

CHAPTER 41

SUBDIVISION CODE

ARTICLE I - GENERAL PROVISIONS

41-1-1 **SUBDIVISION REGULATIONS.** Before any land is subdivided in the City and before a subdivision plat is approved by the City Council the person seeking to subdivide or seeking to obtain the approval of a subdivision plat shall comply with the rules and regulations set forth in this Chapter. **(2269)**

41-1-2 **DEFINITION.** As used in this Chapter a subdivision is the division within the jurisdiction of the City Plan Commission of a lot, tract, or parcel of land into **two (2)** or more lots or other divisions of land, for the purpose, whether immediate or future, of transfer of ownership or building development. A division of land for agricultural purposes, in parcels of more than **ten (10) acres**, not involving any new street or easement of access is not a subdivision. **(2269)**

41-1-3 **CONFERENCE FOR SKETCH PLAT.**

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

(B) **Discussion of Requirements.** Prior to preparing and submitting the sketch plat for a subdivision, the applicant shall review the City's applicable codes and ordinances to determine the specific procedures and steps to prepare and submit a subdivision plat and plans for approval. The Comprehensive Plan of the City shall be reviewed by the subdivider to determine how his proposed plat will compliment the plan and development guidelines and policies. Requirements as to the general layout of streets and for reservations of land, street improvements, storm water drainage, water and sanitary sewer, community facilities, and relationship to other developments in the immediate area shall be discussed and determined.

(C) **Application Procedure and Plat Requirements.** Prior to preliminary plat submittal, an owner of the land, developer, or his representative, shall file an application for approval of a sketch plat with the City's Plan Commission. The

application shall be made on forms available from the City's Economic Development and Planning Department and shall be accompanied by a neat sketch plat (of sufficient scale) with at least the following information:

- (1) Site boundaries, size and general description, and location;
- (2) Approximate subdivision lot boundaries and dimensions;
- (3) Proposed layout of streets, lots and other features in relation to existing conditions including but not limited to sidewalks and open space, as provided in **Sections 41-2-8(C)** and **41-2-8(L)** respectively, of this Code;
- (4) General site topography. U.S.G.S. datum (7.5' Quadrangle Map acceptable);
- (5) Major existing and proposed trees, tree masses and vegetation as well as existing buildings and structures (current aerial image acceptable);
- (6) Existing land use of adjacent property;
- (7) Existing and proposed zoning of property;
- (8) Location and size of existing water lines and sanitary sewers that will serve the proposed project;
- (9) Name and address of licensed professional engineer, surveyor that will be used in preparing the preliminary and final plat if known;
- (10) Any existing or proposed common open space and community facilities.

(D) **Review Procedures and Considerations.** Upon submission of an application for sketch plat approval the Plan Commission, at its regular meeting, and in conjunction with appropriate city staff and department heads, shall meet to review and consider approval of the sketch plat before further work on the preliminary plat and engineering plans are initiated. There is no fee for the review and consideration of a sketch plat. The following steps and procedures shall apply:

- (1) Upon receipt of an application for sketch plat approval, the Economic Development and Planning Department shall schedule the applicant on the agenda of the next Plan Commission Meeting to review and consider the proposed subdivision development. The plat and application must be received by the City no later than **two (2) weeks** before the Plan Commission Meeting in which sketch plat approval is being sought;
- (2) The Plan Commission shall consider the sketch plat to determine if the plat and proposed development conforms with the subdivision code and development guidelines and standards set forth. Particular attention should be paid to the width of streets, their relation to the topography of the land, water and fire protection, sewage disposal, drainage, lot sizes and arrangement, the further development of adjoining lands as yet unsubdivided, and the requirements

- of the City's Master Plan and amendments as adopted;
- (3) Comments and recommendations generated as a result of the Plan Commission's review shall be kept intact and filed along with the preliminary plat and subsequent submissions. Furthermore, the applicant shall be provided with a list of all comments and suggestions regarding the sketch plan and actions necessary to proceed with preparation of the preliminary plat;
 - (4) Said approval of the sketch plat by the Plan Commission shall constitute support to prepare and submit a preliminary plat.
 - (5) A Preliminary Plat will not be reviewed by the Development Review Committee unless a sketch plat is first approved by the Planning Commission.

ARTICLE II - PRELIMINARY PLAT

41-2-1 APPLICATION. An application for tentative approval of the Preliminary Plat, available from the City's Economic Development and Planning Department, together with **fourteen (14) 11" x 17"** and **four (4) 24" x 36"** sets of plans shall be submitted to the Economic Development and Planning Department no later than **five (5) working days** before the meeting of the first Thursday of each month, at which time staff will review the submitted preliminary plat. The Development Review Committee, on the second Thursday of each month, shall review the submitted plat with the developer and consulting engineer and shall act upon the preliminary plat. The Development Review Committee shall review the submitted application and preliminary plat and act in one of three ways: (1) recommend approval of plat and forward to Planning Commission; (2) recommend revisions be made and forward with revisions to Planning Commission; or (3) recommend revisions be made and be submitted to the Development Review Committee for a second review.

The developer shall submit **twenty-four (24) 11" x 17"** copies of the preliminary plat and **four (4) 24" x 36"** copies of the Preliminary Plat to the Economic Development and Planning Department at least **two (2) weeks** prior to the Planning Commission Meeting at which the plat will be considered. The Planning Commission shall review the plat and recommend it be considered by the City Council if it sees fit.

The developer shall submit **forty (40) 11" x 17"** and **two (2) 24" x 36"** sets of plans to the Economic Development and Planning Department for review by the City Council.

(A) **Filing Fee.** The fee for preliminary plat review shall be **Twenty-Five Dollars (\$25.00)** per lot. Payment shall be made at the time preliminary plat is submitted to Development Review Committee for review. Plans will not be reviewed by staff until the preliminary plat fee is paid. If at any time after the Development Review Committee meeting the developer decides to withdraw the subdivision plans, he or she shall forfeit the Preliminary Plat fee. If at any time plans are resubmitted for the subdivision, a new fee shall be assessed, based on the most current subdivision design.

(B) **Indebtedness to City.** If the developer is indebted to the City in any way, the City will not entertain the development proposal until all debts are paid in full.

41-2-2 FILING PLAT. Before any subdivider or his agent contracts for the sale or offers to sell any subdivision a part of a subdivision of land which is laid out wholly or partly within the incorporated territory of the City or the jurisdiction of the Plan Commission, the subdivider or his agent shall follow the procedures set forth in this Code/Chapter.

41-2-3 **VICINITY SKETCH.** A vicinity sketch or key map at a scale of not more than **four hundred (400) feet** to the inch shall be shown on or accompany the preliminary plat. This map shall show all existing subdivisions, streets, and tract lines of acreage parcels together with the names of the record owners of parcels of land immediately adjoining the proposed subdivisions and between it and the nearest existing thoroughfares. It shall also show how streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in neighboring subdivisions or undeveloped property to produce the most advantageous development of the entire neighboring area. The area to be subdivided shall be outlined in red.

41-2-4 **CONFORMANCE TO OFFICIAL PLANS.** All proposed subdivisions shall conform to the city, county, or regional plan. Whenever a tract to be subdivided embraces any part of a thoroughfare, secondary thoroughfare, boulevard, or parkway, so designated on the city, county, or regional plan, such part of such proposed public way shall be platted by the subdivider in the location and of the width indicated on the city, county, or regional plan.

41-2-5 **SCALE.** The horizontal scale of a preliminary plat shall be **one hundred (100) feet** or less to the inch and the vertical scale **twenty (20) feet** or less to the inch.

41-2-6 **DETAIL OF PLAT.** The preliminary plat shall show:

- (A) The proposed name of the subdivision.
- (B) North point, scale, date, zoning, ward number, aldermen of ward, school district(s), and superintendent of school district.
- (C) The names and address of the subdivider and of the engineer or surveyor, and data on any previous subdivisions, plats, special land usages, rights-of-way or easements in the area.
- (D) The tract designation and other description according to the real estate records of the City or County Clerk and Recorder.
- (E) The boundary line (accurate in scale) of the tract to be subdivided.
- (F) **Flood Plain and Wetlands.** If subdivision falls outside of the flood plain, this should be noted. If there are no wetlands contained in the subject property, this should also be noted.
- (G) Contours with intervals of **five (5) feet** or less, referred to sea level datum as established by the United States Geological Survey.
- (H) The names and boundaries of adjacent subdivisions or the names of record owners of adjoining parcels of land.
- (I) The location, widths and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent structures and

their existing use, railroad rights-of-way, or other important features, such as section lines, political subdivision or corporation lines and school district boundaries.

(J) Existing sewers, water mains, culverts, or other underground structures within the tract and immediately adjacent thereto with pipe sizes, grades, and locations indicated.

(K) All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of the public together with the purpose of conditions or limitations of such reservation, if any, including but not limited to outlots, detention and retention basins, and open space.

(L) The layout and widths of proposed rights-of-way, streets, alleys, and easements.

(M) The profile of each street with tentative grades.

(N) The cross-section of proposed streets showing the width of roadways, location and width of sidewalks, and the approximate location and minimum size of utility mains, conduits and poles. The developer shall construct all improvements in accordance with a "Standard Specification for Street and Sewer Construction," to be prepared by the City Engineer and approved by the City Council.

(O) A plan of proposed sanitary, storm water, with grades and pipe sizes indicated, and a plan of the proposed water distribution system showing minimum pipe sizes and approximate location of valves and fire hydrants, and street lighting.

(P) Names of all proposed streets.

(Q) The layout, numbers and approximate dimensions, and square footage of all proposed lots, including width of all lots at front building line.

(R) Phasing of proposed subdivision, including estimated times of completion for each phase.

(S) There shall be no disclaimers on the preliminary plat (or improvement plans or final plat) that release liability regarding pre-existing easements, rights-of-way, etc. Further, the preliminary plat should graphically depict all encumbrances on the property proposed for subdividing.

41-2-7 SUPPLEMENTAL INFORMATION TO BE SUBMITTED WITH PRELIMINARY PLAT. The following information shall be submitted in full with the Preliminary Plat. Omission of any of the following materials and/or information shall result in the Development Review Committee tabling the review of said subdivision until all materials are submitted.

(A) **Sketch Plat.** The developer shall submit the sketch plat that was approved by the Planning Commission with the Preliminary Plat.

(B) **Comparative Narrative.** The developer shall submit a narrative with the Preliminary Plat which compares the proposed subdivision to existing subdivisions within **one-half (1/2) mile**. Said narrative should include information on street widths, size and types of homes, **façade** treatment of homes, lot sizes, landscaping, and other amenities (i.e. community pool, walking trails, open space, etc.).

The narrative shall be taken into consideration by the Planning Commission and City Council when considering the Preliminary Plat for approval; generally new subdivisions should meet or exceed the standards set forth in neighboring subdivisions.

(C) **Covenants, Restrictions and By-Laws.** The developer shall submit with the Preliminary Plat the Covenants, Restrictions and By-Laws of the proposed subdivision for review. The Covenants, Restrictions and By-Laws shall include language which states that the Homeowners Association is responsible for the maintenance of all outlots including detention and retention areas. The City may require a separate, acceptable written maintenance agreement in addition to any restrictive covenants for the subdivision with regard to the maintenance and safeguarding of all surface water retention, surface water detention and other surface water storage areas that are shown on the plat.

(D) **Environmental Site Assessment.** A Phase I Environmental Site Assessment shall be submitted with the Preliminary Plat for each proposed subdivision.

(E) **Property Owners Notified.** The developer must submit, with the Preliminary Plat before the Planning Commission Meeting, a detailed list of property owners within **three hundred (300) feet** of the proposed subdivision. The list shall include:

- (1) Property owner's name
- (2) Site address
- (3) Site parcel number
- (4) Property owner's address
- (5) Mailing name
- (6) Mailing address

City staff will send, by first class mail to all property owners within **three hundred (300) feet**, a notice of public hearing by the Planning Commission regarding the subject subdivision.

(F) **School District(s) Notified.** The developer shall include on the Preliminary Plat the school district(s) in which the subdivision is located. The developer must also provide the City with the name and mailing address of the superintendent(s). The City will notify the school districts by first class mail as described above in **Section 41-2-7(E)** of this Code.

(G) **Tree Plan.** The developer shall submit, as part of the Preliminary Plat, a map showing the existing tree stock that is located on the land is proposed to be developed. The plan should show location, type, and approximate size in trunk diameter of all trees. In densely wooded areas, the type and location of trees may not be required. The developer must also show on the plan which trees will be removed as part of the development process. Generally, as few trees as possible should be removed during the development process. If possible, the developer shall leave healthy trees in place on individual lots within the subdivision.

(H) **Landscaping Plan.** The developer shall submit, as part of the Preliminary Plat, a landscape plan for the common areas of the subdivision. This

landscape plan shall include areas such as medians and/or areas where monument signs are located.

(I) **Title Report Required.** A title report for all tracts of land within a proposed subdivision must be submitted with the Preliminary Plat. Further, proof of control of, or contract on, all subject property must be submitted with Preliminary Plat.

(J) **Traffic Study Required.** A traffic study shall be required for all residential and commercial subdivisions. The traffic study shall be submitted as part of the Preliminary Plat submittal. If improvements to roads outside of the subject subdivision are needed, said improvements shall be installed as required in **Section 41-2-8(T)** of this Code.

41-2-8 GENERAL DESIGN CRITERIA.

(A) **Street Layout.**

- (1) The street layout shall be in conformity with a plan for the most advantageous development of the entire neighboring area. All proposed streets shall be in alignment with existing, planned or platted streets with which they are to connect, insofar as it is deemed advisable or advantageous by the Plan Commission.
- (2) The street layout shall include minor streets of considerable continuity approximately parallel to and on each side of each main thoroughfare, boulevard, or parkway.
- (3) Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way, or superhighway, provision shall be made for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between such streets and the railroad. Such distance shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.
- (4) Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
- (5) Certain proposed streets shall be extended to the boundary line of the tract to be subdivided sufficiently to provide for normal circulation of traffic within the vicinity.
- (6) Wherever there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided and approved by the Plan Commission, the other portion shall be platted, if in conformity with best usages and future development.

- (7) Alleys will be required in all business and industrial districts. Except where justified by extreme conditions, alleys will not be approved in residential districts.

(B) **Blocks.**

- (1) The width of blocks shall be sufficient normally to allow **two (2) tiers** of lots of appropriate depth.
- (2) A utility way, not less than **ten (10) feet** in width, shall be provided near the center, and entirely across any block that is more than **six hundred (600) feet** long.

(C) **Sidewalks.** Sidewalks shall be provided as follows:

- (1) Public sidewalks shall be required for all subdivisions per the following schedule:
- (a) On at least **one (1) side** of the street when the overall density of the subdivision is less than **four (4)** dwelling units per gross acre;
 - (b) On both sides of the street when the overall density of the subdivision is greater than **four (4)** dwelling unit per gross acre;
 - (c) Sidewalks shall be required along both sides of streets used for pedestrian access to public schools, parks, shopping and commercial areas and other public and semi-public places as deemed necessary by the Plan Commission.
 - (d) Sidewalks shall be provided on both sides of collector and arterial streets regardless of density provisions as cited above.
- (2) The following construction requirements regarding the installation of required sidewalks shall be followed:
- (a) Normally sidewalks shall not be more than **six (6) inches** from the property line. Crosswalks or pedestrian ways shall be not less than **four (4) feet** wide. In commercial areas, the sidewalk shall be located as far as practical from the traffic lanes.
 - (b) Sidewalks adjacent to curbs shall not be less than **six (6) feet** in width.
 - (c) Sidewalks shall have a minimum unobstructed width of **four (4) feet** along residential streets and **five (5) feet** along major collector streets and in commercial and industrial areas. All sidewalks shall be installed to comply with pertinent ADA (America with Disabilities Act) requirements.
 - (d) Every sidewalk shall be constructed of concrete at least **four (4) inches** thickness with the exception that across driveways, the thickness shall be increased to **six (6) inches**. Sidewalks shall have a

minimum compression strength of 3500 PSI after **twenty-eight (28) days**. The finished surface of all sidewalks shall have a lightly brushed texture. Control points shall be trowelled in at minimum **six (6) foot** intervals. Expansion joints shall be placed at driveway crossings, at both ends of the sidewalk, and, in the event of excessively long runs, as determined by the City Engineer.

- (e) No sidewalk shall be constructed at a grade steeper than **eight percent (8%)** unless steps, and/or ramps, approved by the City Engineer, are provided. The cross slope shall not exceed 1:50.
- (3) A developer may, with the Concept Plan, make written application for deletion of public sidewalks as may be required in the proposed subdivision, or submit an alternate sidewalk plan. The Plan Commission shall review the request for a sidewalk modification, and submit its recommendation to the City Council along with their findings. Modification from the sidewalk requirements may be granted only in the following cases:
 - (a) Where sidewalks are not deemed necessary for public safety or where topographical or other conditions make sidewalk installation and use impractical.
 - (b) Where the subdivision designer/engineer has submitted for review a proposed sidewalk plan that provides for more direct and safer movement of pedestrian traffic.
- (4) No certificate of compliance will be issued by the City or County until such time that sidewalks have been installed or included as part of the obligation of the builder/contractor or owner to complete.
- (5) In the event that inclement weather prohibits sidewalk completion, a letter of credit, cash bond or funds placed in escrow at the time of closing would be provided to the City by the owner/purchaser.
- (6) At such time that **ninety percent (90%)** of the lots (Street frontage requiring sidewalks) have been developed with improvements (i.e. homes constructed) completed or sold, the Developer will be required to complete the installation of the remaining sidewalks as required per the improvement plans as approved by the City.

- (7) At such time that lots have been sold or conveyed by the developer, the owner will be required to complete the sidewalks within **twenty-four (24) months** of the lot being conveyed or sooner if a building permit is secured.

(D) **Right-of-Way Widths.** Minimum right-of-way widths shall be as follows:

- (1) Arterial thoroughfares, boulevards, and parkways, as indicated by the city, county, or regional plan: not less than **eighty (80) feet**.
- (2) Secondary thoroughfares: **sixty (60) feet**.
- (3) Minor streets: **fifty (50) feet**.
- (4) Dead end streets: **fifty (50) feet**. All dead end streets shall not be more than **five hundred (500) feet** long. All dead end streets shall terminate in a circular open space having a minimum radius at the outside of the pavement of at least **forty-five (45) feet** and a diameter at the outside of the right-of-way of at least **one hundred ten (110) feet**.
- (5) Alleys: **twenty (20) feet**.

(E) **Roadway Width.** Minimum roadway widths, back of curb to back of curb, shall be as follows:

- (1) Thoroughfares, boulevards, and parkways, secondary thoroughfares, and minor streets: **thirty (30) feet**.
- (2) Dead end streets shall not be more than **five hundred (500) feet** long. All dead end streets shall terminate in a circular open space having a minimum radius at the outside of the pavement of at least **forty-five (45) feet** and a diameter at the outside of the right-of-way of at least **one hundred ten (110) feet**.
- (3) Alleys: **sixteen (16) feet**.

(F) **Grades.** Grades of streets and walks shall be as follows:

- (1) Thoroughfares, boulevards, parkways, and secondary thoroughfares, not greater than **seven percent (7%)**.
- (2) Minor streets and alleys, not greater than **ten percent (10%)**.
- (3) Pedestrian ways or crosswalks, not greater than **ten percent (10%)**, unless steps of an acceptable design are to be constructed.

(G) **Alignment and Visibility.** Clear visibility, measured along the centerline, shall be provided for at least **three hundred (300) feet** on thoroughfares, boulevards, and parkways; **two hundred (200) feet** on secondary thoroughfares; and at least **one hundred (100) feet** on minor streets.

(H) **Curves.** Minimum radii of curvature on the centerline shall be as follows:

- (1) Thoroughfares, boulevards, and parkways, **three hundred (300) feet**.
(Note: Radii of considerably greater dimension should be used in most instances in the interest of public safety.)
- (2) Secondary thoroughfares, **two hundred (200) feet**.
- (3) Minor streets, **one hundred (100) feet**.
- (4) Between reversed curves there shall always be a tangent at least **one hundred (100) feet** long.

(I) **Intersections.**

- (1) At street and alley intersections, property line corners shall be rounded by an arc, the minimum radii of which shall be **twenty-five (25) feet** and **ten (10) feet**, respectively. In business districts a chord may be substituted for such an arc.
- (2) Street curb intersections shall be rounded by radii of at least **twenty-five (25) feet** or by using the same radius points as the property line.

(J) **Lot Areas.** The preliminary plat shall contain the statement that any lot transferred will have a minimum width and area substantially the same as those of the platted lots, and that only **one (1)** principal building will be permitted on any such lot. Each lot created as part of a subdivision under the terms and conditions of this Code shall be minimum of **ten thousand (10,000) square feet** in area.

(K) **Lots.** The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated, and shall conform to the following:

- (1) Lots for residential use shall meet all requirements set forth in the zoning classification applicable to the lots.
- (2) Every lot shall abut on a street, or on an officially approved cul-de-sac.
- (3) Reversed frontage shall be avoided in blocks exclusively residential.
- (4) Side lot lines shall be approximately at right angles to the street lines on which the lot faces.
- (5) Flag lots shall not be allowed.

(L) **Open Spaces.** Due consideration should be given to the allocation of suitable areas for parks and open space. Area shall be dedicated to the City, by means of recording of Final Plat, as follows:

- (1) **Ten percent (10%)** of the gross area of a subdivision shall be dedicated to the City for public use.
- (2) The City shall have the authority to specify the general location of open space within a subdivision so that said open space is in accordance with the Park Master Plan. The location of open space shall be discussed at the time the Concept Plan is submitted.

- (3) Open space dedicated to the City must be of a quality that is suitable for parks. Land that is located in a flood plain, wetland area, or located on a steep slope (**thirty-five percent (35%)** or more) shall not be acceptable. Up to **fifty percent (50%)** of the required area to be dedicated may include woodlands, lakes, ponds, and streams.
- (4) If the dedication of land within a subdivision does not fit with the needs of the Park Master Plan (as determined by the Planning Commission), the developer shall be required to submit a payment in lieu of open space dedication (commonly known as "Open Space Fee"). Such payment shall be made to the Park Improvement Fund and shall be equal to **Fifteen Thousand Dollars (\$15,000.00)** per acre of open space that would be required under **Section 41-2-8(L)(1)** of this Code.
- (5) Any Open Space Fee shall be noted on the Preliminary Plat and made prior to the City approving the Final Plat of the subdivision.
- (6) Creative interpretation of the requirements of this Section (**Section 41-2-8(B)**) will be considered and encouraged, and as such, a combination of open space dedication and Open Space Fee may be considered, only if the open space to be dedicated is in accordance with the Park Master Plan. In the case that the developer combines open space dedication and the open space fee, not more than **fifty percent (50%)** of the land that is dedicated may include wetlands, lakes, ponds, and streams.
- (7) The Planning Commission shall make a recommendation to the City Council as to whether the creative use of open space proposed is in general conformance with the Master Park Plan and whether the creative use of open space proposed should be accepted.
- (8) If a subdivision is approved in phases, the payment shall be made before the Final Plat of each phase of the subdivision is approved by the City Council. In the case of dedication, and in the case that the subdivision is platted in phases, the developer shall post with the City a letter of credit equal to **Fifteen Thousand Dollars (\$15,000.00)** per acre of open space to be dedicated before the final plat of each phase is approved by City Council, until all open space is dedicated. In the case of combined dedication and open space fee, the developer meet the requirement by following the procedures described previously in this subsection (**Section 41-2-8(L)(8)**).

- (M) **Utility Easements.** Easements shall be provided as follows:
- (1) **Fifteen (15) feet** wide, adjacent to all streets.
 - (2) Not less than **ten (10) feet** in width on each side of all rear lot lines, and alongside lot lines where necessary for storm water drainage and/or municipal and public utilities and/or telecommunication.
 - (3) A **twenty (20) foot** easement shall be provided along the perimeter of the subdivision. Where a subdivision is adjacent to another subdivision or tract of land that could be subdivided in the future, the subdivider may provide an easement that is **ten (10) feet** in width.

(N) **Subdivision and Street Names.** The proposed name of the subdivision and proposed street names shall be submitted to postal authorities and to St. Clair County 9-1-1 coordinator. Approval of said street names and subdivision name should be had before Preliminary Plat is submitted to the Planning Commission, so that said street names and subdivision name will not duplicate or too closely approximate, phonetically, the name of any other subdivision or street under the jurisdiction of the Belleville, Illinois post office.

(O) **Water Lines.** Where a public water main is reasonably accessible, the subdivider shall make water available to each lot. Where a public water main is not reasonably accessible, the subdivider shall place on file with the Plan Commission, satisfactory evidence that proper arrangements have been made for the future installation of necessary mains and connections for each lot. All water lines shall conform to Illinois American Water Company standards.

(P) **Fire Hydrants.** Fire hydrants shall be installed every **four hundred (400) feet**. In the case of a dead end street, fire hydrants shall be located at the throat of a cul-de-sac. Fire hydrants must be installed and operational prior to the acceptance of infrastructure and the issuance of any building permits (including building permits for display homes), as stated in Ordinance 7076 (**Section 21-1-12A** of the Ordinance of the City).

(Q) **Sewers.** Where a public sanitary sewer is reasonably accessible, the subdivider shall connect with such sanitary sewer and provide a lateral for each lot, to extend the property line. Where a public sanitary sewer is not reasonably accessible, but where the plans for the sanitary sewer system of the district in which the subdivision is located have been prepared by a registered professional engineer, and approved by the State Sanitary Water Board, the subdivider shall install sewers in conformity with such plans, although a connection with an existing main may not be immediately practicable. In such cases, and until such connection is made with the sewer system of the district, the subdivider shall provide for the disposal of sanitary sewage by a type of treatment to be approved by the board. See **Section 41-3-3(F)** of this Code for detailed sanitary sewer requirements.

(R) **Utilities.** All new utilities must be installed underground. A note addressing this shall be shown on the preliminary plat. If utilities cannot, within reason,

be installed underground (i.e. cost prohibitive), the Planning Commission may approve a Preliminary Plat where utilities will be otherwise installed.

(S) **Improvements.** All improvements required under these rules shall be constructed according to the specifications of the Plan Commission and under the supervision of the City Engineer and to his or her satisfaction.

(T) **Off-Site Improvements.** All costs associated with off-site improvements shall be borne solely by the developer. All off-site improvements shall be planned and installed by the developer as part of the Improvement Plans for the subdivision. Off-site improvements must be accepted by the City Engineer and will be included in the performance bond and maintenance bond. If more than one subdivision in an area requires similar off-site improvements, a cost sharing agreement may be in the best interest of all parties involved. In this case, the agreement will be forwarded to the Planning Commission and the City Council for approval with the Improvement Plans.

(U) **Emergency Notification System Fee.** Every subdivision will be assessed a fee for the purchase and installation of emergency systems (items such as tornado sirens) for the City. The fee shall be equal to **Fifty Dollars (\$50.00)** per gross acre in the proposed subdivision. The fee shall be due before the Final Plat is approved by City Council. If a subdivision is approved in phases, the fee shall be broken down as such and will be due before the Final Plat of each phase is approved by City Council.

(V) **Third Party Inspection.** The developer, before the Improvement Plans are approved by City Council, shall provide to the City, **three percent (3%)** of the total estimated cost of infrastructure, as approved by the City Engineer and Planning Commission in the form of a cost estimate prepared by the project engineer, for the express purpose of the City retaining a recognized inspection firm and/or inspector to monitor and ensure proper installation of all public improvements.

(W) **Façade Treatment Regulations.** The Planning Commission and City Council shall have the ability to require specific **façade** treatments in order for the subdivision to be compatible with nearby subdivisions.

41-2-9 APPROVAL OF PRELIMINARY PLAT.

(A) **Tentative Approval.** The Plan Commission shall review and consider all Preliminary Plats that are submitted for approval, only if the said preliminary plat has been filed with all required supplemental material as described in this Code. A recommendation of the Plan Commission to the City Council shall be made regarding accepting, rejecting or modifications that may be required to approve the Preliminary Plat. Tentative approval by the City Council is revocable and does not constitute acceptance of the plat of the proposed subdivision.

(B) **Action by the City Council.** If the Plan Commission recommends approval of a Preliminary Plat, the City Council shall either accept or reject said plat

within **forty-five (45) days** after their next regularly scheduled meeting following the Plan Commission's action.

(C) **Disapproval of Plat.** In the event that the City Council denies approval of the Preliminary Plat, the subdivider shall be notified in writing of the reasons for said denial. The Plat shall not be resubmitted for approval until such time that the recommended changes or issues for said denial are addressed.

(D) **Time Limit for Preliminary Plat.** Tentative approval will be effective for **one (1) year**, unless upon a request filed with the Plan Commission with such recommendations presented to and approved by the City Council. If both Improvement Plans are not submitted within this time limit, the Preliminary Plat shall be null and void, and the applicant must resubmit the plat for tentative approval as a new subdivision, beginning with the Sketch Plat process.

41-2-10 VARIATION IN REGULATIONS. Where it can be shown that there are extraordinary hardships in the way of complete compliance with these regulations, the Plan Commission and City Council shall have the power to vary the regulations so that substantial justice may be done and public interest secured. No such variation shall have the effect of reducing the traffic capacity of any thoroughfare or secondary thoroughfare below that shown on the city, county or regional plan.

The foregoing regulations concerning minor and local street widths, sizes of lots, block lengths and widths, and dead end streets may be modified by the Plan Commission in the case of a subdivision of a tract large enough to be developed as a community of not less than **forty (40) acres** in accordance with a well studied plan, properly safeguarded by restrictions, which in the judgment of the commission adequately provides for circulation, light, and air needs and recreational requirements of the maximum anticipated population. **(2269)**

ARTICLE III - IMPROVEMENT PLANS

41-3-1 **FORM AND NUMBER OF COPIES.** An application for approval of Improvement Plans available from the City's Economic Development and Planning Department, together with **four (4) 24" x 36"** sets of plans and **fourteen (14) 11" x 17" sets** of plans to the Economic Development and Planning Department no later than **five (5) working days** prior to the first Thursday of each month, at which time staff will review the submitted improvement plans. The Development Review Committee, on the second Thursday of each month, shall review the submitted plans with the developer and consulting engineer and shall act upon the preliminary plat. The Development Review Committee shall act in one of three ways: (1) recommend approval of plat and forward to Planning Commission; (2) recommend revisions be made and forward with revisions to the Planning Commission; or (3) recommend revisions be made and be submitted to the Development Review Committee for a second review.

The developer shall submit **four (4) 24" x 36"** sets of plans and **twenty-six (26) 11" x 17"** sets of plans to the Economic Development and Planning Department for review by the Planning Commission. The Planning Commission will review the plans, and if they see fit, forward a recommendation to the City Council.

The developer shall submit **two (2) 24" x 36"** sets of plans and **forty (40) 11" x 17"** sets of plans to the Economic Development and Planning Department for review by the City Council.

41-3-2 **PERMIT TO BEGIN GRADING AND CONSTRUCTION.**

(A) **Permit Approval.** The City Engineer must approve a permit to begin grading and construction. Such application for permit shall be made by the developer to the Engineering Department on the Application to Install Improvements, available in the City Engineer's office. Such application may be approved by the City Engineer only after the Improvement Plans are approved by City Council. Further, the application will be approved only after the proper Form of Assurance is accepted by the City (See **Sections 41-5-2** and **41-5-3** of this Code).

(B) **Permit Display.** The approved Application to Install Improvements must be prominently displayed at the entrance to the subdivision until all improvements are accepted by the City. In the case that a subdivision has multiple entrances, copies of the Application must be prominently displayed at each entrance.

41-3-3 **DETAIL OF PLANS.** Improvement plans shall include the following information:

(A) **Approved Preliminary Plat.**

(B) **Grading, Excavation and Embankment.**

- (1) All excavation and construction of embankments shall be in accordance with the specifications. The embankment or fills shall be placed in **six (6) inch** layers and thoroughly compacted.
- (2) The grades of all streets shall not be greater than **ten percent (10%)**. Vertical curves shall be designed for a minimum **thirty miles per hour (30 MPH)** speed limit with a minimum stopping sight distance of **two hundred (200) feet**. Where curvilinear horizontal alignment is utilized, the minimum centerline radius shall be **one hundred (100) feet**.

(C) **Erosion Control.** No building permit shall be issued unless the application therefore, particularly the items of information specified in **Section 41-3-3(C)(4)** demonstrates compliance with the principles and demonstrates compliance with the principles and standards set forth in **Section 41-3-3(C)(3)**.

- (1) **Purpose.** The purpose of this Section is to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating and controlling construction activities which disturb or break the topsoil or otherwise result in the movement of earth on land situated in the City.
 - (a) The soil erosion plan and sedimentation control plan, which must be prepared by the developer, shall be approved by the St. Clair County Soil and Water Conservation District and submitted with final construction plans. The developer will be responsible for implementing and maintaining the plan until all improvements have been accepted by the City per applicable sections of the Subdivision Code. Should the developer fail to properly implement and maintain the plan, all inspections will be stopped, thereby effectively stopping all construction activities, until the developer corrects the infractions or pays the fee required by the City to have the situation corrected.
- (2) **Exceptions.** The provisions of the Section shall not apply to the following construction activities:
 - (a) Excavation of below final grade for the basement and footings of a single-family residence and appurtenant structures on a site in excess of **three (3) acres**.
 - (b) Agricultural use of land, including the implementation of conservation measures included in farm conservation plan approved by the Soil and Water Conservation District, and including the construction of agricultural structures.

- (c) Installation, renovation or replacement of a septic or aerobic system to serve an existing dwelling or structure.
- (3) **Principles and Standards.** No proposed construction shall be authorized unless the building permit application indicates that measures taken to control erosion and sedimentation will be adequate to assure that sediment or soil is not transported from the building site by any construction activities or by a storm event of 100-year frequency or less, and that the following principles will be applicable to all phases of any clearing, stripping, excavating, filling, grading, construction or other activities involving the disturbance of the natural terrain or vegetative ground cover:
 - (a) Development should be related to the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required should be avoided wherever possible, and natural contours should be followed as closely as possible.
 - (b) Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to natural water courses should be left undisturbed wherever possible.
 - (c) The smallest practical area of land should be exposed for the shortest practical time during development.
 - (d) Sediment basins, debris basin, desilting basins, or silt traps or filters should be installed and maintained to remove sediment from run-off waters from land undergoing development.
 - (e) The selection of erosion and sedimentation control measures should be based on assessment of the probable frequency of climatic and other events likely to contribute to erosion, and on evaluation of the risks, costs and benefits involved.
 - (f) In the design of the erosion control facilities and practices, aesthetics and the requirements of continuing maintenance should be considered.
 - (g) Provisions should be made to accommodate the increased run-off caused by changed solid and surface conditions during and after development. Drainageways should be designed so that their final gradients and resultant velocities of discharges will not create additional erosion.

- (h) Permanent vegetation shall be installed (or planted) in the soil covering an area of **twenty-five (25) feet** back from the curb immediately (i.e. not more than **thirty (30) days**) after construction of the street.
 - (i) Construction practices shall be such so that no sediment or soil is transported from building or development site onto adjacent sidewalks, curbs, streets or neighboring properties. Erosion control measures shall be designed in accordance with the standards and requirements contained in "Procedures and Standards for Soil Erosion and Sedimentation Control in Illinois" adopted by the St. Clair County Soil and Water Conservation District, and the I.E.P.A. Standards and Specifications for Soil Erosion and Sediment Control, which standards and requirements are hereby incorporated into this Chapter by reference.
- (4) **Information.** Each building or parking lot permit application shall be accompanied by a site plan as required in 111.6 of the BOCA Building Code and include a description of all soil and erosion and sedimentation control measures to be taken to meet the objectives of this Chapter throughout all phases of construction including lot specific utility company work as well as permanently after completion of construction on the site. Each permit issued shall clearly state that the property owner has the ultimate responsibility for compliance with the provisions of **Section 41-3-3(C)**. The permit application shall include the name and phone number of the person to be contacted by the Building Official in case of a problem under this Section. Should the person fail to correct the problem satisfactorily to the Building Official within **twelve (12) hours**, the official shall hire a contractor to perform the work. In such case, the property owner shall be responsible for any and all expenses incurred by the City. Should the Building Official deem the condition to be of such severity that immediate mitigation is necessary, he shall so advise the contact person and insure that the hazard is removed. If immediate mitigation requires the Building Official to hire a contractor to perform the work the property owner shall be responsible for any and all expenses incurred by the City.
- (5) **Maintenance.** The maintenance of drainage easements, drainage ways, and drainage systems shall be the responsibility of the lot owner or adjacent lot owners. No

tree or structure shall be placed or erected in any easement for utility or drainage purposes and the proper authorities may have free access to and use the easements at any time.

(D) **Streets.** All streets shall be graded as hereinafter provided. All street construction shall follow guidelines outlined in the most recent edition of the Illinois Department of Transportation's Standard Specifications for Roadway and Bridge Construction.

- (1) All new streets, which are created and dedicated for use within a subdivision shall be graded, drained and surfaced in accordance with the minimum requirements hereinbelow set forth, and in a manner which will provide complete and adequate drainage of all streets, alleys and public grounds in the entire subdivision; including any such work which may be necessary in order to provide adequate and satisfactory drainage along the side of any existing public road or street which lies adjacent to the subdivision.
- (2) In general, all such new streets within the subdivision and all work to be undertaken thereon shall be constructed according to the Standard Specifications for Road and Bridge Construction adopted and amended by the Illinois Department of Transportation and the related Highway Standards, all of which are in effect at the time the subdivision is being constructed, except as provided herein.
 - (a) **Roadway and Side Slopes.** The roadway shall be considered to be that part of the improvement which lies between the property lines, and which roadway shall not be less than **fifty (50) feet** in width and shall be constructed substantially in accordance with the typical cross-sections shown on Standards hereto attached; and turnarounds or cul-de-sacs at the end of dead-end streets shall be laid out and constructed substantially in accordance with Standard No. 5, hereto attached. The roadway shall be seeded in accordance with Standard Specifications. The contractor and/or developer shall assume responsibility for maintaining the roadway, including the seeding, the removal of earth, crushed stone or other debris from the pavement, curb and gutter and other drainage facilities for a period **one (1) year** after acceptance by the City. The Contractor or Developer shall take immediate action for compliance upon notification by either the City or Engineer or the Superintendent of Streets or one of their representatives. **(See Attached Standards)**

- (i) Alleys shall not be less than **twenty (20) feet** in right-of-way width, of which not less than **sixteen (16) feet** in width shall be paved in accordance with standards and specifications herein provided, except that such alleys shall not be required to have concrete curb and gutter.
- (3) **Portland Cement Concrete Pavement.** All rigid pavement shall consist of **seven (7) inches** of unreinforced Portland Cement Concrete on **six (6) inches** of lime modified subgrade. If approved by the City Engineer, **four (4) inches** of aggregate sub base may be used in lieu of **six (6) inches** of lime modified subgrade.
- (a) Longitudinal joints shall be constructed in accordance with the Standard Specifications and the illustrations included herein.
 - (b) Transverse joint spacing shall not exceed **fifteen (15) feet** and shall be constructed in accordance with the Standard Specifications and the illustrations included herein.
 - (c) Transverse construction joints shall be tied with #4 bars spaced at **twelve (12) inch** centers **thirty (30) inches** long and must be at least **five (5) feet** from a contraction or expansion joint.
 - (d) All construction joints shall be sawn or tooled to provide sufficient reservoir for joint sealer.
 - (e) Pavement expansion joints shall have **three-fourths (3/4) inch** diameter by **eighteen (18) inches** long, smooth dowel bars greased or fitted with end cap providing **two (2) inch** expansion placed **thirty (30) inches** on center. Expansion joint material to be equivalent to "Homex-Plus" with bond breaker. After removal of top filler, joint to be sealed per (6).
 - (f) All joints shall be sealed with hot poured joint sealer, self leveling polyurethane sealer, black color or other sealer approved by the City Engineer.
- (4) **Bituminous Concrete Pavement.**
- (a) All flexible pavement shall be constructed of **two (2) inches** of Bituminous Concrete Surface Course Class I - Type 2 on **four (4) inches** of Bituminous Base Course on a **six (6) inch** lime modified subgrade, in accordance with the applicable provisions of the standard specifications.
 - (b) Alleys where permitted shall have not less than **three (3) inches** of bituminous concrete surface, on **eight (8) inches** of compacted base course and shall be

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constructed in accordance with the standards provided herein.

- (5) **Combination Concrete Curb and Gutter.** Combination Concrete Curb and Gutter shall be built in accordance with the detail shown on Standard No. 2 and in accordance with the standard specifications.
- (a) Curb and/or gutter may be constructed monolithically or separately in conjunction with the Portland Cement Concrete Pavement.
- (i) If constructed separately **one-half (1/2) inch** round steel tie bars spaced at **thirty (30) inch** centers will be required to tie the gutter flag to the PCC Pavement.
- (ii) Construction joint between curb and gutter and pavement shall be sawn or tooled sufficiently to provide reservoir for joint sealer.
- (iii) All construction joints to be sealed with hot poured joint sealant, self leveling polyurethane sealer black color or other sealer approved by the City Engineer.
- (b) Contraction joints and expansion joints shall be installed in the curb and/or gutter, in prolongation with joints in adjacent PCC Pavement.
- (i) Contraction joints, when sawed or template formed, shall be sealed in accordance with the standard specifications.
- (ii) Expansion joint filler shall be equal to "Homex-Plus" with bond breaker. After removal of top filler, expansion joint shall be sealed as per construction joints.
- (iii) A **one and one-fourth (1 1/4) inch** diameter, **eighteen (18) inch** long smooth coated dowel bar, greased or fitted with end cap providing a minimum of **two (2) inch** expansion shall be placed in the gutter section at each expansion joint. (See standard 6)
- (c) When curb and gutter is constructed adjacent to flexible pavement, a **one (1) inch** expansion joint shall be installed at points of curvature for short-radius curves and at construction joints.
- (i) Contraction joints shall be placed between expansion joints at distances not to exceed **twenty-five (25) feet** and sealed in accordance with the standard specifications.
- (ii) Expansion joints shall be per 2(b) and (c).
- (d) The flow line of any combination curb and/or gutter section, shall have a fall of at least **0.3 of a foot** per

one hundred (100) lineal feet, except where vertical curves in the grade line of the street make these provisions inapplicable with respect to the curb and gutter.

(6) **Drainage and Storm Sewers.**

- (a) In addition to the installation of curbs and gutters as required by **Section 41-3-3(D)(5)** of this Article, the subdivider shall make adequate provisions for the disposal of storm water throughout the entire subdivision.
- (b) Facilities shall be provided to satisfactorily accommodate the surface runoff incident to the **ten (10) year** design storm by utilization of the "rational method" or the "scs method" or both.
- (c) Pipe culverts/storm sewer materials and construction shall conform to the applicable sections of the standard specifications, and shall be either reinforced concrete pipe meeting the requirements of AASHTOM 170, or precoated galvanized corrugated steel pipe meeting the requirements of AASHTOM245 and M246 sheet coated with polymer coating thickness of **0.010 in. (0.25 mm)** on both surfaces, or aluminized steel Type 2 corrugated culvert pipe and aluminized steel Type 2 corrugated pipe arch meeting the requirements of AASHTOM274. Bands shall be precoated, the same as pipe culverts, and no metal pipe joints will be permitted under paved surfaces unless proposed lengths exceed **forty (40) linear feet** and are approved by the City Engineer.
- (d) The minimum diameter for across road culverts shall be **fifteen (15) inches**.
- (e) The minimum diameter for storm sewers shall be **twelve (12) inches**.
- (f) Minimum gradient shall be **0.3**.

(7) **Inlets/Catch Basins.**

- (a) Inlets shall be placed at locations required to handle the run-off within certain design controls and wherever necessary so that surface water is not carried across any street or intersection.
- (b) Inlets/catch basins shall be constructed in accordance with Standard No. 3, hereto attached.
- (c) Maximum permissible encroachment of water on the pavement shall be **ten (10) feet**.

(8) **Improvements of a Higher Type.** The requirement above set forth, with respect to street drainage and

surfacing, are to be considered as minimum requirements and nothing contained herein shall be construed to mean that the subdivider cannot construct or provide improvements of a higher type, if he so desires.

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

- (1) Storm water runoff resulting from a proposed development shall be detained on-site:
 - (a) By wet or dry bottom reservoirs;
 - (b) By underground reservoirs;
 - (c) On flat roofs, parking lots, or streets, or
 - (d) By other detention methods approved by the City Engineer.
- (2) For purpose of designing adequate on-site detention facilities, the Illinois State Water Survey rainfall data for this region shall be used.
- (3) **General Design Features.** The following general design features shall apply for this Code:
 - (a) **Detention Basins.** Basins may be constructed to temporarily detain the storm water runoff so that the rate at which it is released is the same rate as before development. The following features shall be incorporated into the design of any detention basin:
 - (i) **Storage Volume.**
 - a. The volume of storage provided shall be sufficient to store flows both during and immediately after the maximum storm event which can be expected to occur every **ten (10)** and **one hundred (100)** years.

- b. After the storage volume has been determined as required above, a **one (1) foot** freeboard shall be added to the dam height.
- (ii) **Outlet Control Works.**
 - a. Outlet works shall be designed to limit peak outflow rates from detention storage areas to or below peak flow rates that would have occurred prior to the proposed development.
 - b. Outlet works shall not include any mechanical components or devices and shall function without requiring attendance or control during operation.
- (iii) **Concrete Swale.**
- (iv) **Spillway.** Emergency spillways shall be provided to permit the safe passage of runoff generated from a 100 year storm.
- (v) **Maximum Depth.** The maximum planned depth of storm water stored shall not normally exceed **four (4) feet**.
- (vi) **Side Slopes.** The maximum side slopes for grassed basins shall not exceed **one (1) foot** vertical for **two (2) feet** horizontal (2:1 slope) for basins less than equal to **four (4) feet** deep; for basins greater than **four (4) feet** deep the maximum side slope shall not exceed 3:1.
- (vii) **Limits of Ponding.** In no case shall the limits of maximum ponding be closer than **thirty (30) feet** horizontally from any building and less than **two (2) feet** vertically below the lowest sill elevation.
- (viii) **Interior Drainage.** The basin bottom should be designed to drain expeditiously. If the bottom is to be grass, it should have a minimum slope of **one percent (1%)**.
- (ix) **Low Flow Channel.** Small flows through the detention basin should be handled by paved ditches from inflow structure to outflow structure to minimize erosion.
- (x) **Multipurpose Basins.** If the detention basin is to have other uses, the design of the basin bottom should include underdrains to expedite drying of the bottom between runoff events.

- (xi) **Aesthetics.** Designs should result in aesthetically pleasing configurations which will enhance public acceptability.
- (b) **Retention Ponds.** Retention ponds may also be used to temporarily detain the differential runoff from the development. In addition to the general design features enumerated above for detention basins, the following features should also be incorporated into the design of any retention pond:
 - (i) **Normal Pool Depth.** In order to minimize weed growth, the normal pool depth should be **four (4) feet**.
 - (ii) **Depth for Fish.** If fish are to be kept in the pond, at least **one-quarter (1/4)** of the area of the permanent pool should have a minimum depth of **ten (10) feet**.
 - (iii) **Facilities for Emptying.** In order to ease cleaning of the pond or shoreline maintenance, the pond design should include provisions for emptying the pond.
 - (iv) **Low Flow Bypass.** The design of any pond may include a low flow by-pass channel or pipeline to divert runoff that can be accommodated by downstream drainageways.
 - (v) **Bank Stabilization.** In order to minimize the effects of waves or ice, some type of bank stabilization such a rip-rap or concrete should be placed along the normal pool shoreline.
 - (vi) **Side Slopes Below Normal Pool.** The side slopes below the normal pool elevation may exceed the maximum side slope permitted above normal pool. The design shall, however, include provisions for a safety ledge having a depth of water not greater than **three (3) feet** immediately adjacent to the shoreline.
- (c) **Rooftop Storage.** Detention storage may be met in total or in part by detention on roofs. Details of such design, which shall be included in the building permit application, shall include the depth the volume of storage, details of outlet devices and downdrains, elevations of overflow scuppers, design loadings for the roof structure and emergency overflow provisions. Direct connection of roof drains to sanitary sewers is prohibited.

- (d) **Parking Lot Storage.** Paved parking lots may be designed to provide temporary detention storage of stormwater on all or a portion of their surfaces. Outlets will be designed so as to slowly empty the stored waters and depths of storage must be limited so as to prevent damage to parked vehicles.
- (e) **Other Detention Methods.** All or a portion of the detention storage may also be provided in underground or surface detention facilities, to include basins, tanks, or swales, etc.
- (4) **Safety Features.** Designs of detention facilities shall incorporate safety features, particularly at outlets, on steep slopes, and at any attractive nuisances to include, as necessary, fencing, hand rails, lighting, steps, grills, signs and other protective or warning devices so as to restrict access during critical periods and to afford some measure of safety to both authorized and unauthorized persons.
- (5) **Applicability of Regulations.** The provisions of this Article shall be applicable in the following areas:
 - (a) Any residential development having a gross aggregate of **five (5) acres** or more; or
 - (b) Any residential development of less than **five (5) acres** with a **fifty percent (50%)** impervious surface including roads, building, utility right-of-way and other improvements; or
 - (c) Any commercial, industrial, institutional or utility development having a gross aggregate area of **one (1) acre** or more.
- (6) **Construction of Facilities.** The storm water detention facilities shall be built in conjunction with the storm sewer installation and be fully operational after the cleaning of vegetation.
 - (a) Silt and debris connected with early construction shall be removed periodically from the detention area to maintain full storage capacity.
 - (b) The maintenance responsibility of the detention area shall remain with the developer and/or contractor until final inspection and applicable escrows are released.
 - (c) Before final plat approval, the developer shall submit his commitment for future maintenance responsibility of the detention area.
- (7) **Review by City Engineer.** When applicable, the provisions of this Section shall be reviewed by the City Engineer to assure compliance.

(F)

Sanitary Sewers.

- (1) **General Requirements.** In order to promote unified development of sanitary sewers, faster and more efficient plan review and subsequent acceptance of sewers, the following guidelines shall be established and included on plans:
- (a) Sewer line installation shall not commence until a water pollution control permit and complete set of plans have been approved by the Environmental Protection Agency of the State of Illinois and the City and are on file in the office of the Wastewater Superintendent.
 - (b) The contractor is responsible for contracting the Wastewater Division at least **forty-eight (48) hours** prior to installing sanitary sewers, and before performing any sanitary sewer testing.
 - (c) The contractor will be required to jet and clean all storm and sanitary sewers that collect mud, debris, concrete, building supplies, etc. while the work is under the responsibility of the contractor.
 - (d) All laterals shall be furnished with an air tight cap to facilitate air testing. The PVC lateral shall be extended **four (4) feet** above the finished grade ground surface to allow relocation of the lateral in the future. Builder/Developer is responsible for all capped service laterals throughout build out of the development. Broken laterals will be promptly repaired.
 - (e) Builder/Developer is responsible for all manhole elevations throughout build out of the development. No manhole covers can be covered. Location signs for manholes to be provided by contractor.
 - (f) Disclaimer that neither the City accepts responsibility for the project design and/or construction of this project nor any other design consideration or standard utilized in this project. The permittee and the design engineer are responsible for meeting or exceeding all pertinent federal, state or local codes or standards both on and off the site.
 - (g) All traffic control shall be the responsibility of the contractor until the City accepts the project improvements. All warning signs, traffic control signs, and regulatory signs shall conform to the Illinois Department of Transportation manual on Uniform Traffic Control Devices.

- (h) Contractor to leave site in a condition equal to pre-construction conditions. The contractor shall not disturb property outside of this area.
 - (i) All work and construction activities shall be confined to the right-of-way and easement, if applicable. The contractor shall not disturb property outside of this area. Should property outside the right-of-way be disturbed or damaged, the contractor shall be responsible for restoring the property to its original condition to the satisfaction of the property owner, with no additional compensation.
 - (j) A **fifteen (15) foot** minimum sewer easement will be required. However, wider easements may be required due to the depth of pipe and pipe diameters as determined by the City.
 - (k) At creek crossings or near creek embankments, contractor shall provide filter mat (as specified in IDOT standard specifications) and shall be installed in accordance with manufacturer's instructions. Rip rap shall also be provided and installed in accordance with IDOT standard specifications.
 - (l) Contractor shall be responsible for repair of all underground facilities, utilities and drain tile damaged during construction.
 - (m) Contractor shall supply submittals for the Wastewater Superintendent and City Engineer's approvals, **three (3) copies** will be retained by the City.
 - (n) The contractor shall provide record drawings which shall be submitted to the Wastewater Department and City Engineer's office. Sewer connections shall be recorded by measuring the number of feet from the downstream manhole, and shall indicate the length of offset from the sanitary sewer main and depth of lateral at its terminus point. All structures shall have record elevations.
 - (o) Sewer Tap permits will not be issued until after the Underground Plumbing Inspection has passed. All rough-in plumbing above grade will be capped. Floor drains will be temporarily sealed with a screw-in type plug and commercial grade duct tape. Tap-ins will be rejected due to nonconformance with these requirements.
- (2) **Specifications.**
- (a) Sanitary sewer pipe material shall be Ductile-Iron or at a minimum SDR 26 PVC pipe meeting the

requirement of the latest edition of the Illinois Standard Specifications for water and sewer main installation. Joint material for PVC pipe shall meet the requirements of ASTM D3212. Ductile-Iron pipes shall have gray-iron or Ductile-Iron fittings as per the Standard Specifications. Lubricant shall be suitable for lubricating the joint components. It shall have no deteriorating effect on the gasket or pipe material and no detrimental effect on the quality of wastewater to be carried by the pipe.

- (b) Sanitary sewer pipe bedding shall be Class A Crushed Gravel or Stone conforming to IDOT Graduation CA-7 and shall be installed per ASTM 2321-83A.
- (c) All sanitary sewer manholes shall be constructed of precast concrete and conform to ASTM castings ASTM A48-83 Class 35B, or ASTM A536-80 Grade 65-45-12 for Ductile-Iron. Cones and sections shall be substantially free from fractures, large or deep cracks and surface roughness. Joints shall be sealed with Ran-neck pre-molded joint sealer or equivalent. Sanitary sewer manhole lids shall have the word "Sanitary" cast in the face and be furnished with a concealed "Pick Hole." Sanitary sewer manhole frame and covers shall be Neenah R-1772. In areas subject to flooding, sanitary sewer manhole frame and covers shall be Neenah R-1915 bolt down lids. All sanitary sewer manholes located in or adjacent to drainage ways shall have the frames elevated to **one (1) foot** above the 100 year water surface elevation.
- (d) Manholes shall be constructed with a silica fume admixture specifically to prevent Hydrogen Sulfide corrosion of the pre-cast concrete. Submittals detailing the type of silica fume admixture and its suitability for this application shall be submitted to the Wastewater Superintendent for approval. Rheomac SF-100TM and Rheobuild 1000TM or approved equals shall be used in the manufacture of the manhole component sections.
- (e) Sewer pipe connections shall be flexible water tight connections conforming with ASTM C-923 "standard specifications for resilient connectors between reinforced concrete manhole structures and pipe." The pre-cast base section shall be monolithically constructed with a pre-cast invert to align all sewer pipes to the elevations as shown on the plans.

- (f) If a gasketed connection does not exist, all connections to existing manholes shall be made by means of a mechanical cutting device. The device shall leave a round smooth hole, no larger than **one-half (1/2) inch** greater than the outside diameter of the sanitary sewer pipe to be inserted. The cutting device shall also be capable of forming/cutting the necessary channel within the interior of the manhole. No pneumatic jack hammers, hand held saws, or sledge hammers shall be allowed. The opening shall be sealed with a Link Seal or other approved mechanical device.
- (g) When connections are to be made to existing structures, the contractor shall field verify the location and elevations of the structure prior to making the connection. The contractor shall notify the owner and engineer if the existing structures are found to be different than shown on the drawings.
- (h) Protection of the water main from sanitary sewer mains is required and shall be made in accordance with latest edition of Title 25: Environmental Protection, Subtitle F: Public Water Supplies, Chapter 11: Environmental Protection Agency, Section 653.119: Protection of Water Main and Water Service Lines. The water and sewer main as delineated on the drawings shall be constructed with a minimum of **ten (10) feet** horizontal separation and **one and one-half (1.5) foot** vertical separation.
- (i) Steel casing pipe shall meet or exceed ASTM A-139, Grade B. Pipe joints shall be welded in accordance with AWWA C-206. The interior and exterior of the bore casing shall be coated with a minimum of 1 mil of bituminous asphaltic material.
- (j) Casing spacers shall be Model CCS as manufactured by Cascade Waterworks MFG. of Yorkville, IL or prior approved equal. Carrier pipe shall be inserted within a casings **thirty (30) inches** in diameter or larger, with **six (6) foot** spacing; also a spacer shall be placed so as to support the carrier within **two (2) feet** of the end of the casing pipe.
- (k) Rubber end seals shall be installed at ends of the casing. Cascade Waterworks MFG. of Yorkville, IL or approved equal shall manufacture seals.

(3) **Testing.**

- (a) A visual inspection, including lamping, shall be made of all gravity flow lines; and all obstructions shall be removed. Any sewer showing less than **one-half (1/2)** the cross sectional area of the pipe between adjacent manholes or other undue deviation from line and grade shall be considered as unsatisfactory and shall be repaired by the contractor without additional compensation.
- (b) Testing of sanitary sewers for acceptability shall be conducted by the exfiltration by air testing technique. The contractor shall be required to test all gravity sewer mains. All testing shall be in conformance with the air testing techniques as specified in the latest edition of the Illinois Standard Specifications for Water and Sewer Main Construction. The City requires that pressure "hold" in the pipe for double the time limit listed in the Standard Specifications.
- (c) The gravity sewer lines (excluding service laterals) shall be tested for excess deflection by pulling a mandrel through the pipe from manhole to manhole.
- (i) The outside diameter of the test mandrel shall be equal to **ninety-five percent (95%)** of the original inside diameter of the pipe being used. The individual lines to be tested shall be so tested no sooner than **thirty (30) days** after they have been installed. Wherever possible and practical the testing shall initiate at the downstream lines and proceed towards the upstream lines.
- (ii) Where deflection is found to be in excess of **five percent (5%)** of the original pipe diameter, the contractor shall excavate to the point of excess deflection and carefully compact around the point where excess deflection was found. The line shall be retested for deflection. However, should be deflected pipe fail to return to the original size (inside diameter) after the corrective measures, the line shall be replaced. The entire system shall be tested. Deflection testing and possible repair and replacement, as stated above, shall be incidental to the construction of sewer pipe; and no additional compensation will be provided. Any repaired

sections will require video inspection at contractors cost.

- (d) Upon request from the Wastewater Superintendent, an approved company shall televise all sanitary sewer mains. A VHS tape denoting the manhole number, distance between laterals and manholes shall be depicted on the tape. The manhole number on the tape shall be the manhole number shown on the plans for the development and the corresponding City designated manhole number. A report in 8 1/2" x 11" format shall be submitted detailing the results of the videotape. The videotape and the report shall identify all observed construction deficiencies, pipe material flaws, etc. The report and a copy of the VHS tape shall be submitted to the office of the Wastewater Superintendent.
 - (e) Vacuum testing of manholes shall conform to ASTM C-1244-93 standard method for concrete sewer manholes by negative air pressure. All sanitary sewer manholes shall be vacuum testing. Manholes that fail this test will be excavated, cleaned and all joints shall be wrapped on the outside with **nine (9) inch** RUB'R-NEK concrete joint wrap or equivalent.
 - (f) A copy of all testing results, showing a minimum of the initial test pressure, final test pressure, the duration of the test, fail or pass, and mandril results shall be submitted to the Wastewater Division Superintendent prior to final acceptance of the development. The test results shall be certified by a licensed engineer.
- (4) **Lift Station/Force Main Requirements.**
- (a) All subdivision developers will make every attempt to plan and design sanitary sewage systems for gravity flow to the City's existing sewage system.
 - (b) If gravity flow is not possible, a sewage pumping station will be required and must be built to the City's Sewage Pump Station Specifications on file at the Wastewater Division Office. Pump station design and specifications will be strictly enforced.
 - (c) All work, installation, procedures, materials, testing, etc. for sanitary sewer shall conform to the Standard Specifications (water, storm and sanitary). Sanitary sewer force mains shall be polyvinyl chloride (PVC) sewer pipe conforming to ASTM D-2241 with an SDR-26 and joints conforming to ASTM 3132. Tracer wire will be buried with all force main pipe.

- (d) Ductile-Iron flanged pipe shall conform to ANSI/AWWA A21.10/C151 Class 52. The coating shall be applied to the outside of all pipes, unless otherwise noted. The inside coating shall be lined with 40 mil nominal dry film of "Protecto 401" or "Polybond Plus". The weight, class or nominal thickness, and casting period shall be shown on each pipe. Joints shall be in conformance with ANSI/AWWA B16.1/C110.
- (e) Sanitary sewer force main pipe bedding shall be Class A crushed gravel or stone, conforming to IDOT Graduation CA-7, and shall be installed per ASTM 2321-89.
- (f) The contractor shall keep existing sewer facilities in operation during construction of the proposed facilities.
- (g) When connections are to be made to existing structures, the contractor shall field verify the location and elevations of the structure prior to making the connection. The contractor shall notify the owner and engineer if the existing structures are found to be different than shown on the drawings.
- (h) Protection of the water main from sanitary sewer is required and shall be made in accordance with the latest edition of Title 35: Environmental Protection, Subtitle F Public Water Supplies, Chapter 11: Environmental Protection Agency, Section 653.119: Protection of Water Main and Water Service Lines. The water and sewer main as delineated on the drawings shall be constructed with a minimum of **ten (10) feet** horizontal separation and **one and one-half (1.5) foot** vertical separation.
- (i) The force main shall be hydrostatical pressure tested at a pressure of 50 PSI and a leakage test shall be performed both in accordance Section 41-2.13 - Pressure Testing of Water Mains, of the Illinois Standard Specification for Water and Sewer Main Construction.
- (j) Tracer wire shall be THWN Soft Drawn No. 12 Copper and shall be connected to all valves and brought up, looped, and fastened at the top for accessibility. Tracer wire shall be extended up all valve pits and boxes and fastened to the side of the pit or box to insure that the tracer wire will not become tangled around the valve wrench and broken.

- (k) Splicing kits will be used for all splices in the tracer wire. For splices that will be buried or exposed to water 3M DBY/DBR Direct Bury Splice Kits shall be used. #M Scotchlok R splicing kits will be installed at dry locations.
 - (l) Contractor shall perform a conductivity test on the tracer wire after installation by the direction of the City. All testing is to be observed by the City.
 - (m) Should the tracer wire not pass testing, the contractor shall make the necessary repairs without additional compensation for the tracer wire to pass the test.
- (5) **Submittals.** The following are additional requirements:
- (a) **Construction Plans.** The above shall contain complete information on connection to the existing sewer system, sizes, slopes, proposed rim and invert elevations, topography, right-of-way, existing easements, proposed easements, and a visual representation of the 100 year flood elevation.
 - (b) **Two (2)** additional sets, above the number you wish returned, of the EPA permit application. Applications must be signed by permittee, and signed and sealed by the design engineer.
 - (c) **Two (2)** CD-ROMs containing drawing files of the following in the latest Auto CAD format (to be verified with City prior to submission):
 - (i) Boundary, lot lines, sewers, right-of-ways, and easements;
 - (ii) Sewer plan and profiles;
 - (iii) Provide state plane coordinates of **two (2) points** on the development.
- (6) **Construction.**
- (a) Permittee shall notify the City Wastewater Division of the date and schedule of construction.
 - (b) Proper dewatering of the sewer trench is the responsibility of the contractor. Dewatering into the City's sewer system is strictly forbidden. Connection(s) to the City's existing sewer system will be plugged and set over manholes will not be broken open until all sewers have been installed, inspected and approved.
 - (c) The City requires that the permittee retain a qualified licensed professional engineer to observe the sewer construction periodically, to determine conformance with plans and specifications.

- (7) **Acceptance.** Prior to accepting the sanitary sewers, the following items shall be completed/submitted:
- (a) Jet clean, air, mandrel, video (if required by Wastewater Superintendent) and manhole tests completed and results submitted. These must be sealed by a professional engineer.
 - (b) If applicable, sewer pumping stations must be operational. All testing and start up reports must have passed, be certified by the pump manufacturer and design engineer, and on file at the office of the Wastewater Superintendent.
 - (c) A notarized certification, to be delivered to the office of the Wastewater Superintendent, by the installing contractor that he/she has installed all the sewers and treatment facilities in accordance with the permits and plans.
 - (d) Submission of **two (2)** 25" x 36" and **three (3)** 11" x 17" record drawings (as-builts) showing constructed manhole invert elevations, manhole locations, service laterals, tee/wye locations referenced to downstream manhole. Size and type of pipe shall also be on the drawings. Electronic file, containing as-built drawings on state plane coordinates following Auto Cad 2000 format will also be provided.
 - (e) Upon completion of the project after all required testing has been done, a final inspection will be made by City personnel. The final inspection will not be conducted until "Record" plans are submitted. Final inspection will be made at the requests of the owner. Defects noted must be corrected and a reinspection made before acceptance. Improvements found not as depicted on the submitted "Record" plans shall be rejected.
 - (f) After all defects, if any were noted during final inspection, have been corrected and prior to any sewer permits being issued, a maintenance bond in an amount equal to **fifty percent (50%)** of the construction cost shall be filed with the City Clerk. The bond shall be for a period of **three (3) years**, commencing on the date of final inspection or reinspection if necessary, and shall cover all defects in materials and workmanship. The bond shall be binding on the developer or the contractor.

- (g) All easements gathered by the Permittee(s), across private property that is not contained within their development, shall be assigned/conveyed to the City by the Permittee(s) free and clear of any and all liens and encumbrances without cost to the City.
- (h) At the time of acceptance of the sewer extension, title to it shall be transferred and conveyed to the City, by the Permittee(s) free and clear of any and all liens and encumbrances, without cost the City. Upon expiration of the permittee's maintenance bond (**two (2) years** after acceptance of the sewers), the City shall assume all costs of maintenance and repair of such extension.
- (i) No sewer tap permits will be allowed until all applicable requirements have been completed and a letter of acceptance has been received from the Wastewater Division Superintendent.

(G) **Monument Sign.** The developer shall be required to submit with the improvement plans, detailed construction plans for ay and all signs for the subdivision. Said plans shall include location map, sign construction plan, landscaping and lighting details.

(H) **Street Lights.** The developer shall submit with improvement plans a plan detailing photometrics of the streetlights proposed. The plan should include location of street lights and detail showing the type of light and pole to be installed, as well as a photometrics plan.

(I) **Street Signs.** Aluminum street signs must be installed by and at the expense of developers of subdivisions in accordance with the size and standards of street signs now in use or hereafter used in the City or ornamental street signs only as approved by City Council.

(J) **Traffic Control.** All traffic control devices, including stop lights, stop signs, and the like, shall be installed at the expense of the developer, in accordance with the size and standards now in use or hereafter used in the City or ornamental street signs only as approved by City Council.

(K) **Street Entrance.** Permission must be first obtained from the City Engineer for the entrance or connection of a new street or public way to any existing street or public way.

(L) **Culverts.** The size, location and grade of culverts, where necessary, shall be determined by the City Engineer; provided, however, that nothing less than a **twelve (12) inch** culvert shall be installed.

(M) **Drainage Easements.** Easements for the purpose of draining surface water from public streets and across shall be provided. Drainage through these easements shall be over paved or tiled surface ways or in culvert/storm sewer systems, place at the proper grade to facilitate the flow of water; provided, development of a site cannot begin until a soil erosion and sedimentation control plan has been prepared by the developer and approved by the St. Clair County Soil and Water Conservation

District. This shall be a condition of improvement plan approval. The developer will be responsible for implementing and maintaining the plan until all improvements have been accepted by the City per applicable sections of the Subdivision Code.

(1) **Exceptions.** The provisions of the section shall not apply to the following construction activities:

- (a) Excavation of below final grade for the basement and footings of a single-family residence and appurtenant structures on a site in excess of **three (3) acres**.
- (b) Agricultural use of land, including the implementation of conservation measures included in farm conservation plan approved by the Soil and Water Conservation District, and including the construction of agricultural structures.

(N) **Electronic Copy.** The developer shall provide to the City Engineer as-built drawings (mylar and electronic) for all sanitary sewer systems, storm sewer systems, and water distribution systems. Said as-built drawings will be required to be submitted before the City Council approves the Final Plat. If the developer files a performance bond in order to approve the final plat prior to acceptance and dedication of improvements, the drawings shall be submitted prior to the City's acceptance of improvements.

(O) **Maintenance During Construction.** During construction of the improvements, the developer and his or her contractors will not be allowed to let mud accumulate on street or let grass or weeds grow taller than **eight (8) inches**. (See **Section 26-2-2**)

(P) **Construction Entrance Staging Area.** For each phase of construction, the Improvement Plans must show the area of the subdivision on which construction equipment will be stored. The Improvement Plans must also show, or describe, the ingress/egress plan for construction equipment. Construction entrances that have the least impact on neighboring properties should be used whenever possible.

ARTICLE IV - FINAL PLAT

41-4-1 **FORM AND NUMBER OF COPIES.** An application for approval of the Final Plat, available from the City's Economic Development and Planning Department, together with **fourteen (14)** 11" x 17" copies and **four (4)** 24" x 36" sets of the Final Plat to the Economic Development and Planning Department no later than **five (5) working days** before the meeting of the first Thursday of each month, at which time staff will review the submitted preliminary plat. The Development Review Committee, on the second Thursday of each month, shall review the submitted plat with the developer and consulting engineer and shall act upon the final plat. The Development Review Committee shall review the submitted final plat and act in one of three ways: (1) recommend approval of plat and forward to Planning Commission; (2) recommend revisions be made and forward to Planning Commission; or (3) recommend revisions be made and be submitted to the Development Review Committee for a second review.

The developer shall submit **twenty-four (24)** 11" x 17" copies of the final plat and **four (4)** 24" x 36" copies of the final plat to the Economic Development and Planning Department at least **two (2) weeks** prior to the Planning Commission Meeting at which the plat will be considered. The Planning Commission shall review the plat and recommend it be considered by City Council if it sees fit.

The developer shall submit **forty (40)** 11" x 17" copies and **two (2)** full size copies of the final plat to the Economic Development and Planning Department for review by the City Council.

41-4-2 **RESERVED.** (Ord. No. 4783)

41-4-3 **SCALE AND DETAIL OF PLAT.** The final plat shall be drawn to the scale of **one (1) inch** equal to **one hundred (100) feet** or less and shall show:

(A) The boundary lines with accurate distances and bearings, the exact location and width of all existing or recorded streets intersecting the boundary of the tract.

(B) Bearings and distances to the nearest established street lines or official monuments, which shall be accurately described on the plat; municipal, township, county or section lines accurately tied to the lines of the subdivision by distances and bearings.

(C) An accurate location of the subdivision in reference to the real estate records of St. Clair County.

(D) Street and alley names.

(E) The length of all arcs, radii, internal angles, points of curvature, length and bearing of the tangents.

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- (F) All easements for rights-of-way provided for public services or utilities and any limitations of the easements.
- (G) All lot numbers and lines with accurate dimensions in feet and hundredths and with bearings and angles to street and alley lines.
- (H) The accurate location, material and approximate size of all monuments.
- (I) The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon.
- (J) Setback building lines.
- (K) Private restrictions.
- (L) Boundaries of each type of use restriction.
- (M) Other private restrictions for each definitely restricted section of the subdivision.
- (N) Proposed name of the subdivision.
- (O) Name and address of the subdivider.
- (P) North point, scale, and date.
- (Q) Certification of any application filed with the City Council for sewers and water extensions required under these rules, signed by the City Clerk.
- (R) Certification by a registered professional civil surveyor to the effect that the plan represents a survey to the effect that the plan represents a survey made by him and that all the monuments shown thereon actually exist, and that their location, size and material are correctly shown.
- (S) Each plat shall provide for easements as indicated in **Section 41-2-8(M)** of this Code to service all the lots of said subdivision with utilities and any other municipal services. Easements of greater width may be required before final approval of a plat will be given when said easements are necessary.
- (T) All final plats shall provide adequate easements for storm water drainage along any natural drainage channel and in such other location as may be necessary to provide satisfactory disposal of storm water from streets, alleys, and all other portions of the subdivisions. Locations and minimum widths of such easements shall be determined by the City Engineer. The maintenance of these drainage easements and their drainage systems shall be the responsibility of the lot owner or adjacent lot owners and shall be so stated in all types of conveyances. No tree or structure shall be placed or erected in any easement for utility or drainage purposes and the proper authorities may have fee access to and use the easements at any time.

41-4-4 **STREET DEDICATION.** The approval of the final plat by the Plan Commission shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street, or other proposed public way or space shown on the plat.

41-4-5 **RECORDING PLAT.** Approval of the final plat by the Plan Commission shall be null and void if the plat is not recorded within **thirty (30) days** after the date of City Council approval, unless application for an extension of time is made in writing to the commission during the **thirty (30) day** period, and granted. **(2269)**

ARTICLE V - ASSURANCE OF COMPLETION

41-5-1 **FINAL PLAT APPROVAL.** The City Council shall not approve any final plat of a subdivision within the City limits (and, hence, said final plat shall not be entitled to recording) until:

(A) All improvements required in the approved Preliminary Plat and Improvement Plans have been completed by the subdivider/developer, and inspected and accepted by the City Engineer; or

(B) Street addresses have been assigned to the lots on the plat by the St. Clair County 9-1-1 Office and said plat has been signed off by the Coordinator of the St. Clair County 9-1-1 Office approving said street addresses.

41-5-2 **FORMS OF ASSURANCE.** The required legal assurance for the installation of infrastructure shall be a performance bond. Every performance bond may be reviewed by the City Attorney. Each performance bond shall be posted with the City Clerk.

41-5-3 **AMOUNT OF BOND.** The amount of the performance bond shall be equal to **one hundred ten percent (110%)** of the estimated cost of the infrastructure that remains to be installed. The amount shall be estimated by the developer or his or her engineer, and submitted with the Improvement Plans to the City Engineer and the Planning Commission for review and approval.

41-5-4 **ELIGIBLE SURETIES.** No person shall be eligible to act as a surety unless he has been approved by the City Treasurer. The Treasurer shall conduct spot audits of all sureties. Any surety who fails to perform shall be ineligible to act as a surety for any subdivision improvements within the City's jurisdiction for a period of **two (2) years**.

41-5-5 **TERM OF ASSURANCE, EXTENSION.** The initial term of any performance bond or escrow agreement shall not exceed **two (2) years**. If all the required improvements have not been completed by the end of the **two (2) year** period, the City Engineer may either extend said bond/escrow agreement for **one (1) year** or may proceed as provided in **Section 41-5-6**.

41-5-6 **RELEASE OF BOND/ESCROW DEPOSIT.** The performance bond/escrow deposit shall not be released until:

- (A) The City Engineer has determined that all required improvements have been satisfactorily completed; and
- (B) Said improvements have been accepted by the City Engineer, and any other agency having jurisdiction.

41-5-7 FAILURE TO COMPLETE IMPROVEMENTS.

(A) If all the required improvements have not been completed by the end of the **two (2) year** period or **three (3) year** period, in the case of an extension, the City Engineer shall:

- (1) Require the surety to perform on the bond and to pay to the City an amount equal to the cost of completing the required improvements (as estimated by the City Engineer) or the amount of the bond not heretofore released, whichever is less; or
- (2) Order the City Treasurer to retain all escrowed funds needed to complete all the required improvements, and to return the balance if any of such funds to the subdivider/developer; or
- (3) Require the subdivider/developer to submit a new performance bond/escrow deposit in an amount sufficient to cover any increase in the cost of constructing the required improvements.

(B) If the surety fails to perform on the bond or the escrow agent fails to remit within **thirty (30) days** after written request, the City Engineer shall direct the City Attorney to take immediate action to require performance.

41-5-8 MAINTENANCE GUARANTEE. Subsequent to completion and prior to final acceptance, the subdivider/developer shall furnish the Planning Commission with a statement, signed and sealed by a Professional Engineer, licensed in the State of Illinois, stating that all improvements have been done per City of Belleville standards. Subdivider/developer shall also post a Maintenance Bond or Irrevocable Letter of Credit with the City Clerk in a form approved by the City Attorney, prior to final acceptance.

(A) The bond shall be in an amount determined by the City Engineer to be sufficient to guarantee the satisfactory condition of the required improvements for a period of **three (3) years**.

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

(C) The subdivider's/developer's Maintenance Bond or Irrevocable Letter of Credit will only be released upon final inspection of any repairs deemed necessary by the City Engineer.

(D) It shall be the subdivider's/developer's responsibility to request a final inspection **sixty (60) days** and not later than **thirty (30) days** before the end of the guarantee period. Maintenance Bond or Irrevocable Letter of Credit expirations terms shall specifically state that assurances will be in effect until officially released by the City Engineer in writing.

(E) Any acts of maintenance on street improvements by the City shall not be construed as acceptance by the City. "Acts of maintenance" include, but are not limited to the following:

- (1) Snow removal;
- (2) Payment of energy charges on street lights;
- (3) Installation and repair of street signs.

(F) Should the developer choose to purchase materials using the City of Belleville tax exemption number, the Professional Engineer, required under **Section 41-5-8**, who certifies the improvements and the developer, shall certify that all materials purchased using the City of Belleville tax exemption number were either for roadway and stormwater systems incorporated into the right-of-way dedicated to the City or for sanitary sewer systems lines and manholes which will be maintained by the City. The developer shall also furnish the City with copies of all material delivery tickets for which the tax exemption number was used. **(Formerly Paragraph 'E')**

ARTICLE VI - DOCUMENTATION REQUIRED

41-6-1 **ELECTRONIC COPY.** The developer shall be required to submit electronic copies of work approved during the subdivision process. The following sections describe what type of information is required during which stage of the platting process.

41-6-2 **FORMAT.** All electronic documentation required to be submitted shall be submitted on a CD or DVD in AutoCAD 2000i format. All layers shall be tied to the State Plane Coordinate System NAD 1983.

41-6-3 **PAPER COPIES.** Paper copies of plats and plans are required as described below.

41-6-4 **PRELIMINARY PLAT.** The developer shall provide to the Economic Development and Planning Department an electronic copy of the Preliminary Plat. Further, the developer shall provide **one (1)** 24" x 36" copy of the Preliminary Plat to the Economic Development and Planning Department with the electronic copy. Such information shall be submitted to the Economic Development and Planning Department before the Preliminary Plat is approved by City Council.

41-6-5 **AS-BUILTS.** The developer shall provide to the Economic Development and Planning Department an electronic copy of as builts for improvements such as storm sewer, sanitary sewer, and streets. Further, the developer shall provide the Economic Development and Planning Department **one (1)** paper copy of as builts. Such information shall be provided after improvements are accepted by the City, but before the City Council approves the Final Plat. Additionally, the developer shall be required to provide sanitary sewer information to the Waste Water Division as described in **Section 41-3-3(F)(5)** of this Code.

41-6-6 **FINAL PLAT.** The developer shall provide a CD which contains an electronic copy of the Final Plat. The developer shall also submit **one (1)** 24" x 36" laminated paper copy of the recorded final plat.

[This Chapter Ord. No. 7128; 04-28-08]