plans for the design and construction of streets and such other public improvements as are required by this ordinance or any other ordinances. The Plan Commission and the Village Engineer shall review the preliminary plat for compliance with these regulations and other ordinances of the Village and the Plan Commission shall, within ninety (90) days from the date of the application or the filing by the applicant of the last item of required supporting data, whichever is later, unless such time is extended by mutual consent:

1. Approve or disapprove the proposed preliminary subdivision plat and submit its written recommendations, which may include the recommendations of the Village Engineer, to the Village Council. If the plat is disapproved, then within the aforesaid ninety (90) days, the Plan Commission shall furnish to the applicant in writing a statement setting forth the reason for the disapproval and specifying with particularity the aspects in which the proposed plat fails to conform to the ordinances including the official map.

B. Four (4) copies of the preliminary plat and supplementary material specified shall be submitted to the Secretary of the Planning Commission with a written application (request) for conditional approval.

C. At the time of submission of the preliminary plat to the Planning Commission the Subdivider or his representative is encouraged to meet with the City Engineer and informally discuss the proposed subdivision.

D. At the time of filing for conditional approval of the preliminary plat, the application shall be accompanied by a certified check or money order, payable to the Village, to cover the cost of checking and verifying the proposed plat, based upon a rate of two dollars (\$2.00) per lot or twenty dollars (\$20.00), whichever sum shall be greater. This fee shall be in addition to any cost incurred under paragraph C. of this Section.

E. If the Plan Commission finds that changes, additions or corrections are required on the preliminary plat, the Plan Commission shall advise the subdivider in writing. The subdivider may resubmit the preliminary plat to the Plan Commission without paying an additional fee, for its consideration at the next meeting of said Commission. The Plan Commission shall at said meeting approve or disapprove the preliminary plat and submit its recommendations in writing, which shall upon request of the Plan Commission include the recommendations of the Village Engineer, to the Village Council and the subdivider.

F. If the plat is approved by the Plan Commission, the Village Council shall accept or reject said plat within thirty (30) days after its next regular meeting following the action of the Plan Commission.

G. The following qualifications shall govern approval of the Preliminary Plat:

1. Approval of a preliminary plat by the Plan Commission and Village Council is tentative only, involving merely the general acceptability of the layout as submitted, and shall not qualify a plat for recording.

15-3-3: PROCEDURE FOR APPROVAL OF FINAL PLAT:

A. The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

B. Prior to the time of submission of the final plat of subdivision, final plans and specifications for public improvement shall be submitted in triplicate to the Planning Commission and shall include at least the following:

1. Detailed drawings of a grading plan, street improvements plan, sanitary sewer improvements plan, and water system improvements plan.

2. Plans and profiles drawn at a scale not to exceed one (1) inch equals forty (40) feet horizontally and one (1) inch to five (5) feet vertically indicating additional horizontal and vertical location of streets, sewers, appurtenances, and the existing grade.

3. Detailed material and construction specifications concerning the work to be performed, including general conditions of the contract acceptable to the Village.

a. Upon receipt of these final plans, the Planning Commission shall refer the same to the Village Engineer for his comments and corrections. The Village Engineer shall review these plans for compliance with the requirements of the village, and shall return them together with his recommendations to the Planning Commission. The Village Engineer may, at his discretion, confer with the engineer for the developer concerning correction to the final plans prior to the final approval. All final plans shall be submitted on twenty-four (24) inch by thirty-six (36) inch paper and shall bear the signature and seal of the Illinois Registered Professional Engineer under whose directions they were prepared.

C. Four (4) copies of the final plat and other exhibits required for approval shall be prepared as specified in Chapter 4, and shall be submitted to the Planning Commission within twelve (12) months after approval of the preliminary plat; otherwise preliminary plat approval shall become null and void unless an extension of time is applied for and granted by the Planning Commission.

D. The Planning Commission shall approve or disapprove all final plat applications within forty five (45) days following the regularly scheduled meeting of the Planning Commission. If the Planning Commission approves the final plat, the Chairman and Secretary shall affix their certifying signatures upon the plat. If the Planning Commission disapproves, it shall set forth its reasons in its own records and provide the applicant with a copy.

E. Filing:

1. After approval of the final plat by the Planning Commission and the fulfillment of the requirements of these regulations, one (1) tracing of the final plat of the subdivision, drawn in ink on mylar or other permanent plastic base, shall be submitted to the Village Board for approval.

2. Action must be taken by the Village Board within sixty (60) days after the final plat has been submitted to the Board for approval.

3. Upon approval of the Village Board, the developer shall record the plat with the County Recorder within four (4) months. If not recorded within this time, the approval shall be null and void.

Immediately after recording, the original and a duly certified copy of the recorded plat shall be filed with the Village Clerk. The developer shall furnish the Village Clerk with four (4) additional copies to be distributed as follows: one copy each to the Village Engineer, Village public works official, the Planning Commission and The Tiskilwa Village Board.

CHAPTER 4

SPECIFICATIONS FOR PLATS

	Section:
Pre-Application Plans and Data	15-4-1
Plats and Data for Conditional Approval	15-4-2
Plats and Data for Final Approval	15-4-3

15-4-1: PRE-APPLICATION PLANS AND DATA:

A. General subdivision information should describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings listed below. This information may include data on existing covenants, land characteristics, and available community facilities and utilities; and information describing the subdivision proposal such as number of residential lots, typical lot width and depth, price range, business areas, school, playground, park areas, and other public areas, proposed protective covenants and proposed utilities and street improvements.

B. Sketch Plan, on topographic survey, should show in simple sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan may be a free-hand pencil sketch made directly on a print of the topographic data listed in Section 15-4-2: A. below.

15-4-2: PLATS AND DATA FOR CONDITIONAL APPROVAL:

A. Topographic data required as a basis for the preliminary plat in Section 15-4-2: B. below, shall include existing conditions as follows, except when otherwise specified by the Planning Commission:

1. Boundary lines - Bearings and distances.
2. Easements - Location, width and purpose.
3. Streets on and adjacent to the tract - Name and right-of-way width and elevation of surfacing; and legally established centerline elevations; walk, curbs, gutters, culverts, etc.
4. Utilities on and adjacent to the tract - Location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines and street lights; if water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and size of nearest one, showing invert elevation of sewers.
5. Ground elevations on the tract, based on the Village Datum Plane - For land that slopes less than one-half (1/2) per cent show not less than one (1) foot contours, show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions, and for land that slopes more than two (2) percent show not less than two (2) foot contours.
6. Subsurface conditions on the tract, if required by the Planning Commission - Location and results of tests made to ascertain subsurface soil, rock and ground water conditions; depth to groundwater unless test pits are dry at a depth of five (5) feet; location and results of soil percolation tests if individual sewage disposal systems are proposed.
7. Other conditions on the tract - Water courses, marshes, rock outcrop, wooded areas, isolated preservable trees one (1) foot or more in diameter, houses, barns, shacks, and other significant features.
8. Other conditions on adjacent land - Approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers, and other nearby non-residential land uses or adverse influences; owners of adjacent platted land refer to subdivision plat by name, recording date, and number, and show approximate percent built-up, typical lot size, and dwelling type.
9. Zoning on and adjacent to the tract.
10. Proposed public improvements - Highways or other major improvements planned by public authorities for future construction on or near the tract.

11. Key plan showing location of the tract.

12. Title and certificates - Present tract designation according to official records in offices of the County Recorder; title under which proposed subdivision is to be recorded, with the name(s) and address(es) of the owner(s) and subdivider(s) of the proposed subdivision and designer of such subdivision, including cases where title of property is held in trust, the owners of beneficial interest in land trusts. There shall also appear notation stating acreage, scale, and north arrow.

B. Preliminary Plat shall be drawn to scale of one hundred (100) feet to the inch. It shall show all existing conditions required above in Section 15-4-2: A. and shall show all proposals including the following:

1. The proposed name of the subdivision.

2. Its location by section, township and range and as forming a part of some larger tract or parcel of land referred to in the indexes of the records of the County Clerk. As part of this information, a complete legal description of the property shall be provided.

3. Sufficient information to accurately locate the plat. Reference to existing streets, plats, etc. may be used. If there are none within a reasonable distance of the proposed subdivision, a vicinity plat on a small scale should accompany the preliminary plat.

4. The description and location of all survey monuments erected in the subdivision shall be shown.

5. The names and addresses of the person(s) to whom the notice of the hearing to be held by the planning agency should be sent (the subdivider, the designer of the subdivision, and the owners of the land immediately adjoining the land to be platted) by the developer or his representative.

6. The names, locations, roadway widths, right-of-way widths, approximate gradients and other dimensions of streets, alleys, easements, parks, and other open spaces.

7. Sites, if any, for multi-family dwellings, shopping centers, churches, and industry.

8. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated.

9. Location and size of utilities.

10. Block numbers and layout, numbers, dimensions and area of lots.

11. Building setback lines, showing dimensions.

12. North point and scale and date of preparation.

C. Draft of protective covenants, (if any) whereby the subdivider proposes to regulate land use and otherwise protect the proposed development.

15-4-3: PLATS AND DATA FOR FINAL APPROVAL:

A. Final Plat shall be drawn in ink on mylar or other permanent plastic base on sheets not to exceed twenty-four (24) inches wide and thirty-six (36) inches long and shall be at a scale not to exceed one hundred (100) feet to one (1) inch. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions the final plat may be submitted for approval progressively in contiguous sections satisfactory to the Planning Commission. The final plat shall show the following:

1. Name of subdivision.

2. Location by township, section, town, and range, or by other legal description.

3. Scale not to exceed one (1) inch to one hundred (100) feet (shown graphically).

4. Date and north point.

5. Boundary of plat, based on an accurate traverse, with angles and linear dimensions.

6. Exact location, width, and name of all streets within and adjoining the plat, and the exact location and widths of all cross-walkways. Streets that are obviously in alignment with others already existing and named shall bear the names of the existing streets.

7. True angles and distances to the nearest established street lines or official monuments (not less than three), which shall be accurately described in the plat.

8. Municipal, township, county, or section lines accurately tied to the lines of the subdivision by distances and angles.

9. Radii, internal angles, points and curvatures, tangent bearings, and lengths of all arcs.
10. Location, dimensions and purpose for all easements.
11. All block and lot numbers and lines, with accurate dimensions in feet and hundredths.
12. Location and description of permanent monuments or bench marks.
13. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed covenant for common uses of all property owners.

14. Building setback lines accurately shown by dimension.

15. Protective covenants which meet with the approval of the Planning Commission shall be lettered on the final plat or attached thereto.

16. A summary on its face of all restrictions applicable to any part of said subdivision relating to building restrictions, use restrictions, building lines or otherwise.

17. A blank certificate of approval as set out in Chapter 7, Section 15-7-6.

B. Accompanying Documents shall consist of:

1. Certification by a registered land surveyor in the form set out in Chapter 7, Section 15-7-6.

2. Notarized certifications, by owner or owners, and by mortgagor or lien-holder of record, acknowledging the plat and the dedication of streets and other public areas.

3. An agreement executed by the owner and subdivider to make and install the improvements provided for in Chapter 6 in accordance with the plans and specifications accompanying the final plat.

4. A notice from the Village Board stating that there has been filed with and approved by the Village Board the following:

- a. A certificate by the Village Engineer that all the improvements and installations to the subdivision required for its approval have been made or installed in accordance with the specifications; or a bond which shall:

1. Run to the Village Board of Trustees;

2. Be in an amount determined by the Village Engineer to be sufficient in amount to complete the improvements and installations in compliance with this Ordinance;

3. Be surety by a company entered and licensed to do business in the State of Illinois; and

4. Specify the time for the completion of the improvements and installations.

- b. Evidence of a deposit with the Village in escrow in cash or by maintenance bond equal to fifteen (15) percent of the estimated cost of surface improvements to be held by the village for a period of eighteen (18) months after the final completion of such work as a guarantee against any defect in material or workmanship furnished in connection with such improvement latent in character and not discernible at the time of the final approval of such improvement, and to guarantee against any damage to such improvements by reason of settling of ground, base or foundation thereof. After the termination of such eighteen (18) month period such deposit shall be refunded to the depositor, if no defects have developed or if any defects have developed then the balance of deposit after reimbursement of the village for any amounts expended by it in the curing of such defects.

5. A certificate from the proper collector hereof that he finds no delinquent general taxes and all special assessments constituting a lien on the whole or any part of the land to be subdivided have been paid.

CHAPTER 5

DESIGN STANDARDS

	Section:
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Blocks	15-5-4
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Public Spaces	15-5-6

15-5-1: STREETS:

A. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

B. The arrangement of streets in a subdivision shall either:

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

2. Meet a particular situation where the topographical drainage or other conditions make continuance or conformance to existing streets impracticable.

C. Local residential streets shall be so laid out that their use through traffic will be discouraged.

D. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

E. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of the intervening land, as for park purposes in residential districts, or for commercial or industrial park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall be determined also with due regard for the requirements of approach grades and future grade separations.

F. All street intersections should encourage safe traffic flow and street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall not be approved.

G. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.

H. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with other requirements of these regulations, and where the Village Engineer finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half or partial street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

I. Dead-end streets, designed to be so permanently (cul-de-sac), shall not be longer than five hundred (500) feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty (80) feet, and a street property line diameter of at least one hundred (100) feet. Where an existing street terminates at the boundary line of a proposed subdivision, either the street be continued in the street pattern of the proposed subdivision or a turn-around shall be provided in the proposed subdivision.

J. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Planning Commission.

15-5-2: ALLEYS:

A. Alleys may be required in commercial and industrial districts. The Planning Commission shall refer any variations to the Village Board for waiving this requirement if provisions are made for service access such as off-street loading, unloading, and parking, consistent with and adequate for the uses proposed.

B. Alleys shall be prohibited in residential areas except where topographic or other conditions may necessitate their use.

C. The minimum right-of-way width of an alley, if necessary and if provided, shall be twenty (20) feet.

D. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

E. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead end, as determined by the Planning Commission.

15-5-3: EASEMENTS:

A. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary, shall be designed to provide continuity from block to block and shall be at least twelve (12) feet wide.

B. Where a subdivision is traversed by a water course, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course.

15-5-4: BLOCKS:

A. The lengths, widths and shapes of blocks shall be determined with due regard to:

1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.

2. Zoning requirements as to lot sizes and dimensions.

3. Needs for convenient access, circulations, control and safety of street traffic.

4. Limitations and opportunities of topography.

B. The maximum lengths of blocks may be permitted up to eighteen hundred (1,800) feet. Blocks over eight hundred (800) feet may require cross-walk easements. Crosswalk easements not less than twelve (12) feet in width shall be provided where deemed necessary by the Planning Commission. The use of additional cross-walkways in any instance to provide safe and convenient access to schools, parks, shopping areas, or other similar destinations may be recommended by the Planning Commission. Minimum length of blocks shall be three hundred (300) feet in town.

15-5-5: LOTS:

A. The lot size, width, depth, shape, and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

B. Lot dimensions and areas shall conform to the requirements of the Zoning Ordinance, where applicable, but in no case shall a lot for residential purposes in a new subdivision be less than seventy-five (75) feet wide at the building line nor less than ten thousand (10,000) square feet in area.

C. All side lot lines shall be at right angles to the straight street lines, or radial to curved street lines unless a variation to this rule will give a better street and lot plan. All residential lots shall abut on a publicly dedicated street or a permanent easement of access to a public street not less than twenty (20) feet in width.

D. Double frontage and reversed frontage lots shall be prohibited in residential districts except where necessary to provide separation of residential development from traffic arteries.

E. Corner lots shall have extra width sufficient to permit the establishment of front building lines on both the front and the side of the lots adjoining the streets.

F. Lots abutting a water course, drainage way, channel, or stream shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required in the zoning ordinance for front, rear, and side yards.

G. The area of the street right-of-way shall not be included in calculating the area of the lot to be in accordance with the minimum lot area requirements of the zoning district in which the lot is located.

H. Excessive depth in relation to width shall be avoided. The depth of a lot should not exceed three (3) times its average width.

15-5-6: PUBLIC SPACES:

A. Whenever in the judgment of the Planning Commission a park, recreation area, school sites or other public space should be located in whole or in part in the proposed subdivision, the Planning Commission shall request the dedication of those spaces or shall require their reservation for a period of one (1) year following the date of the final approval of the subdivision plat. In the event a governmental agency passes a resolution expressing its intent to acquire the land so reserved within the reservation year, the reservation period shall be extended for an additional one (1) year.

B. Such dedicated or reserved area shall be shown on the plat by the proper word "dedication" or "reservation" designating the public body to which the land is dedicated or reserved.

CHAPTER 6

REQUIRED IMPROVED

Before a subdivision shall be approved, the Village Engineer shall certify that the improvements described in the subdivider's plans and specifications, together with agreements, meet the minimum requirements of all ordinances of the village and that they comply with the following:

Unless otherwise specified, all construction work shall be in accordance with the provisions of **Standard Specification for Road and Bridge Construction** adopted by the State of Illinois, Division of Highways, latest edition thereof and hereinafter referred to as the **Standard Specification**. Unless otherwise specified design standards shall be as specified in the current issue of the manual **Highway Standards** as published by the Bureau of Construction, Division of Highways, Department of Public Works and Buildings, State of Illinois, as the same is amended from time to time, and hereinafter referred to as **Highway Standards**. Water and storm sewer construction should conform to the Standard Specifications for Water and Storm Sewer Main construction in Illinois.

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15-6-1: DETAILED ENGINEERING PLANS AND PUBLIC IMPROVEMENTS:

A. No substantial deviations from the plans and specifications as submitted in Chapter 3, subsection 15-5-3.B. and as approved by the Village Engineer will be allowed without the written permission of the Village Board. Field changes will be allowed by the Village Engineer.

B. Prior to final approval of improvements (see Chapter 7, Section 15-7-2), the subdivider shall submit twenty-four (24) inch by thirty-six (36) inch reproducible plans showing the works as actually built.

15-6-2: MONUMENTS:

A. Permanent monuments shall be placed at all boundary corners and at points of tangency of curve lines along the boundary of the subdivision. Permanent monuments shall be of concrete with minimum dimensions of four (4) inches by four (4) inches at top, six (6) inches by six (6) inches at bottom, and thirty-six (36) inches long, with a copper dowel three-eighths (3/8) inch in diameter, at least two and one-half (2 - 1/2) inches in length, imbedded so that the top of the dowel shall be flush with the surface and at the center of the monument.

B. All lot corners not marked by concrete monuments shall be marked by galvanized or wrought iron pipe or iron or steel bars at least eighteen (18) inches in length and not less than one-half (1/2) inch in diameter. The top of the pipe or bar is to be set level with the established grade of the ground.

15-6-3: STREET CONSTRUCTION:

A. All new streets dedicated or plated after the effective date of this Ordinance shall be improved with roadway paving in accordance with the provisions of Standard Specifications for Road and Bridge Construction.

Also, concrete curbs, when required, shall be Type M-6.12 as specified in the **Highway Standards** of the Division of Highways.

B. The following types of street surface shall be considered minimum requirements in accordance with the standard specification:

1. Local residential streets - Sealcoat, Class A, Subclass A-3, on a six (6) inch base course.
2. Thoroughfares - Three (3) inch bituminous surface dense graded aggregate Type B, Subclass B-4 on a twelve (12) inch base course, gravel or crushed aggregate base course and the design thickness supported by calculations.

15-6-4: CURBS, GUTTERS, AND DRAINAGE:

Curbs, gutters, and storm sewers will not be required in new subdivisions within the corporate limits until installed elsewhere, and at the time property owners may be assessed for these improvements. However, it will be the responsibility of the developer to make necessary provisions to adequately, in the opinion of the Village Engineer and Planning Commission, address and handle current surface water drainage to prevent future flooding.

When curbs and gutters are installed they shall be done so in accordance with the standard specifications on file with the Village.

15-6-5: SIDEWALKS:

In subdivisions having lots with less than twenty thousand (20,000) square feet in area, sidewalks may be required to be constructed in the right-of-way one (1) foot from the property line of the lots and at intersections along such lines as extended. The Village Board may require sidewalks in subdivisions near or containing schools, or along thoroughfares where heavier traffic volumes would present safety problems for pedestrians.

The minimum widths of sidewalks for thoroughfare streets and streets fronting on industrial, commercial, and multifamily development shall be five (5) feet. The minimum width of sidewalks for single-family development shall be four (4) feet. The minimum thickness shall be four (4) inches along the frontage of lots and said thickness shall be increased to six (6) inches at driveways.

15-6-6: STREET LIGHTING REQUIREMENTS:

Street lights shall be installed in accordance with common practice within the Village and with the approval of the Village Board.

15-6-7: WATER SUPPLY, FIRE HYDRANTS, AND SANITARY SEWER SYSTEMS:

No subdivision shall be approved without water supply and sewage treatment facilities in accordance with the following minimum standards or the posting of surety bonds guaranteeing said improvements. Before recommending approval of a subdivision, the Planning Commission will consider the availability of sanitary sewer facilities, or the lack thereof, to the proposed subdivision. Determinations shall be made with the advice of the Village Engineer, State of Illinois Department of Public Health (IDPH), the Illinois Environmental Protection Agency (IEPA), and the following shall be minimum requirements:

A. Where public water supply and sanitary sewers and sewage treatment facilities are available, the facilities shall be designed and installed to connect to the public sewer and water system with approval by the Village Engineer in accordance with the following requirements, regardless of the size of the lots in the subdivision.

1. Water mains, fire hydrants and services shall be provided to serve all lots and to provide reasonable expansion of the system. Water mains shall be designed using the criterion of the State of Illinois Environmental Protection Agency. All valves shall be enclosed in valve boxes. Fire hydrants shall be located so as to be within three hundred (300) feet of all homes and shall be of manufacture approved by the Village with auxiliary valves and boxes.

2. Sanitary sewers and services of approved design and capacity with a minimum earth cover of three (3) feet shall be provided to serve all Lots and to provide for reasonable expansions of the system.

Sanitary sewers shall be designed using the criterion of IEPA. Sanitary sewer manholes shall be located at points which will minimize the possibility of submergence in storms.

3. Sanitary sewer manholes should be fitted with solid lids equipped with concealed pick holes and self sealing gaskets. Manhole chimneys and joints should be made watertight.

15-6-8: PUBLIC UTILITIES:

All public utility lines for telephone, electric and television cable services throughout a subdivided area; said conduits or cables shall be placed in dedicated public ways or easements when necessary in a manner which will not conflict with other underground services. Further all transformer boxes shall be located so as not to be unsightly or hazardous to the public.

15-6-9: STREET SIGNS:

The subdivider shall purchase and install street name signs which conform to the standards of the municipality at the northwest and southeast corners of each street intersection.

15-6-10: LANDSCAPING:

All improved areas within the dedicated street area or other public use areas shall be graded and seeded in an approved manner. Street trees shall be planted in the public street right-of-way wherever sidewalks have been constructed. At least one (1) tree per lot shall be planted. Trees shall not be of the following or any other brittle wood or species subject to extreme vulnerability from insects or diseases: Elms, Willows, Poplars, Box Elders, Soft Maple and Hackberry. All trees shall be of a diameter of not less than two (2) inches and the developer shall furnish certification from the State of Illinois that said trees are free from disease. Trees shall be transplanted stock with the transplanting there having been done on or before a date four (4) years after the date of recording of the subdivision. Trees, when so planted, shall be only of one (1) species between two (2) intersecting streets.

The subdivider shall plant, install, construct or otherwise provide all required fences, planting strips, or other required buffers along lot lines of houses within and development backing up to or adjoining any existing or future: Highway, Railroad, Commercial Area, or to enclose any hazard which in the opinion of the plat approving authorities might create a public nuisance.

15-6-11: STORM WATER DETENTION:

A. Required: A combination of stormwater storage and controlled release of storm water runoff shall be required for all nonresidential developments of two (2) or more acres in area, for all multiple-family developments of two (2) or more acres in area, and all single-family developments of five (5) acres or more in area.

B. StormWater Release Rate: The release rate of storm water during a 100-year storm event from all development requiring detention shall not exceed the storm water runoff rate from the project area in its natural, undeveloped state. A release rate of not greater than that calculated with the rational formula from a five (5) year rainfall with a runoff coefficient of twenty-five one-hundredths (0.25) will be acceptable. The minimum size of the discharge outlet shall be four (4) inches.

C. Capacity of Bypass: Storm-sewer systems, streams and channels shall have an adequate capacity of bypass through the development for the flow from all upstream areas for a 100-year storm design frequency, assuming that the land is in a fully developed state under present zoning and/or land use proposed under the Comprehensive Plan. The bypass flow rate shall be computed utilizing a runoff coefficient of not less than thirty-five one hundredths (0.35). An allowance, equivalent to the reduction in flow rate provided, will be made for upstream detention facilities previously constructed with the release rate which has previously been approved by the City Engineer.

D. Storage Volume, Additional Detention:

1. The live detention storage to be provided shall be calculated on the basis of a one hundred (100) year - 24 hour rainfall of 7.58", as published by the Illinois State Water Survey ISWS Circular 172 dated 1989. The detention volume required shall be that necessary to temporarily store the runoff of the one

hundred (100) year - 24 hour rainfall from the fully developed project drainage area tributary to the reservoir, less the volume discharged during the same duration at the approved release rate.

2. In the event the downstream streams and channels are inadequate to receive the release rate hereinabove provided, then the allowable release rate shall be reduced to that rate permitted by the existing receiving downstream storm sewers, streams and channels, and additional detention, as determined by the City Engineer, shall be required to store that portion of the runoff exceeding the capacity of the receiving sewers, streams and channels.

E. Plans, Specifications and Calculations:

1. Plans, specifications and stormwater management calculations for detention facilities required herein, shall be submitted to the Public Works Committee and City Engineer for approval prior to the commencement of construction.

2. The method to be used for calculating the volumes of water to be stored and/or released shall be Technical Release (TR) 55, or Tr-20 by the Soil Conservation Service, U.S. Dept. of Agriculture.

3. All information and data required and submitted shall be prepared and bear the seal of an Illinois Licensed Professional Engineer.

CHAPTER 7

ADMINISTRATION

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15-7-1: ENFORCING OFFICER:

The provisions of this Ordinance shall be administered by the Planning Commission acting in lieu of the Village Board except as specifically provided in this Ordinance. The Zoning Enforcement Officer is hereby designated and authorized to enforce the provisions of this Ordinance under direction of the Planning Commission.

15-7-2: INSPECTION AT SUBDIVIDER'S EXPENSE:

All public improvements proposed to be made under the provisions of this Ordinance shall be inspected during the course of construction by the Village Engineer or a duly designated deputy. All fees and costs connected with such inspection and in reviewing the plans and specifications for such improvements shall be paid by the subdivider.

15-7-3 BUILDING PERMITS:

No building permit shall be issued providing for the improvement of any lot in a subdivision until the plat of subdivision and the plans and specifications for the public improvements have been approved by the Village Board and duly recorded.

15-7-4: VARIATIONS AND EXCEPTIONS:

A. When the subdivider can show that a provision of these regulations, if strictly adhered to, would cause unnecessary hardship, and when in the opinion of the Planning Commission, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provisions, the Planning Commission may recommend a variance or modification to the Village Board. The subdivider shall apply in writing for such variance or modification; thus authorized, shall be attached to and made a part of the final plat.

B. In any instance where the village has granted approval of a preliminary plat of subdivision prior to the effective date of this Ordinance and where the subdivision design or subdivision improvement, as shown on said preliminary plat are less restrictive than the requirements of this Ordinance, the subdivider may apply in writing to the Village Board for permission to proceed with subdivision as originally planned. The Village Board, upon review of the preliminary plat originally submitted, may then grant such permission.

15-7-5: CERTIFICATES FOR APPROVAL OF FINAL PLAT:

A. The Village Board shall, upon motion and majority vote, approve the final plat and authorize the Village President and Village Clerk to sign the original drawing of the final plat. The certificates on the final plat shall be in the following form with the signatures of the Chairman of the County Board and the County Clerk where the plat covers land in the unincorporated one and one-half (1-1/2) mile fringe area:

1. Notice is hereby given that the Final Plat of the Subdivision shown hereon was presented at a meeting of the Plan Commission of the Village of Tiskilwa on the _____ day of

_____, 19 ____ and a recommendation for approval made to the Village Board. In witness whereof I _____ Chairman have hereunto set my hand.

_____ Plan Commission Chairman

2. The Surveyor Act refers to members of this profession as Professional Land Surveyors. The ordinance should allow monuments to be set within one (1) year after final plat approval to allow for disturbances during construction.

Approved by the Village Board at a meeting held _____

President Village Board of Trustees

Village Clerk

Approved by Village Engineer: _____

Approved by the County Board of Commissioners of Bureau County, Illinois at a meeting held _____.

Chairman

County Clerk

3. Each final plat submitted to the village for approval shall carry a certificate signed by an Illinois Professional Land Surveyor in substantially the following form:

"I, (Name), hereby certify that I am an Illinois Professional Land Surveyor in compliance with the laws of the State of Illinois and that this plat correctly represents a survey completed by me on (Date);

SEAL

Signature _____

Illinois Land Surveyor No. _____

4. Each final plat submitted to the village for approval shall carry a deed of dedication in substantially the following form:

"We, the undersigned, (Name), owners of the real estate shown and described herein, do hereby lay off, plat, and subdivide said real estate in accordance with the within plat. This subdivision shall be known and designated as (Name). All streets and alleys and public open spaces shown and not heretofore dedicated, are hereby dedicated to the public. Building setback lines are hereby established as shown on this plat, between which lines and the property lines of the streets, there shall be erected or maintained no building or structure. There are strips of ground, (Number) feet in width, as shown on this plat and marked "Easement" reserved for the use of public utilities for the installation of water and sewer mains, ducts, lines, and wires, subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities, and to the rights of the owners of other lots in this subdivision.

(Additional dedications and protective covenants, or private restrictions, would be inserted here upon the subdivider's initiative or the recommendation of the Planning Commission, or Village Board; important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area.)

The foregoing covenants, (or restrictions), are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, _____ (twenty-five year period is suggested); at which time, said covenants (or restrictions) shall be automatically extended for successive

periods of ten (10) years unless indicated otherwise by negative vote of a majority of the then owners of the building sites covered by these covenants (or restrictions) in whole or in part, which said vote will be evidenced by a petition in writing signed by the owners and duly recorded. Invalidation of any one of the foregoing covenants (or restrictions) by judgment or court order, shall in no way affect any of the other various covenants or restrictions, which shall remain in full force and effect.

The right to enforce these provisions by injunction together with the right to cause the removal, by due process of law, of any structure or part thereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

WITNESS our Hands and Seals this _____ day of _____, 19 ____.

State of Illinois

County of _____

Before me, the undersigned Notary Public, in and for the County and State, personally appeared, (Name), (Name), (Name), and each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

WITNESS my Hand and Notarial Seal this _____ day of _____, 19 ____.

Notary Public

B. Such other certificates, affidavits, endorsements, or dedications as may be required by the Planning Commission or the Village Board in these enforcement regulations.

15-7-6: PENALTIES:

All persons, firms, or corporations violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

15-7-7: WHEN EFFECTIVE:

This Ordinance shall be in full force and effect from and after its passage and approval and shall become part of the Municipal Code of Tiskilwa, and the Village Clerk is hereby authorized and directed to cause this Ordinance to be incorporated in the Municipal Code of Tiskilwa. (Ord. No. 0-1-97-2-11)