

KANE COUNTY SUBDIVISION REGULATIONS



**KANE COUNTY
FACILITIES, DEVELOPMENT & ENVIRONMENTAL RESOURCES DEPARTMENT
719 S. BATAVIA AVENUE
GENEVA, IL 60134
OCTOBER 9, 2012**

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ARTICLE I. IN GENERAL

Sec. 19-1. Short Title.

This Chapter shall be known and may be cited as the "Subdivision Regulations of Kane County, Illinois". (Ord. No. 79-110, § 1.1-1, 6-12-79; Ord. No. 89-274, 12-12-89)

Sec. 19-2. Purpose.

This Chapter is adopted for the following purposes:

- (a) To protect and provide for the public health safety and general welfare of the County.
- (b) To guide the future growth and development of the County in accordance with the planning and historic preservation policies and generalized land use plan of the County and in accordance with local plans and policies.
- (c) To provide for adequate light, air, and privacy; to secure safety from fire, flood and other danger; and to preserve the integrity, stability, and natural beauty of the County.
- (d) To prevent the pollution of air and surface waters; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the County.
- (e) To provide the most beneficial relationship between the uses of land and buildings and the safe circulation of traffic throughout the County, having particular regard to the avoidance of congestion and hazards in the roadways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the

proper location and width of roads and building lines.

- (f) To protect and conserve the value of land throughout the County and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- (g) To guide public and private policy and action in facilitating adequate provision for transportation, water, sewerage, schools, parks, playgrounds, recreation and other public requirements.
- (h) To provide for open spaces through the most efficient design and layout of the land while preserving the density of land as established in the zoning ordinance.
- (i) To protect natural areas and wildlife habitats and to maintain the diversity of flora and fauna throughout the County.
- (j) To establish reasonable standards of design and procedures for subdivisions and resubdivisions; to further the orderly layout and use of land and to insure proper legal description and monumenting of subdivided land. (Ord. No. 79-1 10, § 1.1-2, 6-12-79; Ord. No. 89-274, 12-12-89)

Sec. 19-3. Interpretation.

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion and effectuation of the purposes set forth herein. Nothing herein shall repeal, abrogate, annul or in any way interfere with any provision of law, or any rules or regulations other than subdivisions adopted or issued pursuant to law relating to subdivisions or development of land. Where this Chapter imposes greater restrictions or requirements than one imposed or required by other provisions of laws, rules, regulations,

covenants, or agreements, the provisions of this Chapter shall control, but nothing herein shall interfere with, abrogate, or annul any easements, covenants, deed restrictions or agreements between parties which impose restrictions greater than those imposed by this Chapter. (Ord. No. 79-110, § 1.1-4, 6-2-79; Ord. No. 89-274, 12-12-89)

Sec. 19-4. Scope.

This Chapter shall apply to subdivisions of land made within the County subsequent to April 9, 1991; provided, however that this Chapter shall apply to subdivisions having, prior to April 9, 1991, preliminary but not Final Plat approval, sixty (60) days from such date. (Ord. No. 79-110, §§ 1.1-3, 1.1-7, 6-12-79; Ord. No. 89-274, 12-12-89)

Sec. 19-5. Definitions.

For the purpose of this Chapter, the following words, terms, phrases, and their derivations shall have the meaning given herein:

Access Control Regulations: A document entitled "Kane County Division of Transportation Access Control Regulations for County Designated Freeways and Design Standards for Access Driveways to County Highways and County Designated Freeways," by the Kane County Division of Transportation.

Alley: A strip of land along the side of or in the rear of lots intended to provide secondary access to and from roads and such lots, and shall not be designed for general travel.

An Assessment of Wildlife and Wildlife Habitats of Kane County, Illinois: A report by the Kane County Development Department, 1982.

Applicant: Any person who submits an application or required document for any portion of this Chapter.

Base Flood Elevation: As defined in the Kane County Stormwater Management Ordinance as amended.

Block: A tract of land bounded by roads, or by a combination of roads and public parks, cemeteries, railroads rights-of-way, shore lines of waterways, or corporate boundary lines of a municipality.

Building Setback Line: A line, generally parallel with and measured from the lot line, establishing the required distance between said lot line and the permitted structure or building area.

Committee: For the purposes of this Ordinance shall be known as the Kane County Development Committee.

Comprehensive Plan: The latest and most current Land Resource Management Plan or other land use plan adopted by the Kane County Board, including any part of such plan separately adopted, any amendment to such plan and parts thereof, and any binding plan agreements with other jurisdictions adopted by the Kane County Regional Plan Commission and the Kane County Board. "Comprehensive Plan" shall also include the County's latest and most current Kane County Transportation Plan adopted by the Kane County Board and subsequent amendments or restatements.

Concept Plan: A drawing and any accompanying information which shows existing and proposed development conditions as described in this Chapter.

Construction Guarantee: Certificate of deposit or irrevocable letter of credit, or surety bond or other good and sufficient security as approved by the appropriate legal authority of the County to guarantee the proper installation of land improvements.

County: The County of Kane unless the context indicates a reference to the County Board or appointed County official.

County Engineer: As defined in 605 ILCS 5/5 201.

Cul-de-sac: A minor road having one (1) open end and being permanently terminated by a vehicle turnaround.

Department: That Office or Department of County government having responsibility for administering this Ordinance.

Developer: Any person:

(1) Who, having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or

(2) Who directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plat in a subdivision; or

(3) Who engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision; and who

(4) Is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

Development: The total improvement of land through building and development of housing, commercial and recreational uses in a coordinated manner, including the division, or redivision of any tract or parcel of land.

Easement: A grant by a property owner for the use of a strip of land by the general public, a

corporation or other public or private entity, or certain persons for a specific purpose or purposes.

Engineer, Design: A professional engineer, registered and licensed as such in the State of Illinois, responsible for the design of site Improvement Plans and specifications for a project or subdivision.

Engineer, Project: A professional engineer, registered and licensed as such in the State of Illinois, responsible for assuring that the site improvements are constructed and/or installed according to approved plans and specifications and according to good engineering practice.

Final Plat: The map or plan or record of a subdivision and any accompanying material, as described in this Chapter.

Frontage: That side of a lot abutting on a road or road right-of-way and ordinarily regarded as the front of the lot.

I.E.P.A.: The Illinois Environmental Protection Agency.

Individual Sewage Disposal System: An individual system for the treatment and disposal of domestic sewage by means of a septic tank, soil absorption system, or any other approved sewage treatment system as described and allowed for in Chapter 18 Private Sewage Disposal of the Kane County Code.

Land Evaluation and Site Assessment System (LESA): A system to determine the quality of land for agricultural uses and to access sites for their agricultural economic viability, by the Kane County Development Department and Kane-DuPage Soil and Water Conservation District in cooperation with the U.S. Department of Agriculture Soil Conservation Service, 1984, or most current edition.

Land Improvements: All required improvements including, but not limited to roads, road lighting, road signs, permanent monuments, grading and surface and subsurface drainageways and facilities, retention and detention basins, soil erosion control, community water distribution systems and water supply facilities, community sewage systems, community sewage treatment plants and sanitary sewers, fencing and required landscaping.

Lot: Any tract, plot, or any parcel of land created as part of a subdivision or intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

Nonresidential Subdivision: A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of this Chapter.

Open Space: Any parcel or area of land or water set aside, dedicated, designated or reserved for either passive or active recreational uses, and/or for the preservation and conservation of natural resources and manmade uses or buffers, including but not limited to wetlands, floodplains, roads, trails and similar uses. Public open space is any such parcel or area owned or leased, operated and maintained by a political jurisdiction. Private open space is any such area or parcel under private ownership and management.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or a sufficient proprietary interest in the land sought to be subdivided under this Chapter.

Ownership, Common: Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by

different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Plat Officer: The officer designated by the Kane County Board to administer the provisions of this Chapter in accordance with Section 19-22.

Pre-Application Sketch: A graphic exhibit which shows basic resource features, proposed land uses, roadway layout and general drainage features.

Preliminary Plan: The preliminary drawing or drawings, and all accompanying information required in this Chapter, indicating the proposed manner of layout of the subdivision.

Record Drawing: A drawing which provides a schematic verification that the intent of the accepted civil engineering Improvement Plans have been met, thereby substantiating that the health, safety and welfare aspects of the engineering design have been adequately provided by the construction of the project. Also, the drawing serves as a reference tool for future location and maintenance operations related to the improvements.

Resubdivision: The formal process of change to an approved or recorded subdivision plat if such change affects any roadway layout on such plat or area reserved thereon for public use, or any lot line; or if it affects any other right or restriction set forth on any recorded plat .

Right-of-Way: A strip of land occupied or intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, cable, communication transmission line, water main, sanitary or storm sewer main, or other public utility, shade trees, or for

another special use. The usage of the term "right-of-way" for land-platting purposes shall mean that every right-of-way hereafter established and shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for roads, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Road Construction Permit: A permit issued by the Kane County Division of Transportation that allows the developer to begin construction or installation of road and related drainage improvements.

Roadway Classifications: The characteristics, uses, access, and control of road transportation facilities as described in Section 19-88.

Sale or Lease: Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instruments.

Setback, Building: The minimum distance required between any lot line and building or structure on the lot a road right-of-way and the nearest supporting member of any structure on the lots.

Soil Classifier: A certified member of the Illinois Soil Classifiers Association (ISCA) who, by reason of his special knowledge of the physical, chemical and biological sciences applicable to soils; and of the methods and principles of soil classification as acquired by soils education and soil classification

experience in the formation, morphology, description and mapping of soils is qualified to practice soil classifying.

Stormwater Permit: A permit issued by Kane County authorizing construction of activities in accordance with the provisions established in the Kane County Stormwater Management Ordinance.

Structure: Anything erected, the use of which requires a location on or in the ground, or attached to something having a location on or in the ground, including advertising signs and billboards and supports and frames thereof.

Subdivision: The division of a parcel of land into two (2) or more parts, any of which part is less than five (5) acres exclusive of all right-of-way, for the purpose of transfer of ownership or possession, or building development; or if an easement of access or a new road is involved, any division of land. The term includes any division of land that attempts to avoid the requirements of this Chapter. Where appropriate to the content, the term shall relate to the process of subdivision, or to the land subdivided, and shall include re-subdivisions. Subdivision platting is not required and the provisions of this Chapter, unless otherwise stated below, shall not apply in any of the following instances:

- (1) A division of land which may be ordered or approved by a court or affected by testamentary or intestate provisions;
- (2) A division of land for agricultural purposes into lots or parcels of five (5) acres or more and not involving any new streets or easements of access;
- (3) Conveyances of land for use as rights-of-way for highway, railroad or other public utilities not involving any new roads or easements of access;

(4) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created, and the lots resulting are not reduced below the minimum size required by this Chapter or other applicable ordinances;

(5) A division of land into lots or parcels of five (5) acres or more provided:

(a) All lots have a minimum width and frontage of not less than two hundred fifty feet (250') on a public road right-of-way.

(b) The dedication of school and park sites or payment of fees in lieu thereof is made in accordance with Article V of this Chapter.

(6) The sale is of a single lot of less than five (5) acres from a larger tract, the dimensions and configurations of said larger tract having been determined by the dimensions and configuration of said larger tract on October 1, 1973, and no sale prior to this sale, of any lot or lots from said larger tract having taken place since October 1, 1973, and a survey of said single lot having been made by a registered land surveyor.

Variations and exceptions to the above may be granted in accordance with Section 19-6. However, no such variations or exceptions may be granted in violation of the Plat Act (765 ILCS 205/1 et.seq.)

Subdivision, Country: Any subdivision not classified as an urban subdivision.

Subdivision, Minor: Any subdivision containing not more than four (4) lots that does not:

(1) Involve the construction of any new public road or extension of municipal facilities.

(2) Adversely affect the development of the remainder of the parcel or adjoining property.

(3) Conflict with any provision or portion of the Comprehensive Plan, Zoning Ordinance and these subdivision regulations.

Subdivision, Urban: Any subdivision containing multi-family dwelling units; or any subdivision within one thousand feet (1,000') of an existing sanitary sewer or water main; or any subdivision requiring or proposing to rely on either public or private sanitary sewer and water facilities.

Subdivision Roads Construction Permit: A permit issued by the Kane County Division of Transportation which allows the developer to begin construction of roadway and related drainage improvements.

Wetlands: As defined by the United States Army Corps of Engineers in the "1987 Corps of Engineers Wetland Delineation Manual, Technical Report Y-87-1", U.S. Army Corps of Engineers Waterways Experiment Station, Vicksburg, Mississippi (the "1987 Manual"), or other federally recognized methodology.

Wild Plants and Natural Areas of Kane County. A catalogue of Kane County plants by Dick Young, Kane County Forest Preserve District, 3rd Edition, 2007. (Ord. No. 79-110, § 1.4, 6-12-79; Ord. No. 89-274, 12-12-89; Ord. No. 94-150, 6-14-94)

Sec. 19-6. Variations and Exceptions.

Variations and exceptions shall be granted in accordance with the following:

(1) Where the Plat Officer finds that extraordinary hardships or particular difficulties may result from the strict compliance with this Chapter, he may, after written application by the owner, recommend in writing to the County Board's Development Committee "Committee" variations or exceptions to the regulations subject to specified conditions, so that substantial justice may be done and the public interest secured; provided, that such variations or exceptions shall not have the effect of nullifying the intent and purpose of this Chapter or the Comprehensive Plan.

(2) The Plat Officer shall not recommend variations or exceptions to the regulations of this Chapter unless he shall make findings based upon the evidence presented to him in each specific case, that:

a. Because of the particular physical surroundings, shape or topographic conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of regulations was carried out.

b. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property, and have not been created by any person having an interest in the property.

c. The granting of the variation will not be detrimental to the public health, safety or welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

(3) In approving variances, the Committee may require such conditions as will, in its

judgement, substantially secure the objectives of the standards or requirements of these regulations and achieve the realization of the goals of the generalized land use plan. (Ord. No. 82-96, 6-8-82; Ord. No. 89-274, 12-12-89)

Sec. 19-7. Appeals.

Any person aggrieved, or any review officer, department or commission of the County, may appeal to the Committee to review any requirement, action or inaction involving the interpretation or implementation of these regulations. Such appeal may be taken by filing with the Plat Officer a letter of appeal, specifying the reasons thereof. Such letter shall be filed with the Plat Officer no less than ten (10) days prior to the Committee meeting at which the appeal is to be heard. After hearing the appeal, the Committee may reverse or affirm, wholly or partly, or may modify any decision or requirement as in its opinion ought to be made, and to that end shall have all the powers of the Plat Officer. The Committee shall take its action at its next scheduled meeting following the filing of the appeal, unless such time is extended by mutual consent of all parties. (Ord. No. 79-110, § 1.2, 6-12-79; Ord. No. 89-274, 12-12-89)

Sec. 19-8. Violations.

Whenever it shall come to the knowledge of any officer of the County that any of the provisions of this Chapter has been violated, he shall either file a complaint against the person or parties offending, and the State's Attorney is authorized to prosecute the same to final judgment, or in the alternative may seek Administrative Adjudication as set forth in Chapter 2, Article IX of the Kane County Code or any other remedy at law or in equity All such remedies shall be cumulative.(Ord. No. 79-110, § 1.3, 6-12-79; Ord. No. 89-274, 12-12-89)

Secs. 19-9-19-20. Reserved.

ARTICLE II. ADMINISTRATION AND FEES

DIVISION 1. GENERALLY

Sec. 19-21. Committees and Departments.

- (a) The Kane County Development Committee “Committee” shall also be designated as the Plat Committee. The Committee shall exercise the authority and have the responsibilities provided by this Chapter.
- (b) The Department is delegated specific duties, responsibilities and activities by the Committee relating to the subdivision and platting process and this Chapter. The Department shall submit such reports and recommendations to the Committee on all maps, plats and subdivisions required by this Chapter or requested by the Committee.
- (c) A duty and responsibility of the Kane County Division of Transportation is to review all subdivision plats and proposed Improvement Plans and make determinations in the area of design standards and engineering specifications for road and related drainage construction as stipulated herein. (Ord. No. 79-110, § 1.3-1, 6-12-79; Ord. No. 89-274, 12-12-89)

Sec. 19-22. Plat Officer.

There is hereby created the office of Plat Officer who shall exercise the authority and have the responsibilities provided in this Chapter. The County Board shall designate the Plat Officer. In the event of an absence of the Plat Officer, the Chairman of the County Board shall appoint an official of the Department to serve as acting Plat Officer. The Plat Officer shall administer the provisions of this Chapter and in addition thereto and in furtherance of said authority, he shall: (1) Maintain permanent

and current records of this Chapter, including amendments thereto;

(2) Receive and file all Concept Plans, Preliminary Plans, Improvement Plans and other submittals as required by this Chapter and encourage and may require where reasonable the use of digital media for required submittals;

(3) Forward copies of all Concept Plans and Preliminary Plans to other appropriate agencies for their recommendation and report;

(4) Receive and file all Final Plats, and check their compliance with the Preliminary Plan and this Chapter;

(5) Make all other determinations required of him by this Chapter;

(6) In the event that subdivisions which, by their locations, cannot be efficiently served by public utilities, fire protection, roadways or other community services; or which are located in areas subject to flooding or are topographically unsuitable for development; or which for any other reason, are being unwisely or prematurely subdivided, then it shall be the duty of the Plat Officer to discourage the subdividing of such lands or those that are far in advance of the needs of the development of the County. (Ord. No. 79-110, § 1.3-2, 6-12-79; Ord. No. 89-274, 12-12-89)

Sec. 19-23. Fees.

Fees are hereby established as listed below to cover the costs of services provided by the County of Kane. The fees herein established for each stage shall be paid prior to proceeding to the next state and prior to any review or action taken by the Plat Officer or his designees. All

fees shall be deposited by the Plat Officer into the General Fund of the County.

Subdivision

<u>Stage</u>	<u>Fee</u>
Pre-Application Conference	N/A
Concept Plan	\$500.00 per Submittal
Preliminary Plan	\$250.00 per Lot
Improvement Plan	\$250.00 per Lot
Final Plat *	\$250.00 per Lot

Minor Subdivision

<u>Stage</u>	<u>Fee</u>
Pre-Application Conference	N/A
Concept/Preliminary Plan	\$250.00 per Lot
Improvement Plan	\$250.00 per Lot
Final Plat	\$250.00 per Lot

Variations and Exceptions

Variations and Exceptions	\$500.00
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Validity and Adjustments

Minor Adjustment	\$500.00
Major Adjustment	\$1,500.00

Plat of Vacation

Plat of Vacation	\$500.00
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Other

Other	\$500.00
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If during the review process it is determined that additional staff time is required due to the depth and extensiveness, or revisions or resubmittals of the proposed development the Plat Officer at his discretion may require additional fees to cover County of Kane costs. Any subdivision previously approved but not recorded prior to the adoption of the 2012 Subdivision Regulations shall pay the required Seven Hundred Fifty Dollars (\$750.00) per lot fee.*Where lots have multiple dwelling units an additional fee of One Hundred Dollars (\$100.00) per unit shall be required and paid during the Final Plat Stage.

Secs. 19-24-19.30. Reserved.

DIVISION 2. APPLICATION PROCEDURE AND APPROVAL PROCESS

Sec. 19-31. Generally.

All subdivision plats, except for those classified by the Plat Officer as minor subdivisions, shall be processed in five (5) stages leading to approval for recording. The five (5) stages are:

- (1) Pre-application conference;
- (2) The Concept Plan;
- (3) The Preliminary Plan;
- (4) The Improvement Plans; and
- (5) The Final Plat.

The Final Plat and required submittals shall be reviewed by the Plat Officer for conformance with these regulations. Developments proposed as minor subdivisions shall be reviewed by the Plat Officer and technical staff at a pre-application conference. Minor subdivision classification by the Plat Officer shall permit the development to combine the Concept/Preliminary Plan and Improvement Plan Stage. Upon approval of the minor subdivision plan by the Committee, the owner/applicant shall submit a Final Plat as provided in Section 19-36 of these regulations, subject to submittal of information concerning existing and proposed conditions as determined by the Plat Officer. If the Final Plat is found to be satisfactory, it shall be signed by the Plat Officer. When the Final Plat has been found not to conform, notice of the reasons for nonconformity shall be given the applicant by the Plat Officer within fifteen (15) days of filing for remedial action. The applicant shall have 60 days thereafter to address the

defects with the Final Plat or to appeal the determination of the Plat Officer to the Committee for a final administrative determination.

Prior to beginning the subdivision process, the applicant is encouraged to secure from the Department a subdivision review information packet.

Sec. 19-32. Pre-Application Conference.

Prior to filing a Concept Plan, the applicant shall meet with the Plat Officer unless the pre-application conference has been waived by the Plat Officer. This step does not require formal application, fee payment or filing of plans.

At the conference the applicant shall present a sketch plan and review with the Plat Officer the following issues as they relate to the proposed subdivision:

- (1) General plan and development policies of the County;
- (2) Existing zoning and land use in the general area of the property in question;
- (3) The County's procedures for subdivision of land;
- (4) Other pertinent factors. (Ord. No. 89-274, 12-12-89)

Sec. 19-33. Concept Plan.

(a) *Intent.* The intent of the Concept Plan stage is to provide information to help a prospective applicant appraise the feasibility of a subdivision concept according to development plans and policies, existing and projected development conditions and other development activities. The Concept Plan stage encourages the discussion of basic

problems and questions related to the development proposal prior to the expenditure of funds for more detailed plans. The Concept Plan stage also includes citizen opportunities in order to assist the applicant and the County in defining the conditions under which permanent changes in land-use may occur with minimum intrusion on the natural and economic resources of the County.

(b) *Filing.* At least fourteen (14) days prior to the concept conference, the applicant shall submit the following to the Plat Officer in the required format including one digital copy:

(1) Two (2) copies of the completed Concept Plan information form and Concept Plan check-list.

(2) A current aerial photograph at a scale of one inch (1") equals four hundred feet (400'), showing existing features within the proposed site's area of influence within a mile and a half of the proposed site. The photograph shall delineate and label school, park and fire protection district boundaries, municipal boundaries and planning jurisdiction limits, property lines and sewer and water lines.

(3) Two (2) copies of a site analysis plan, one copy of which shall be a colored rendering, drawn at a scale of one hundred feet (100') to the inch which shall show the boundaries of the site and the existing natural and man-made conditions and shall show the following:

- a. Topography, with significant slopes designated;
- b. Wooded and natural areas, vegetation and wildlife habitats;

c. Low areas subject to flooding, wetlands and bodies of water;

d. Drainage patterns with all high and low elevation sites designated;

e. Existing interior and adjacent roadways, or other public ways, access driveway, railroad and utility rights-of-way, parks or other public open spaces within one hundred feet (100') adjacent to the proposed site;

f. Buildings, barns, bridges, historical, archaeological and architectural sites;

g. Neighborhood land uses, political boundaries, known taxing districts, municipal planning boundaries, present zoning and planned uses according to local government plans;

h. Names of adjacent subdivisions and the owners of adjacent subdivided and unsubdivided property as well as conditions of adjacent property which may affect the proposed development.

(4) Two (2) copies of a Concept Plan, one copy of which shall be a colored rendering, drawn at a scale of one hundred feet (100') to the inch and shall show the following:

a. *Proposed layouts.* Proposed layout of roads, land uses and general pedestrian circulation;

b. *Proposed dedication and reservation.* School sites, park sites, open space and natural areas, preserved historic buildings or sites and storm water control facilities;

c. *Existing topography.* Existing topography with reference to National Geodetic Vertical Datum (NGVD);

d. *Adjacent subdivisions and property.* Names of adjacent subdivisions and the owners of adjacent subdivided and unsubdivided property as well as conditions of adjacent property which may affect the proposed development.

(5) Two (2) copies of a soils information plan, one copy of which shall be a colored rendering, displaying soils with a severe limitation in red; moderate limitation in yellow; and slight limitation in green, per Table 13. Sanitary Facilities – Septic Tank Absorption Fields category located within the Soil Survey of Kane County, Illinois, USDA-Natural Resources Conservation Service, drawn at a scale of one hundred feet (100') to the inch and accompanying data showing the following:

a. Existing topography with reference to National Geodetic Vertical Datum (NGVD);

b. The boundaries of each soil type and identification of soil types by their name and number according to the Kane County Soil Survey classification system provided by the U.S.D.A.-Natural Resources Conservation Service;

c. A legend of each soil type listed according to their limitation as set forth in the Kane County Soil Survey;

d. An initial determination of potential soil absorption, runoff, flooding potentials, seasonal ground water levels, the presence of unstable soils (or soils which may constitute problems for conventional construction), the presence of subsurface rock that would affect installation of underground or aboveground improvements.

(6) Identification and description information to be shown on plans shall include:

a. *Name of subdivision.* A subdivision shall not be valid nor entitled to record if the record name or part thereof said subdivision is the same as, duplicates, closely approximates or is similar to or pronounced the same as the name of any previously approved subdivision within the same township, fire protection district or post office district. A subdivision name or part thereof shall be considered as duplicating, closely approximating, similar to or pronounced the same as the name of an existing subdivision name if it contains a proper, historical, geographical, locational, mythological, famous, fictitious or personal name, words, or combination thereof which is the same as, similar to or pronounced the same as a word in the name of any other previously approved subdivision within the same township, fire protection district or post office district. The Committee shall have final authority to designate the name of the subdivision;

b *Date and arrow.* Date and north arrow;

c. *Site data information block.* A site data information block which shall include, but not limited to, the total number of acres, the acreage in lots, acreage in rights-of-way, acreage in open space and the existing and proposed zoning;

d. *Location.* Location by township, range, section and parcel number;

e. *Map.* A location map at a scale of not less than one inch (1") equals two thousand feet (2,000') showing the relationship of the subdivision to its surroundings within one-half (1/2) mile

including section lines, collector and arterial roads;

f. *Names and addresses.* Names, addresses, phone numbers and email address of applicant, developer and owner;

g. *Site planners, designers, etc.* Names, addresses, phone numbers and email addresses of the site planners, designer, engineer or surveyor who prepared the subdivision layout.

(7) A general statement of the proposed method of stabilization to prevent soil erosion prior to and during construction.

(8) Copy of the application for a land use opinion report filed by the applicant with the Kane-DuPage Soil and Water Conservation District.

(9) Legal description of the land proposed to be subdivided.

(10) Certification of ownership of the land proposed to be subdivided. Where the applicant or developer does not own such land, written notarized permission from the owner shall be provided authorizing the development of such land under the provisions of this Chapter.

(11) A certified list of the names and addresses of all adjacent property owners.

(c) *Concept conference.* After the Plat Officer examines the submittals in order to determine their adequacy for presentation at a concept conference, the applicant shall present the Concept Plan information form, aerial photograph, site analysis plan, Concept Plan and soils information plan at a staff conference in order to describe the existing conditions of the area and the

conceptual development thereof. The applicant may be requested to submit additional data on existing conditions, the development concept, and the expected impacts in order to provide information for adequate review. Additional concept conferences (not to exceed 3 unless mutually agreed upon) may be held to discuss basic questions prior to review by local agencies as provided for in this Section.

(d) *Concept Plan distribution.* Following the concept conference copies (digital or paper) of the Concept Plan information form and the Concept Plan, folded to approximately nine inches by twelve inches (9" x 12"), and incorporating any revisions made at the concept conference shall be submitted to the Plat Officer for distribution by the County to the following, if applicable:

- County Board member in district;
- Kane County Sheriff;
- Township Supervisor;
- County Engineer;
- Township Highway Commissioner;
- Municipalities having jurisdiction;
- Kane-DuPage Soil and Water Conservation District;
- School District;
- Kane County Regional Planning Commission;
- Park District;
- Fire protection District;

Forest Preserve District;

Sanitary/Water Reclamation Districts;

Illinois Department of Natural Resources;

All adjacent and adjoining property owners within two hundred fifty (250) feet;

Homeowner's Association or known neighborhood association;

Any other person, agency or entity deemed appropriate by the Plat Officer. With the exception of the Regional Planning Commission, these agencies and individuals shall be requested to forward any comments and recommendations to the Plat Officer within forty-five (45) days of receipt of the Concept Plan. This time period may be extended by mutual consent of the applicant and the agencies involved. The Plat Officer shall distribute any comments or recommendations received from said agencies or individuals to the applicant, the staff and the Regional Planning Commission.

(e) *Staff review.* Forty-five (45) days after the above-mentioned agencies and individuals have been sent the concept information; the Concept Plan shall be reviewed by the staff at the next available staff meeting date. In reviewing the subdivision concept, the staff shall review all comments and recommendations made by the above-mentioned agencies and individuals and may meet with the applicant and/or local review agencies. The review process shall include the following:

- (1) On-site field investigations.
- (2) Analysis of the site in relation to the surrounding area.

(3) Analysis of the existing conditions on and adjacent to the site.

(4) Identification of potential problems of the proposed subdivision in relation to existing conditions of the area, local government plans, policies and ordinances and current planning and development activities.

(5) Application of the land evaluation and site assessment system, if applicable.

Staff comments and recommendations shall be prepared and forwarded to the secretary of the Regional Planning Commission for distribution to said Commission for its consideration.

(f) *Regional Planning Commission.* When required, at its next scheduled meeting following the receipt of the staff comments and recommendations, the Regional Planning Commission shall consider whether or not said plan is in accordance with the County's plans and policies, local government plans and policies, and all other applicable regulations and current planning and development activities. Additional meetings for reviewing the subdivision concept may be scheduled by mutual consent of the applicant and Commission. Generally, in conducting its review, the Planning Commission may consider how the proposed development will:

(1) Maintain or improve the quality of air, water and land resources;

(2) Protect and enhance sensitive environmental areas from potentially harmful uses;

(3) Protect creek and floodplain areas for drainage and open space uses;

(4) Strengthen the economic base and residential desirability of the County's urban areas;

(5) Coincide with the development plans of existing urban areas;

(6) Provide for the timely location of development adjacent to existing development and the availability of public facilities and services;

(7) Impact upon traffic on the area's roads, neighboring agricultural uses, land owners, open space and developing areas;

(8) Assure safe pedestrian and vehicular circulation;

(9) Protect significant architectural, historical or botanical features;

(10) Coordinate development with other planning and development activities in the immediate area;

(11) Provide for improvements (such as roads, storm water facilities, septic installations) which will not be a burden to subsequent users of the property.

The final comments and recommendations of the Regional Planning Commission shall be transmitted in writing by the Commission's secretary to the Plat Officer, the owner and the applicant within fifteen (15) days following their determination.

(g) *Development Committee.* Within thirty (30) days following the receipt of the comments and recommendations of the staff and Regional Planning Commission, when required, the Committee shall review the Concept Plan and may make recommendations as to basic concepts of the plan, possible area impacts and the

general appropriateness of the plan. Comments and recommendations of local review agencies, the Regional Planning Commission and the Committee shall constitute neither approval nor disapproval of the proposed subdivision.

- (h) *Plan stage purpose.* The Concept Plan stage shall be only for the purpose of providing applicants and review authorities with information which will encourage development of land in accordance with publicly adopted plans, goals and standards and in accordance with good planning principles. The applicant is advised to use this information in determining whether or not to proceed with alternative Concept Plans or expend funds for preparing more detailed plans which are required at subsequent development review stages. When submitting a revised Concept Plan a minimum of two (2) paper copies and one digital version of the revised plan shall be submitted as determined by the Plat Officer. (Ord. No. 79-110, § 2.1, 6-12-79; Ord. No. 89-274, 12-12-89; Ord. No. 94-111, 5-10-94)

Sec. 19-34. Preliminary Plan.

- (a) *Intent.* The intent of the Preliminary Plan stage is to assure that the subdivision is laid out in accordance with the land's suitability and limitations for development. At this stage the applicant is required to provide design information which will demonstrate how the subdivision will function upon its development.
- (b) *Filing.* Within one year after presentation of the Concept Plan to the Committee, and not less than fourteen (14) days prior to the staff meeting, the applicant shall submit the following information to the Plat Officer in the required format including one digital copy:

(1) Two (2) copies of the completed application and checklist forms for Preliminary Plan approval.

(2) Two (2) copies of a Preliminary Plan, one copy of which shall be a colored rendering and, which shall include one or more drawings scaled at one hundred feet (100') to the inch unless another scale is approved or required by the Plat Officer, and shall show the following:

a. *Arrow and scale.* North arrow, scale and date prepared;

b. *Legal description.* Legal description of the land proposed to be subdivided and a site data information block which shall include, but not limited to, the total acreage of the site, the acreage in lots, the acreage in rights-of-way, the acreage in open space and the proposed number of lots, the minimum lot size and the maximum lot size in square feet and the average lot size in square feet and the existing and proposed zoning;

c. *Boundaries.* Boundaries of the plat, as surveyed and certified by an Illinois professional land surveyor;

d. *Subdivision name.* Name of the proposed subdivision;

e. *Names of proposed roads.* Road names shall not be used which will duplicate, or too closely approximate phonetically, the name of any other road or subdivision in the same township, fire protection district or post office district. Roads that are extensions of, or in obvious alignment with, existing roads shall bear the name of said existing roads. The name of the primary collector road of a subdivision shall, if possible, be the same as or similar to the name of said subdivision. A

separate name shall be provided for each segment of a road that changes direction forty-five degrees (45o) or more (as measured from the center line of the right-of-way), except by approval of the Committee. The Committee shall have final authority to designate the name of the roads;

f. *Names and addresses.* Names, addresses ,phone numbers and email addresses of the owner, the applicant, the developer and the person(s) preparing the plan;

g. *Adjacent subdivisions.* Locations and names of adjacent subdivisions and owners of adjoining parcels of land;

h. *Location map.* A location map at a scale of not less than one inch (1") equals two thousand feet (2,000') showing the relationship of the subdivision to its surroundings within one-half (1/2) mile including section lines, collector and arterial roads;

i. *Existing conditions.* Existing conditions on and within one hundred feet (100') of the tract (unless a greater distance is required for review):

1. Topographic data, including contours at vertical intervals of not more than two feet (2') with reference to National Geodetic Vertical Datum (NGVD) at more frequent intervals if required by the Plat Officer for land with unusual topography;

2. Location, width and names of all existing platted roadways or other public ways, access driveways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings or structures and

section and municipal corporation lines;

3. Location of all existing farm and storm drainage tiles which shall be located by means of slit trenching and hand probing or electronic radar tile location devices along with slit trenching and hand probing by persons qualified to do such work. All existing drain tile lines encountered during the investigation shall be repaired to their original condition. Four (4) copies of a topographical boundary map locating these lines must be submitted showing the following:

- (A) Location of slit trench and each trench identified to correspond with the tile investigation report;

- (B) Location of each drain tile with a flow direction arrow and tile size;

- (C) A summary of the tile investigation report showing trench identification number, tile size, material and quality, percentage of tile filled with water, percentage of restricted siltation, depth of ground cover and soil texture at grade;

- (D) Name, address and phone number of person conducting title location investigation;

4. Existing zoning classifications and planned land uses according to all official plans including the Kane County Forest Preserve District or similar open space entity;

5. The boundaries and limitations of each soil type. Refer to Appendix II for soil mapping and reporting requirements. Appendix II shall be the

method of obtaining soils data unless otherwise specified by the Plat Officer;

6. Water courses including base flood elevations, natural and man-made retention/detention areas;

7. Wetlands, ponds and surface seeps;

8. Sanitary sewers, water mains, culverts, wells, septic systems or other underground facilities;

9. Significant historical, architectural and archaeological sites or structures;

10. Scenic vistas, beaches, rock formations and outcropping;

11. Wooded areas and isolated trees six inches (6") or more in diameter at breast height.

j. *Proposed conditions.*

1. Proposed zoning;

2. Alignment, width and typical cross-sections of all roads and rights-of-way, alleys, highways, easements, drainage ways, sewer and water lines and other public utilities;

3. Lots, including layout, number, dimensions and area in square feet;

4. Setback lines, including front, rear and side building setback lines and dimensions;

5. Sites intended to be reserved for public use and/or for use of property owners in the subdivision, including the purpose and conditions of reservation or dedications;

6. Proposed site grading plan including building pads; top of foundation elevations, when required; proposed roadway grades and surface water drainage patterns, including how drainage will be addressed prior to discharge onto Kane County Forest Preserve District or similar open space entity property;

7. Proposed location of the on-site sewage disposal systems and expansion areas, areas to be filled, curtain drain locations and routing, subsurface drainage systems for each lot and well, when required. Subsurface drainage systems shall be constructed with access structures, and shall be located in a drainage easement;

8. Landscaping plan showing proposed plantings; location and description of landscaped entryway signs, if applicable, including height, size, setbacks and maintenance provisions; screening treatment on double frontage lots; landscaping of storm water detention facilities and areas designated for restoration of disrupted site flora;

9. Location of storm water management facilities, including storm sewers and storm water storage facilities.

(3) A copy of a USGS map with an outline of the watershed area in which the subdivision is located.

(4) Description of protective vegetative cover for soil erosion control purposes and schedule for establishing said vegetative cover.

(5) Species list of site flora and a description or plan of the method proposed for reestablishing a vegetative system as diverse or of greater diversity than the disrupted system.

(6) Text of proposed protective covenants, deed restrictions, homeowners association agreements and contracts, easement provisions and other documents whereby the owner and/or developer proposes to restrict improvements on private lots in the subdivision, restrict the design, development and/or use of the property and otherwise special areas within the proposed development.

(7) Wetland delineation report.

(8) Any other information that may be requested by the Plat Officer.

(c) *Official filing.* The applicant shall present the required information at a staff meeting in order to describe the proposed development. The Preliminary Plan shall be considered officially filed after it is found by the Plat Officer to:

(1) Be in substantial conformance with the Concept Plan which was reviewed by the Regional Planning Commission; and

(2) Contain the information necessary for its proper review by staff, applicable agencies and the Committee.

(d) *Distribution.* The applicant shall submit to the Plat Officer additional copies of the application and Preliminary Plan in the required format including one digital copy, folded to approximately nine inches by twelve inches (9" x 12"), for distribution by the County to the following (if applicable):

County Board member in district;

Kane County Sheriff;

Township Supervisor;

County Engineer;

Township Highway Commissioner;

Municipalities having jurisdiction;

Kane-DuPage Soil and Water
Conservation District;

Forest Preserve District (if requested);

Kane County Regional Planning
Commission (if requested);

School District;

Park District;

Fire Protection District;

Sanitary & Water Reclamation Districts;

All adjacent and adjoining property owners within two hundred fifty (250) feet;

Homeowner's Association or known neighborhood association;

Any other person, agency or entity deemed appropriate by the Plat Officer.

The applicant may be required to submit additional data to these local agencies according to their review requirements. These agencies shall be requested to forward any information, comments and recommendations to the Plat Officer within forty-five (45) days after distribution of the Preliminary Plan information by the Plat Officer, or within forty-five (45) days upon receipt of the last item of information

requested from the applicant, whichever date is later. The time period may be extended by mutual consent of the applicant and the agencies involved.

- (e) *Review; recommendation.* All information, comments and recommendations concerning the Preliminary Plan shall be reviewed by the Plat Officer and staff. Within sixty (60) days after the information is forwarded to the local agencies, or within sixty (60) days upon receipt of the last item of information from the applicant, whichever date is later, the Plat Officer shall recommend to the Committee for its action, approval, approval with conditions, or rejection of the Preliminary Plan.
- (f) *Revised plans.* If during the review process changes are made to the Preliminary Plan, which in the opinion of the Plat Officer, require the submittal of a revised Preliminary Plan or other Preliminary Plan documents, the applicant shall submit such revised information as required. When submitting a revised Preliminary Plan, a minimum of ten (10) copies in the required format including one digital copy, of the revised plan shall be submitted.
- (g) *Committee approval.* At its next regularly scheduled meeting following the formulation of the recommendations by the Plat Officer and staff, the Committee shall approve, approve with conditions, or reject the Preliminary Plan. Such time may be extended by mutual consent of the applicant and Committee. The applicant and owner shall be notified in writing of any conditions of approval or the reasons for rejection. Approval by the Committee at this stage constitutes neither final approval of the subdivision nor the acceptance of required improvements.

(h) *Final approval.* Approval of the preliminary plan by the Committee shall entitle the owner or developer to final approval of the layout shown on such plat if the Final Plat:

- (1) Conforms substantially to the preliminary plat and Improvement Plans;
- (2) Meets all conditions of approval;
- (3) Complies with all applicable County plans, ordinances and approved variances or exemptions.

Validity of Preliminary Plan approval shall be for two (2) years from the date of such approval. In the event the Improvement Plan has not been submitted within the two (2) year period the Preliminary Plan shall be reviewed by the Plat Officer and staff to determine continued conformity with County ordinances, adopted policies and plans as may be revised. The Plat Officer shall report the results of such review to the Committee which may revoke or extend the Preliminary Plan approval with such conditions as the Committee deems necessary. (Ord. No. 79-110, § 2.2, 6-12-79; Ord. No. 89-274, 12-12-89; Ord. No. 94-111, 5-10-94)

Sec. 19-35. Improvement Plans; Installation and Acceptance of Required Improvements.

- (a) *Intent.* The Improvement Plan stage is for the purpose of accurately showing how the improvements will be constructed in order to conform to the layout and design objectives of the Preliminary Plan. As such, the Improvement Plan process is an extension of the Preliminary Plan process. Where conditions so warrant, the Plat Officer may require that portions of Improvement Plans be submitted during the Preliminary Plan review process in order to determine the land's suitability for the

Preliminary Plan design. Any required off-site improvements and engineering studies shall be provided upon request. Where the subdivision is to be developed in phases, and where soil and/or topographical conditions so warrant, the Plat Officer may require that Improvement Plans for the entire Preliminary Plan area be submitted prior to the construction of improvements.

(b) *Filing:* Prior to the submittal of the Final Plat, an applicant shall submit in the required format including one digital copy and a minimum of five (5) complete sets of plans and specifications for the construction of the proposed site improvements, before starting construction. Improvement Plans shall not be approved until after the site has been zoned according to the uses proposed in the approved Preliminary Plan. Said plans shall be prepared by an Illinois Licensed Professional Engineer on twenty-two (22) inch by thirty-four (34) or twenty-four (24) inch by thirty-six (36) inch quality sheets and shall contain at least the following information:

(1) Title page, which shall include:

- a. Subdivision name and unit number;
- b. Location map;
- c. Seals, signatures, addresses and phone numbers of the Illinois Licensed Professional Engineer who prepared the plan and the Illinois Licensed Professional Land Surveyor who prepared the topographic;
- d. Owner and Developer's name, address, phone number and email addresses;
- e. Index of sheets;
- f. A minimum of two (2) benchmarks;

g. Dates and revision dates for each exhibit prepared;

h. Summary of quantities.

(2) All topography shall be field verified and certified by an Illinois Licensed Professional Land Surveyor or Illinois Licensed Professional Engineer to be in accordance with National Map Accuracy Standards at one (1)-foot contour intervals and horizontal scale appropriate to the project, but not smaller than one (1) inch equals one hundred (100) feet.

(3) A copy of the topographic and profile study (drainage overlay) drawn at the same scale and size as the Final Plat and containing the following information:

- a. All elevations shall be referenced to National Geodetic Vertical Datum;
- b. Existing contours of at least one (1)-foot intervals indicating the locations and elevations of benchmarks used to determine said contours;
- c. Finished grade elevations or contours at one (1)-foot intervals of the proposed site;
- d. Rim and invert elevations of all existing and proposed drainage structures;
- e. Size, slope and location of drainage channels and/or storm sewers;
- f. Size, shape, invert and location of downstream receiving drainage structures including capacities of downstream channels;
- g. Signature block required for topographic and profile study.

(4) Layout of the proposed subdivision, at the same or larger scale as the Preliminary Plan showing the following information:

- a. Finished grade at one (1)-foot contours;
- b. Proposed road layout, including centerline elevations at one hundred-foot intervals, rim and invert elevations of all drainage structures, and drainageway flow line elevations;
- c. Septic area designation, where required;
- d. Building top of foundation elevations and building site pads, where required;
- e. Proposed easements for utilities, drainageways and facilities, pedestrian and/or equestrian ways, landscape areas and other purposes; and the floodplain boundary line at the Base Flood Elevation;
- f. Location and direction of the “overland flow path” as defined in Chapter 9 of the Kane County Code and as derived from the drainage study;
- g. The abandonment, incorporation or modification of all existing drain field tile or storm sewers.

(5) Stormwater drainage study, which shall be in accordance with Chapter 9 of the Kane County Code.

(6) Erosion and sedimentation control plan, which shall be in accordance with Chapter 9 of the Kane County Code.

(7) Landscaping plan shall include trees to be preserved, screening where required, the

restoration of site flora and other areas to be stabilized and enriched.

(8) Road and drainage engineering plan and profiles which shall include:

- a. Plan view of roadways, drainageways and structures; including roadway horizontal curve data. Road entrances of adjacent subdivision shall be shown;
- b. Profiles of roadway centerlines, ditch flow lines including location and elevations of all associated drainage structures. The grade line profile shall be shown at a minimum scale of one (1) inch equals one hundred (100) feet horizontal and one (1) inch equals ten (10) feet vertical. Complete vertical curve data shall be shown.

(9) Improvement detail sheet(s) shall be provided for, but not limited to:

- a. The Kane County typical road cross section;
- b. Specifications, special provisions and general notes;
- c. Drainage typical cross section;
- d. Drainage structure details;
- e. Erosion control devices;
- f. Other details as required.

(10) When required, plans for community waterworks system components, consisting of supply, treatment, storage and/or distribution systems, and community wastewater system components consisting of collection, transmission, treatment and/or disposal systems shall be provided.

(11) When required, plans for septic areas, top of foundation elevations and building pad locations shall be provided. Such plans shall show the location and size of septic fields and expansion areas, the type of fill material to be used, method by which fill will be placed on site and leveled, existing and finish grade contours, subsurface and curtain drain locations, outfalls and elevations, and other information required by the Plat Officer. Subsurface drainage systems for curtain drains shall be designed and constructed with access structures and shall be located within a drainage easement.

(12) Where the approved Preliminary Plan is to be improved in phases, the applicant shall submit a copy of the Preliminary Plan for the entire subdivision with drainage easements delineated. The applicant shall show how stormwater drainage will be controlled on the entire site during each phase of construction. Temporary drainage improvements shall be clearly designated as such on the Improvement Plans.

(13) Construction and traffic control plan showing proposed routing of construction traffic, signing, stockpile locations, refuse areas, the fencing of rights-of-way and other areas where required in order to protect septic fields, trees, flora and other site features during construction, and other construction control measures. The traffic control plan shall be consistent with the requirements of the current Manual on Uniform Traffic Control Devices.

(14) Completed application form and checklist.

(15) Five (5) copies in the required format including one digital copy of an itemized list of the engineers opinion of probable cost prepared in a format specified by the County (refer to Appendix VIII) and signed

and sealed by the design engineer on his letterhead stationary and approved by the Plat Officer and the County Engineer.

(16) Five (5) copies in the required format including one digital copy of the Preliminary Plan as approved by the County.

(17) Five (5) copies in the required format including one digital copy of the Final Plat.

(18) Any other information that may be required by the Plat Officer.

(c) *Processing:* The Plat Officer shall forward two (2) sets of the Improvement Plans to the County Engineer and one (1) set to the department heads who shall check them for conformity to the Preliminary Plan and the provisions of this and other applicable ordinances. Within thirty (30) days after filing, the appropriate officials shall notify the applicant as to the acceptability of the Improvement Plans. Upon acceptability of the Improvement Plans and conformance with the provisions of Subsection (e), a preconstruction meeting shall be scheduled.

(d) *Completion of land improvements:* Prior to the preconstruction meeting a construction guarantee is posted in accordance with Subsection (g). Construction of all required improvements must be completed within two (2) years from the date of Final Plat approval unless good cause can be shown to the Committee for granting an extension of time. A request for an extension shall not halt the running of the two-year period. No extension shall be granted unless adequate guarantee collateral has been received and approved by the Plat Officer.

(e) *Pre-construction meeting:* Prior to beginning the installation of any improvements, the developer, the project

engineer and general contractor shall attend a pre-construction meeting with County staff and the appropriate township highway authority. The purpose of the meeting is to review acceptable site development and construction practices in accordance with the construction control plan and County ordinances and policies. At or following the pre-construction meeting, a stormwater permit and subdivision road construction permit shall be issued which enables the developer to begin construction of land improvements.

(f) *Construction observation of land improvements:* During the course of construction, the project engineer shall provide construction observation of the work in order to ensure compliance with the approved plans and specifications and according to good engineering and construction practices. A diary shall be kept and field reports as required shall be made and copied to the Plat Officer and County Engineer. Delegation to another engineer must be acknowledged in writing by the Plat Officer and County Engineer. The construction obstruction of the work may also be done by the township highway commissioner and the offices of the County Engineer and the Plat Officer.

(g) *Guarantee for completion of improvements:* Prior to approval of the Final Plat or prior to commencement of any development activity whichever shall first occur, the owner or developer shall post and continuously maintain with the Plat Officer a construction guarantee in the amount of one hundred twenty (120) percent of the cost of the required improvements. The cost of each improvement shall be itemized in a list prepared in a format specified by the County (refer to Appendix VIII) and signed and sealed by the design engineer on his letterhead stationery and approved by the

Plat Officer and the County Engineer. Such guarantee is to:

(1) Assure the satisfactory installation of said improvements in accordance with the approved plans and specifications and according to good engineering and construction practices;

(2) Assure the satisfactory completion of said improvements within the prescribed time limits.

Such guarantee shall be in one (1) of the following formats and the form, amount and provider subject to approval by the Plat Officer.

a. Cash, certificate of deposit with or an escrow account at a federally insured bank ; or

b. An undertaking by owner and/or developer guaranteeing completion of the land improvements remaining to be completed, as secured by an irrevocable letter of credit or surety bond certifying that adequate funds are and will be available at a sound and reputable banking or financial institution authorized to do business in the State of Illinois. Such irrevocable letter of credit or surety bond shall be in effect for a period of four (4) years from the date of recording of the Final Plat, shall run in favor of the County and shall indicate there are sufficient funds available for one hundred twenty (120) percent of the estimated cost of all the land improvements remaining to be completed, and that such funds are held for such purposes only and for no other purposes. Such undertaking and irrevocable letter of credit or surety bond shall be in a form to allow the County to procure the funds to complete the land

improvements if construction of said improvements is not completed in accordance with the provisions hereof, and shall otherwise be in a form acceptable to the County.

c. Other good and sufficient security as approved by the appropriate legal authority of the County to guarantee the proper installation of land improvements.

(h) A construction guarantee shall be reduced only by authorization of the Plat Officer upon:

(1) Application for payout by the owner and/or developer in amounts of such that funds remaining will always equal one hundred twenty (120) percent of the value of the uncompleted work, as determined by the Plat Officer after consultation with the County Engineer and other staff. No more than ninety (90) percent of the construction guarantee shall be released prior to one (1) year after the satisfactory completion of the required improvements; or

(2) The unsatisfactory installation of the required improvements. Where the required improvements have not been installed in accordance with Subsection (g), the County may then declare the construction guarantee to be in default and may draw from the guarantee amount for use in matters related to insuring the satisfactory construction of said improvements, including attorney's fees and court costs encumbered in the enforcement of the provisions of this Section. In the event of failure to complete the required improvements in the required period, or any extension thereof, or to maintain in force a performance guarantee as stated above, the Committee may direct that no further building permits be issued to the owner and/or developer for property in such subdivision until acceptance or

acknowledgement of completion by the Committee of the required improvements.

(i) The Plat Officer shall not release a construction guarantee prior to the satisfactory installation of all required improvements, as determined:

(1) One (1) year after the completion of all improvements required for the approved Final Plat;

(2) After the submission of the project engineer's certification that the project installation has been observed in the field and completed in substantial compliance with the plans and specifications and will all applicable ordinances and;

(3) After the submission of one (1) reproducible print and five (5) copies of record drawings, in the required format including one digital copy, two (2) of which shall be forwarded to the County Engineer. The drawings shall be prepared by the project engineer who shall show and certify as to the actual location of all improvements, and shall clearly designate any and all changes from the approved plans and specifications. The record drawings shall make reference to at least two (2) permanent benchmark monuments, and at least one (1) reference monument for each benchmark, all on NGVD datum. The benchmark shall be newly established within the subdivision for the purposes of establishing base flood elevations and/or building elevations and finished grades on individual lots after the subdivision improvements have been completed. (Refer to Appendix XII for certificate and stamp to appear on plans);

(4) After notification from the County Engineer as to the acceptance of all road

and related drainage improvements by the township highway commissioner.

(5) After the acceptance of all improvements.

(j) The owner shall be responsible for the maintenance of all improvements until the release of the construction guarantee. Where a subdivision has been improved in phases, the applicant shall be responsible for the proper functioning of drainage improvements for the entire subdivision site. The applicant shall also be responsible for the following:

(1) *Snow removal:* The owner and/or developer shall be required to provide for snow removal on all roads and sidewalks until the final acceptance of said improvements.

(2) *Erosion control:* All exposed earth surfaces resulting from the required improvements shall comply with the Kane County Stormwater Management Ordinance and be properly protected by riprap, sod or be seeded and mulched with rapid growing grass or vegetation as soon as feasible to prevent erosion. Erosion control structures shall be maintained until the exposed earth is stabilized. At such time, the temporary structures shall be removed and the area graded and stabilized prior to final acceptance.

(3) *Debris removal:* The owner and/or developer shall clean and maintain or cause to be cleaned and maintained, all improvements until the final acceptance of said improvements. The improvements shall be kept free from debris, sediment deposits, trash and other extraneous material prior to acceptance and at such other times during construction as the County may deem

necessary to prevent the creation of a public nuisance.

Sec. 19-36. Final Plat.

(a) *Intent:* The Final Plat is a record of the subdivision as surveyed in the field. It shows shapes and dimensions of the tract being subdivided and the parcels created thereby important to the public benefit to facilitate relocation of roadway lines, easements, building setbacks, open space, etc.

(b) Upon satisfaction of the conditions of Preliminary Plan approval, the acceptance of the Improvement Plans by the Plat Officer and the County Engineer, and the posting of a construction guarantee, the owner or developer shall cause to be prepared a Final Plat of subdivision. The Final Plat may constitute only a portion of the approved Preliminary Plan if it is determined acceptable by the Plat Officer after consideration of the effect on the efficient and orderly provision of roads, drainage facilities, utilities and services.

(c) The Final Plat shall be accurately and legibly prepared by an Illinois Licensed Professional Land Surveyor, who shall certify that he has surveyed, subdivided and platted the land shown and legally described on such Final Plat. He shall further certify the number of acres being subdivided, and whether or not the tract is within a special flood hazard area designated by the Federal Emergency Management Agency, and whether or not the tract is or is not within one and one-half (1 1/2) miles of the corporate limits of a municipality that has adopted an official plan. The Final Plat shall be prepared in the following manner:

(1) Drawn to a scale of one hundred (100) feet to one (1) inch, unless a different scale

is more practicable and is approved by the Plat Officer;

(2) With waterproof, non-fading, black ink on Mylar or other equal material no more than thirty (30) inches by thirty-six (36) inches (24" x 36" preferred);

(3) When more than one (1) sheet is used for any plat, each sheet shall be numbered consecutively. A small scale drawing of the entire subdivision shall be shown on the first sheet, identifying portions of the subdivision according to its respective page number. Plats shall be drawn so as to be on a minimum number of sheets.

(d) The Final Plat shall include the following information:

(1) Legal description of the land to be subdivided;

(2) Positions of all lot corners, beginnings and ends of curves and all angle points shall be marked in the field. The material of which all markers are made shall be noted. The developer shall conform with the following requirements concerning monuments:

a. All Federal, State, County or official bench marks, monuments, or triangulation stations in or adjacent to the subdivision shall be preserved. When a proposed improvement in a subdivision makes necessary the moving of bench marks, monuments, or triangulation stations, the authority having jurisdiction shall be notified and given sufficient time to take appropriate action;

b. Permanent monuments shall be set flush with the adjacent ground, shall have a suitable mark in the center of the top, shall be set in such manner that they will

not be moved by frost; and shall be either:

1. Iron pipe not less than three-fourth inch in diameter and not less than twenty-two (22) inches in length;

2. Solid square or round iron bars, five-eighths (5/8) inch thick and not less than twenty-two (22) inches in length;

3. Stone or reinforced concrete, not less than thirty (30) inches long by four (4) inches square or five (5) inches in diameter.

c. Permanent monuments shall be erected at all corners or changes in direction of the exterior boundary; at points of curvature or points of tangency; at road intersections and block corners; at all lot corners and angles in lot lines; and in all places and manner as otherwise prescribed by law. **State Law Reference -765 ILCS 205/1 (The Plat Act) Sec. 1.** (a).

(3) The exact length and relative direction of all exterior boundary lines, with reference to the boundary controlling system most prevalent in the area of the land being subdivided. All distances shown on Final Plat shall be expressed in one one-hundredths of one foot and angles and shall be expressed in degrees, minutes, and seconds (if necessary). Sufficient geometrical data shall be given for all lots to enable retracement and restoration of all corner positions in the field. The Plat Officer may require the surveyor to submit rectangular coordinates of all positions represented on the Final Plat;

(4) The exact width and extent of all easements, roads, alleys, and building setbacks created by said subdivision;

(5) The primary and expansion area on the onsite waste disposal system on each lot and building pad location, when required;

(6) All lots consecutively numbered. In subdivisions that are improved in units or phases, the lot numbering of the next unit or phase shall begin at the next number where the previous unit or phase ended. In country subdivisions, block designations may be omitted;

(7) All portions of curvilinear roads shall be tangent to adjoining elements of said roads unless so noted otherwise. Curve data shall consist of at least two (2) of the following dimensions: radius, arc length, tangent length, chord or central angles;

(8) If the subdivision borders on a lake or stream, the distances and directions of a meanderline established not less than twenty (20) feet back from the average highwater mark of the lake or stream, as determined from the flood hazard maps or other data, with said distance noted;

(9) The locations and widths of all existing and proposed roads shall be indicated, showing the dedication of all rights-of-way required in accordance with plans and specifications on file with the County Engineer;

(10) Names of proposed roads. Road names shall not be used which will duplicate, or too closely approximately phonetically, the name of any other road or subdivision in the same township, fire protection district and post office district. Roads that are extensions of, or in obvious alignment with, existing roads shall bear the name of said existing roads. The name of the primary collector road of a subdivision shall, if possible, be the same as or similar to the name of said subdivision. A separate name

shall be provided for each segment of a road that changes direction forty-five (45) degrees or more (as measured from the centerline of the right-of-way), except by approval of the Committee. The Committee shall have final authority to designate the name of the roads;

(11) Abutting highway and road right-of-way lines and adjacent subdivisions shown in their proper location;

(12) Grantees of all lands dedicated to public use, shall be clearly noted;

(13) Where provisions are made for access from any subdivision to any lake or stream, the plat shall show the area over which the access is provided to the lake or stream, together with a small scale drawing clearly indicating the location of the subdivision in relation to the lake or stream, and the location of the area over which access is provided;

(14) All covenants, or references to covenants, where declared separately;

(15) Certificates and easements as required;

(16) Scale and north arrow;

(17) Seal and signature of the Illinois Licensed Professional Land Surveyor under whose direct supervision and control the subdivision survey was prepared.

(e) Within two (2) years after approval of the Preliminary Plan or in the case of a PUD after adoption of PUD zoning by the County Board, the owner or developer shall submit seven (7) copies of the Final Plat in the required format including one digital copy, to the Plat Officer. Where the subdivision is to be improved in units or phases, the Final Plat for each phase may be filed as provided

in the Preliminary Plan at 2-year intervals, providing however, that the Final Plats for the entire tract be filed within six (6) years from the date of Preliminary Plan approval. Prior to the review of the Final Plat, the owner or developer must have complied with the following items:

- (1) Submit two (2) copies of the completed application and checklist form for Final Plat approval (refer to Appendix XIV);
 - (2) The submittal and approval of the Improvement Plans;
 - (3) The submittal and approval of cost estimates for all required improvements;
 - (4) The posting of a plat recording contract and a construction guarantee (refer to Appendix IX);
 - (5) Payment of the land/cash ordinance contribution;
 - (6) Payment of a review and approval fee as provided in Section 19-23 of this Article;
 - (7) Rezoning to the appropriate classification, if necessary;
 - (8) Topographic and profile study overlay with the name of the subdivision clearly shown and drawn to a scale of one hundred feet to one inch (100': 1"), with waterproof, non fading black ink on tracing cloth or other equal material no more than thirty inches by thirty six inches (30" x 36") (24" x 36" preferred) including a properly signed certificate as required in Appendix V.
- (f) The Plat Officer shall forward the Final Plat to the County Engineer for his review. If found satisfactory, he will sign the plat and return it to the Plat Officer. The Plat Officer

shall review the Final Plat in order to assure:

- (1) Conformance with the approved Preliminary Plan and Improvement Plans;
- (2) Conformance with the provisions of this Chapter and all other applicable rules and regulations;
- (3) That all deed restrictions, protective covenants, homeowners' association contracts and other agreements made by the owner or developer are properly noted and described;
- (4) That there are no new development activities of traffic facilities which materially effect a change of intent from the Preliminary Plan either physically or practically.

If the Final Plat is found to be in substantial conformance with the approved Preliminary Plan and all other applicable ordinances and regulations, the Plat Officer shall sign the Final Plat. If the Plat Officer determines that the proposed Final Plat does not conform to the above, notice of the reasons for nonconformity shall be given the owner or developer by the Plat Officer within fifteen (15) days of filing. If the owner or developer does not agree with the determination of the Plat Officer, said owner or developer may submit written appeal to the Committee for a final administrative determination.

- (g) The owner or developer shall have the Final Plat recorded with the County Recorder of Deeds within sixty (60) days after signature by the Plat Officer, or approval shall be considered null and void.
- (h) After recording the Final Plat, the approved text of protective covenants, deed

restrictions, homeowners' association agreements and contracts, easement provisions and any other documents where the owner or developer proposes to restrict improvements on private lots in the subdivision, restrict the design, development and/or use of the property and otherwise protect special areas within the development, the owner or developer shall submit a minimum of one copy of each of the above recorded documents to the Plat Officer within fifteen (15) days of recording said documents. (Ord. 79-110, § 2.4, 6-12-1979; Ord. 89-274, 12-12-1989)

Sec. 19-37. Outside Consultants.

During the plan review process and during installation and acceptance of the required improvements, the Plat Officer may engage professional assistance other than the staff, in order to properly review or observe the improvement proposed by the developer. The developer shall be notified in writing that such professional assistance will be engaged. Prior to such review or observation, the developer may meet with the Plat Officer in order to discuss the activity. In addition, the developer and the County shall enter into an agreement whereby the developer shall reimburse the County for costs associated with such professional review assistance. (Ord. 79-110, § 2.5, 6-12-1979; Ord. 89-274, 12-12-1989)

Sec. 19-38. Indemnity.

The following language shall appear on all Improvement Plans:

(1) *Hold Harmless* : The contractor, as a condition of the contract, hereby agrees to assume the entire responsibility and liability for, and defense of, and to pay and indemnify and hold the owner, the engineer, the County, their engineers, agents and employees harmless from all claims for

damages or injury (or death resulting therefrom) to any and all persons, including employees or agents or any person or firm engaged in work upon the project, arising out of the conduct of the contractor arising out of the performance of this agreement or any work relevant thereto, or arising out of any Federal, State or local statute, rule, regulation or ordinance, including, but not limited to, the provisions of the Occupational Safety and Health Standards Act (OSHA).

(2) *Costs, Fees And Expenses* : All costs, fees and expenses, including, by way of example and without limitation, reasonable attorney fees, court costs, court reporter fees, transcript costs, subpoena fees and costs, witness fees, service costs, and document reproduction costs incurred by the County as a result of any claims for damage or injury as enumerated above shall be paid by the contractor.

(3) *Insurance* : The contractor(s) shall name the County of Kane and consultant doing construction observation for the County as additional named insured on all liability insurance policies and shall provide the County with certificates of insurance prior to commencement of any work. (Ord. 95-155, 6-13-1995)

Sec. 19-39. Additional Rights of the County.

In addition to any rights or remedies available to the County under this Chapter or other provision of law, the County shall be entitled to a lien on any property subdivided pursuant to this Chapter sufficient to reimburse the County for all costs, expenses, advances, and reasonable attorney's fees incurred by reason of any failure of a developer and/or owner to install, complete or maintain any improvements required by this Chapter. Such lien shall attach only to property owned or controlled by the

owner/developer at the time of such violation. Every Final Plat shall contain a legend which incorporates this provision. Further the Building Officer has the right to withhold the issuance of a building permit on any lot or any such property unless the lien has been discharged. Any such lien shall be promptly recorded by the Plat Officer and sent to the most recent owner of record as ascertained by public records.

Sec. 19-40. Forms.

All applications and submittals required or permitted pursuant to this Chapter shall utilize where practicable the forms set forth in the Appendices to this Chapter. The Department may from time to time revise or amend any forms and may prescribe such additional forms as shall be necessary and convenient in the administration of this Chapter.

Sec. 19-41. Notices.

No action or recommendation pursuant to this Ordinance shall be invalid solely by reason of an omission to give a notice provided for in these Regulations.

Secs. 19-42-19-50. Reserved.

**ARTICLE III.
REQUIRED IMPROVEMENTS**

DIVISION 1. GENERALLY

Sec. 19-51. Conformance to Applicable Rules and Regulations.

The design of a subdivision shall conform to the generalized land use plan, the planning and development policies, the Zoning Ordinance, the requirements as stated herein, all ordinances pertaining to the control of land development and to all applicable rules, regulations, specifications, and standards of the County and

the State. No deviation from approved plans and specifications shall be made without prior approval of the County. (Ord. No. 79-110, § 3.1-1, 6-12-79; Ord. No. 89-274, 12-12-89)

Sec. 19-52. Municipal Jurisdiction.

In all cases where a subdivision lies within one and one-half (1 1/2) miles of the corporate limits of an incorporated municipality, the subdivision shall also conform to all applicable ordinances and plans of such municipality. In all instances where a requirement of this Chapter, or other applicable ordinance of the County, is similar to, or in conflict with other provisions of the ordinances of such municipality, the most restrictive shall apply and prevail. (Ord. No. 79-110, § 3.1-2, 6-12-79; Ord. No. 89-274, 12-12-89)

Sec. 19-53. Plats Straddling Municipal Boundaries.

Whenever access to a subdivision is required across land within a municipality, the Committee may request assurance from the State's attorney that the access is legally established. It may also request assurance from the County Engineer that the access road is adequately improved or that a construction guarantee has been duly executed and is sufficient in the amount to assure the construction of the access road. (Ord. No. 79-110, § 3.1-3, 6-12-79; Ord. No. 89-274, 12-12-89)

Sec. 19-54. Owner-Imposed Restrictions.

If the owner places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Ordinance or this Chapter, such restrictions or reference thereto may be required to be indicated on the Final Plat, or the Committee may require that restrictive covenants be recorded with the County Recorder in form to be approved by the

State's attorney. (Ord. No. 79-110, § 3.1-4, 6-12-79; Ord. No. 89-274, 12-12-89)

Sec. 19-55. Character of the Land.

The design of each subdivision shall take into consideration the preservation, capabilities and limitation of topography, drainage, soils, vegetation and other features and irreplaceable assets of the site. The use of lands unsuited to development because of, but not limited to, flood, inundation and soil characteristics shall not be approved unless the development of said lands shall meet the requirements of the ordinances and regulations of the County. (Ord. No. 79-110, § 3.1-5,6-12-79; Ord. No. 89-274, 12-12-89)

Sec. 19-56. Minimum Standards and Specifications.

All construction of improvements covered by this Chapter shall be in accordance with, and materials used shall be in compliance with, the methods and materials required in the appropriate sections of the latest editions, amendments or revisions of the following:

- (1) "Kane County Division of Transportation Permit Regulations and Access Control Regulations"
- (2) (1)"Standard Specifications for Road and Bridge Construction," Illinois Department of Transportation;
- (3) "Supplemental Specifications", "Recurring Special Provisions", and "Interim Special Provisions", Illinois Department of Transportation."
- (4) "Bureau of Design and Environment Manual," Illinois Department of Transportation;
- (5)"Highway Standards," Illinois Department of Transportation;

(6)"Culvert Manual," Illinois Department of Transportation;

(7)"Manual on Uniform Traffic Control Devices," U.S. Department of Transportation and Illinois Department of Transportation Supplement;

(8)"Standard Specifications for Water and Sewer Main Construction in Illinois," Illinois Society of Professional Engineers et al;

(9)"Illinois Design Standards for Sewage Works," I.E.P.A., Division of Water Pollution Control;

(10)"Agency Rules for Public Water Supplies," I.E.P.A., Division of Public Water Supply;

(11)"Recommended Standards for Water Works, Great Lakes Upper Mississippi River Board of State Sanitary Engineers ("10 States Standards");

(12) Illinois Urban Manual, latest version prepared by The Illinois Urban Manual Steering and Technical Committees, Association of Illinois Soil and Water Conservation Districts, Illinois Environmental Protection Agency, and USDA Natural Resources Conservation Service;

(13) "USDA Natural Resources Conservation Service Field Engineering Handbook";

(14) Municipal standards and specifications as adopted.

Where standards are not specifically set forth, improvements shall comply with standards established by resolution of the County Board. (Ord. No. 89-274, 12-12-89)

Sec. 19-57. Oversize Design.

Where required in the overall utility planning, as evidenced by the master plans for water distribution, sanitary sewers and stormwater management, any subdivision improvement shall be larger than necessary to serve the immediate subdivision adequately, an agreement may be made to repay the owner or developer the construction cost resulting from the increased design. All engineering, insurance and inspection costs shall be paid by the owner or developer. This shall apply to, but not be limited to, collector sewers, lift stations, disposal facilities, wells, pumping stations, water mains, storage tanks, culverts, storm sewers, etc. (Ord. No. 89-274, 12-12-89)

Sec. 19-58. Off-Site Improvements.

If it is determined that any existing infrastructure including, but not limited to, water distribution systems, sanitary sewers or other wastewater treatment facilities, storm sewers, subsurface drainage systems or other stormwater management facilities, roads, and curbs and gutters, which may be situated either in part or entirely off-site, is inadequate to facilitate a proposed subdivision when one hundred (100) percent built-out, then improvements to any one or all of such facilities may be required. (Ord. No. 89-274, 12-12-89)

Sec. 19-59. Subdivision Classifications.

For the purposes of this Chapter, there shall be two (2) classifications of subdivisions: urban and county. The improvements which will be required will be dependent on the type of subdivision as herein described. (Ord. No. 89-274, 12-12-89)

Secs. 19-60-19-65. Reserved.

DIVISION 2. LOTS AND BLOCKS

Sec. 19-66. Lot Arrangement.

The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography, soils, flooding or other conditions, in securing permits to build on all lots in compliance with the zoning ordinance, Chapter 18 of this Code, and the sewage treatment and disposal system rules and regulations. Subdivisions shall contain no left-over pieces, corners, or remnants of lands. (Ord. No. 79-110, § 3.2-1, 6-12-79; Ord. No. 89-274, 12-12-89)

Cross reference -Zoning, App. B.

Sec. 19-67. Lot Lines and Dimensions.

- (a) All lots shall meet the minimum depth, width, and area requirements of the applicable district in the zoning ordinance.
- (b) In single family residence districts where lots are forty thousand (40,000) square feet in area, or larger, individual water supply and septic systems are permitted. Where a community water supply, but no community sewer system, is available, the minimum lot area is thirty thousand (30,000) square feet, and where community sewer, but no community water is available, the minimum lot area is twenty thousand (20,000) square feet. Where both community water supply and community sewer system is available, the minimum lot area is ten thousand (10,000) square feet. In areas zoned multiple family, business, or other land uses which may require special water supply or sewage disposal, the minimum lot areas must be sufficient to safely accommodate these special needs.
- (c) Depth and width of properties reserved or laid out for commercial and industrial

purposes shall be adequate to provide for the off-road service and parking facilities required by the applicable district of the zoning ordinance.

- (d) Excessive depth in relation to width shall be avoided. A proportion of two and one-half (1/2) to one shall normally be considered as a desirable maximum for lot widths of one hundred (100) feet or more. Side lot lines shall be substantially at right angles or radial to road lines. Lots at right angles to each other should be avoided wherever possible.
- (e) Corner lot for residential use shall have ten (10) feet of extra width to permit full building setbacks on both roads as required by applicable provisions of the zoning ordinance.
- (f) Lot widths shall be measured at the building setback line, and may be reduced ten (10) percent at the end of the cul-de-sac, providing the lot area meets the requirements of the zoning ordinance. (Ord. No. 79-110, § 3.2-2, 6-12-79; Ord. No. 89-274, 12-12-89)

Cross reference -Zoning, App. B.

Sec. 19-68. Lots Affected by Surface Waters.

No more than ten (10) percent of the minimum lot area as defined in Section 19-67 shall include land within a drainage easement along a waterway, intermittent stream, or other water body, or a watercourse constructed to accommodate observed, computed, or anticipated water drainage through and from the lot. Provided, however, if any lot shall contain at least forty thousand (40,000) square feet in buildable area exclusive of any drainage easement, then this provision shall not apply. Where a watercourse separates the buildable area of a lot from the road by which it has

access, provisions shall be made for installation of a culvert or other structure of design approved by the County Engineer. (Ord. No. 79-110, § 3.2-5, 6-12-79; Ord. No. 89-274, 12-12-89)

Sec. 19-69. Lot Drainage.

Lots shall be laid out so as to provide positive drainage away from all building sites and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

(Ord. No. 79-110, § 3.2-4, 6-12-79; Ord. No. 89-274, 12-12-89)

Sec. 19-70. Lot Access and Double Frontage.

- (a) Every lot shall front or abut on a dedicated public road. Lots with an access only to existing private drives or roads shall be permitted only in unusual circumstances, with the approval of the Committee. The fronting of residential lots on major roads and County highways is not to be permitted.
- (b) Double frontage and reversed frontage lots shall be avoided except where necessary to overcome specific disadvantages of topography and orientation and where limited-access highway, railroad right-of-way, major road, County highway, or similar situation exists, in which case double frontage lots are to be preferred, provided suitable screen-planting contained in a no-access reservation along the property line and right-of-way is provided. (Ord. No. 79-110, § 3.2-5, 6-12-79; Ord. No. 89-274, 12-12-89)

Sec. 19-71. Blocks.

The length, width, and shape of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block length in residential areas shall not exceed one thousand five hundred (1,500) feet, nor have less than sufficient width to provide two (2) tiers of lots of appropriate depth between road lines, except for blocks with one (1) tier of lots which meet the double frontage requirements of Section 19-70 of this Article. (Ord. No. 79-110, § 3.2-6, 6-12-79; Ord. No. 89-274, 12-12-89)

Sec. 19-72. Easements and Land Dedications.

(a) *Utility easements:* Utility easements shall be provided at the rear of all lots and along the side and front lot lines where required. On wooded sites, utility easements shall be located so as to minimize environmental damage. Utility easements shall be at least ten (10) feet wide, and normally centered upon the rear or side lot lines. Evidence shall be furnished to the Plat Officer that easements and any easement provisions to be incorporated on the Final Plat or in the deeds have been reviewed by the individual utility companies or organizations responsible for furnishing the services. The wording of utility easements on the Final Plat shall be approved by the Plat Officer.

(b) *Drainage and stormwater management facility easements:*

(1) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, or other body of water, appropriate dedications or easements, with adequate width to accommodate observed, computed or anticipated stormwater drainage through and from the subdivision, shall be made. The width of the easement or dedication shall be dependent on the area of land drained by the watercourse and shall allow

access for construction and maintenance equipment.

(2) All permanent stormwater management facilities for a subdivision shall be protected by easements or dedications for drainage and shall permit ingress and egress for maintenance. All lot lines adjacent to unsubdivided lands shall have a twenty (20) foot easement for drainage.

(3) No construction of structures, dams, embankments or channels (except as indicated on the Improvement Plans) and no planting of trees, shrubbery or other vegetation, which hinder the flow of water or otherwise inhibit the intended purposes, shall be allowed within any drainage or stormwater management facility easement. In the event the area within such easements is obstructed, reshaped, regraded or restricted for uses other than as intended or as shown on the Improvement Plans, the County will cause to have any alterations corrected at the expense of the party or parties causing said obstruction, restriction, regrading or alteration.

(4) Where possible drainage easements shall be separate and distinct from utility easements.

(5) Drainage and stormwater management facility easements shall be adequately maintained so as to provide for removal of accumulation of vegetation, silt, debris or other material which may interfere with the flow characteristics of drainageways or the essential features of retention or detention facilities. This long term maintenance shall be completed in accordance with the Kane County Stormwater Management Ordinance.

(c) *Landscaping and conservation easements:*

(1) A screen planting easement may be required between residential and commercial or industrial lots, or along lot lines to discourage the undesirable development of residential lots fronting on traffic arteries. If such easement is to be used for public utilities, the easement shall be of sufficient width to accommodate appropriate screen plantings without interfering with utility service or maintenance.

(2) *Conservation easement:* A conservation easement shall be required to protect unique areas such as wetlands, rivers, streams, creeks, and any other unique areas. The designated easement area shall be protected from any land disturbing activities such as the removal of vegetation, filling, grading and excavating, and any other manmade activity that would reduce the quality of the conservation area. The boundaries determined shall be by field investigation and shall be delineated and identified as a conservation easement on the Preliminary Plan and on the Final Plat. An additional fifty (50) foot buffer zone may be required to allow a transitional zone between the area to be protected and any land disturbing activity such as removal of vegetation, filling, grading and excavating, and any other activity that would reduce the quality of the conservation areas.

(3) Easements may be required to protect areas designated for the restoration of site flora.

(d) *Temporary turnaround easements:* Temporary turnaround easements shall be reserved for road purposes until the extension of the road is publicly dedicated. The temporary easement shall then be considered automatically released for such

use and purpose. The dimensions of such turnaround shall meet the requirements for temporary "T" turnarounds as provided in Division 3 of this Chapter.

(e) *Pedestrian way easements:* Easements or dedications shall be provided for pedestrian ways where deemed appropriate by the Committee. Pedestrian way easements shall be maintained to permit their continued use. (Ord. No. 79-110, § 3.2-7, 6-12-79; Ord. No. 89-274, 12-12-89)

(f) *Land to be dedicated to a governmental body or open space organization:* The Plat Officer shall not execute or deliver any plat without satisfactory provision for the dedications or conveyances of open space including but not limited to an executed agreement for ownership and maintenance of such open space.

Secs. 19-73-19-83. Reserved.

DIVISION 3. ROADS

Sec. 19-84. Generally.

All road and road right-of-way improvements shall be designed in substantial relation to topographic conditions, drainage, public convenience, safety, and the proposed uses of the land to be served by such roads. All road and road right-of-way improvements shall conform to the applicable standards of the Illinois Department of Transportation, the Kane County Division of Transportation, and the local township highway commissioner. (Res. No. 91-66, 4-9-91)

Sec. 19-85. Variations for Private Roads.

A public road shall be provided for convenient access to all property and lots within a subdivision. Private roads and easements of access shall not be permitted except when

approved by the Committee and after consultation with the County Engineer and the township highway commissioner. All private roads shall be built to County approved specifications and standards with township highway commissioner inspection approval provided during construction. (Res. No. 91-66, 4-9-91)

Sec. 19-86. Publicly-Planned Roads.

Roads shall be laid out in conformity to road or highway plans officially adopted by the County Board or the Illinois Division of Highways. If the subdivision lies within one and one-half (1 1/2) miles of the corporate limits of a municipality, the roads shall also be in conformity with the road or highway plan officially adopted by the corporate authority of that municipality. Wherever such a planned road or highway runs through a proposed subdivision, it shall be provided for in the place, and with the width indicated, on said plan. However, no more than one hundred twenty (120) foot right-of-way width dedication shall be required for any road. Any additional right-of-way specified on said plan shall be reserved for circulation purposes by easement provisions to be acquired at a later date by the public agency involved. (Res. No. 91-66, 4-9-91)

Sec. 19-87. Alignment and Continuation.

Where roads are not a part of the official map or officially adopted road or highway plans, the arrangement of the roads in a subdivision shall either provide for the alignment and continuation or appropriate projection of existing principal roads in surrounding areas, or conform to an approved plan for the neighborhood which meets a particular situation where topography or other conditions make continuation of or conformance to existing roads impracticable. (Res. No. 91-66, 4-9-91)

Sec. 19-88. Roadway Classifications.

All existing and planned roads shall be classified according to the following:

(1) Major roads shall be those whose primary purpose is to carry high volumes of traffic, with trip lengths generally over one (1) mile. All marked State and Federal routes, and those County and township roads and other roads so designated by the County Board shall be considered major roads. These should provide continuous service at moderate speeds through an urban area and moderate to high speed travel in rural areas,

Freeways and expressways are major roads with fully or partially controlled access, permitting moderate to high speed travel. Access or modifications of access to County roads designated by the County Board as freeways may be permitted only by approval of the County Board's Transportation Committee.

(2) Collector roads shall be those whose purpose is to collect and distribute medium to low traffic volumes between major and local roads. Collector roads should be interneighborhood roads and particularly related to serving specific traffic generating facilities such as schools, churches, commercial or employment areas, and other areas of greater traffic generation. All County highways and some township roads shall be considered collector roads.

(3) Local roads shall be those whose primary purpose is to provide access to abutting property. They should be laid out so as to discourage use by through traffic. All roads other than major and collectors shall be considered local roads.

(4) Frontage roads shall be special types of local roads running approximately parallel and adjacent to the right-of-way of a railroad, limited-access road, or County, State, Federal, or interstate route, so as to provide access to abutting property only on the side of the road opposite said right-of-way. (Res. No. 91-66, 4-9-91)

Cross reference -Freeways designated, § 17-3.

Sec. 19-89. Road Right-of-Way Widths.

Where not otherwise specified, road right-of-way widths shall be as follows:

- (1) Major roads shall have a minimum right-of-way width of one hundred and twenty (120) feet;
- (2) Collector roads shall have a minimum right-of-way width of eighty (80) feet;
- (3) Local roads shall have a minimum right-of-way width of sixty-six (66) feet. (Res. No. 91-66, 4-9-91)

Sec. 19-90. Reserve Strips and Half Roads.

Reserve or "spite" strips controlling access to roads shall not be permitted. Half roads shall not be permitted, except to provide right-of-way for officially adopted, planned roads. Whenever an existing half road is adjacent to a tract to be subdivided, the other half of the road shall be platted within such tract to be subdivided or the existing half road shall be vacated prior to final approval. (Res. No. 91-66, 4-9-91)

Sec. 19-91. Cul-de-sac and "T" Turnarounds.

- (a) *Cul-de-sac*: A cul-de-sac designed to be permanent shall not be longer than five hundred (500) feet, measured along the

centerline from the road right-of-way to the end of the cul-de-sac, and shall be provided with a turnaround right-of-way not less than one hundred and seventy (170) feet in diameter, with a throat right-of-way radius of seventy (70) feet. The paved circle shall be centered in the right-of-way and have a paved circle of one hundred and twenty (120) feet diameter and a throat pavement radius of fifty (50) feet. Proposal of a cul-de-sac longer than five hundred (500) feet shall required special review by the Plat Officer and County Engineer. Options to not pave the inner area to provide a "T" turnaround in lieu of a cul-de-sac are subject to individual review and approval by the township highway commissioner and County Engineer.

- (b) *"T" turnarounds*: A "T" turnaround shall be installed at all temporarily ended roads. The Final Plat shall provide for a temporary easement to accommodate the installation and use of said "T" turnaround until such time as the road extension is completed and accepted by the appropriate highway authority. At such time the temporary turnaround easement shall be released. The additional right-of-way required for "T" turnarounds shall be forty (40) feet in width measured perpendicular to the normal right-of-way, and shall be fifty (50) feet in length measured parallel to the normal right-of-way. The pavement for the "cross" of the "T" shall be at right angles to the road, twenty (20) feet in width and paved for a distance of at least forty (40) feet out on both sides of the road from the pavement edge. (Res. No. 91-66, 4-9-91)

Sec. 19-92. Geometries.

The geometries of all road improvements shall conform to the following unless necessitated by exceptional topography or other conditions and approved by the County Engineer:

(1) The grade of all roads shall not exceed six (6) percent. The grade of all cul-de-sacs and "T" turnarounds termini shall not exceed two (2) percent. A combination of steep grades and curves shall be avoided. The minimum grade shall be three-tenths (3/10) of one (1) percent with ditches. Ditches shall maintain a minimum grade of one (1) percent.

(2) The minimum sight distance shall be in accordance with the standards set forth in the Kane County Access Control Regulations. The minimum centerline radius shall be two hundred and fifty (250) feet.

(3) The minimum vertical curve length required shall be calculated by multiplying the algebraic difference in grades times the thirty (30) mph "K" factor, unless otherwise specified.

(4) A tangent of at least one hundred (100) feet in length shall be introduced between reverse curves on local roads and at least three hundred (300) feet on major and collector roads.

(5) The intersection of local roads with major arterials and collector roads shall be designed so that there is no jog in the centerline alignment. The intersection of local roads within a subdivision shall also be designed without a jog.

(6) All road intersections shall be at right angles unless unusual topographic or other sight conditions require a lesser angle. (Res. No. 91-66, 4-9-91)

Sec. 19-93. Design and Construction Standards.

(a) Major and collector roads shall have pavement widths as established by the County Engineer.

(b) Local roads shall have a minimum pavement width of thirty (30) feet as per State of Illinois Standard Pavement Class I-11, or equivalent, in urban subdivisions. In country subdivisions, roads shall have as a minimum a twelve (12) inch compacted gravel base, gradation CA-6, shall have a payment width of not less than twenty-four (24) feet, as per State of Illinois Standard Pavement Class B, or equivalent. The pavement shall be a minimum of three (3) inches in thickness with a two (2) inch binder course and a one (1) inch surface course. A developer may exceed the minimum pavement standard subject to approval by the individual township highway commissioner and the County Engineer.

(c) In commercial and industrial areas and other areas where heavy traffic is likely, roads shall have a minimum pavement width of twenty-four (24) feet and shall meet a minimum pavement structural number of 3.0 for local roads. All major and collector roads shall be as specified by the County Engineer.

(d) Cul-de-sacs shall meet all the requirements for a local road and, in addition, shall provide a turnaround right-of-way one hundred and seventy (170) feet in diameter, of which one hundred and twenty (120) feet in diameter shall be paved. In country subdivisions, a "T" may be used, the "cross" of which shall be at right angles to the road, twenty (20) feet in width and paved for a distance of at least forty (40) feet out on

both sides of the road from the pavement edge.

- (e) The roads shall be graded to conform as near as practical to the typical cross-section approved by the County Board and shall be approved by the township highway commissioner or the County Engineer before the gravel or crushed stone base course can be applied. Drainage facilities shall be completed prior to the installation of base course material.
- (f) The base course material shall conform to specifications as shown on the typical cross-section sheet and shall be deposited on the prepared subgrade with an approved mechanical spreader or spreader box. The base course shall be approved by the township highway commissioner or the County Engineer before the bituminous binder course is applied.
- (g) After spreading the material to required width, the base course shall be rolled with pneumatic-tired roller to a compacted thickness after rolling of not less than twelve (12) inches.
- (h) A bituminous surface plant mix conforming to state specifications shall then be constructed on the prepared surface.
- (i) Prior to the approval of the subgrade, road base and bituminous surface by the township highway commissioner, the following shall be submitted to the County Engineer from a certified testing company:
 - (1) A report showing satisfactory subgrade compaction;
 - (2) A core report showing satisfactory thickness for the base course;

(3) Material quantity tickets from the source showing the total amount of base course material and bituminous surfacing placed on the road;

(4) A core report for the bituminous surface showing the thickness and quality. (Res. No. 91-66, 4-9-91)

Sec. 19-94. Improvement of Existing Adjacent Roads.

- (a) When land adjacent to an existing road is subdivided and the existing road is not improved to a standard as high as that required for proposed subdivision roads, the owner or developer shall be required to improve the existing road if it is used for access to the proposed subdivision.
- (b) When warranted by a traffic study, or as determined by the Kane County dDivision of Transportation, turning lanes (consisting of a taper and a full width auxiliary lane) for either right or left turns into an abutting property shall be provided at the developer's expense.
- (c) When it is determined that any other existing infrastructure is inadequate then improvements to any one or all of such facilities shall be required. (Res. No. 91-66, 4-9-91)

Sec. 19-95. Curb and Gutter.

Curb and gutter may be required along the outside edge of road pavements in urban subdivisions and in country subdivisions where the degree of slope exceeds seven (7) percent and shall be as specified by the County Engineer. (Res. No. 91-66, 4-9-91)

Sec. 19-96. Road Lighting.

Installation of road lights shall be required in accordance with design and specification standards approved by the County Engineer. Residential road lighting facilities shall be provided in urban subdivisions at all road intersections and at closer intervals if the subdivision density is three (3) dwelling units per acre or more, and may be required at the entrance of country subdivisions. Commercial and industrial road lighting facilities shall be of the high intensity type, and shall be placed on alternative sides of the road. The owner or developer shall arrange for and pay any installation costs required by the public service company for the erection of the required road lights. (Res. No. 91-66, 4-9-91)

Sec. 19-97. Sidewalks and Pedestrian Ways.

Sidewalks shall be concrete material, and at least four (4) inches thick and four (4) feet wide, with a four (4) inch aggregate base course. Sidewalks shall be located one (1) foot off the property line and constructed in accordance with the standard specifications. Pedestrian ways may be located one (1) foot off of the property line within the right-of-way or within a pedestrian way easement adjacent to the right-of-way. The materials and surface treatment of pedestrian ways shall meet the approval of the County Engineer and the appropriate local authority. They shall be provided according to the following:

(1) *Commercial and industrial property:* Sidewalks are required on both sides of all major and collector roads and those local roads leading to a park or school. Sidewalks may also be required on one (1) side of other local roads.

(2) *Urban subdivisions:* Sidewalks are required on both sides of all roads in areas containing lots of ten thousand (10,000)

square feet and on one (1) side of all roads in areas containing lots of twenty thousand (20,000) to forty thousand (40,000) square feet.

(3) *Country subdivisions:* Sidewalks or pedestrian ways may be required in subdivisions with lots of forty thousand (40,000) square feet or larger along roads leading to parks or schools, in order to provide continuity between systems of sidewalks already installed or provided for in adjacent subdivisions, or when the Committee finds that a pedestrian safety hazard exists or will be created as a result of the development of the subdivision.

(4) Pedestrian ways or sidewalks may be required by the Plat Officer through the center of blocks more than nine hundred (900) feet along, where deemed essential to provide circulation of access to schools, playgrounds, shopping centers, transportation, and other community facilities. Said pedestrian ways or sidewalks shall be located within a right-of-way or easement at least ten (10) feet in width. (Res. No. 91-66, 4-9-91)

Sec. 19-98. Other Roadway Improvements.

(a) Road signs of the type approved by the township highway commissioner shall be installed on the northeast corner of each intersection and shall indicate the road names as shown on the Final Plat.

(b) Guardrails shall be placed along the shoulder of any roadway as set forth by the County Engineer or the township highway commissioner.

(c) All earth surfaces within the right-of-way disturbed by the construction operations shall be graded, fertilized, seeded or sodded, and mulched in accordance with the

standard specifications subject to the approval of the appropriate highway authority. Provision shall be made to assure the growth of such landscaping. (Res. No. 91-66, 4-9-91)

Secs. 19-99-19-110. Reserved:

DIVISION 4. UTILITIES

Sec. 19-111. Wastewater Systems.

(a) All country and those urban subdivisions relying on individual on site wastewater treatment and disposal systems (septic systems) shall comply with the requirements of Chapter 18 of this code and the Kane County individual sewage treatment and disposal systems rules and regulations. Where applicable, urban subdivisions relying on septic systems shall have private restrictions filed with the Final Plat and incorporated in each deed which require that as soon as public sewers are available, connections to the public sewers will be made within one year at the owner's expense and that each lot owner shall bear their fair, proportionate share of the cost of the public sewer as determined by agreement, special assessment, or other means authorized to finance construction of sewer systems.

(b) In urban subdivisions not relying on septic systems, there shall be provided a complete wastewater collection system, including a service connection for each lot and a sewage treatment plant, land application treatment system or such other disposal facilities. All municipal type sewerage systems shall be designed and constructed in accordance with applicable state, county and local plans, standards and regulations and in accordance with accepted modern sanitary engineering practices.

(c) No municipal type sewerage system shall be permitted in an area to be serviced by the orderly extension of municipal sewerage facilities and no community or individual sewerage system will be permitted which will interfere with any municipal plans for the orderly extension of municipal sewerage facilities.

(d) Provision shall be made for the maintenance and operation of such treatment plant or facility and shall be stated on the Final Plat and covenants, if any, and incorporated in the deed of each lot if charges are to be made to the property owners. (Res. 91-66, 4-9-1991)

Sec. 19-112. Water Supply and Distribution.

All community water supply systems shall provide all appurtenances and stubs to each lot and shall be designed and constructed in accordance with plans and standards for the state, county or municipality. In country subdivisions, individual water supplies may be permitted providing they meet all applicable state and County regulations. In urban subdivisions, individual water supplies may be permitted. If a public water supply system is planned for the area, the developer shall provide that private restrictions are filed with the Final Plat and incorporated in each deed so that as soon as a public water supply system is available, connections to the system will be made at the property owner's expense within one year and that owners shall bear their fair, proportionate share of the cost of the public water main as determined by agreement, special assessment proceeding, or other means authorized by law to finance construction of water systems. (Res. 91-66, 4-9-1991)

Sec. 19-113. Drainage and Storm Sewer Facilities.

There shall be provided a storm water control system to serve adequately the area being platted, considering, but not limited to, the following:

- (1) Chapter 9 of this code.
- (2) The design of the drainage system shall consider and show:
 - a. Watershed area of which the subdivision is a part;
 - b. Calculations as to volume and flow rates of water to be handled after extreme rainstorms;
 - c. A schedule of culverts, field tiles, storm drains and storm water management facilities sufficient in size to eliminate flooding or uncontrolled ponding of water either on site or off site;
 - d. The use of existing drainage channels whenever possible.
- (3) Ditches and swales shall meet the following standards:
 - a. With grades to four percent (4%), ditches shall be seeded and covered with mulch or excelsior blanket. Ditches may be required to have sod bottoms and banks and ditch checks may be required at critical points;
 - b. With grades from four (4) to eight percent (8%), ditches shall have sod channels and ditch checks. Ditches may be required to be lined with rock or paved with concrete gutters;

- c. With grades greater than eight percent (8%), ditches shall be rock lined or paved with concrete gutters;

- d. Corrugated metal or equal culverts must be provided at all road intersections, sized to eliminate flooding or ponding, but not less than eighteen inches (18") in diameter, and with a minimum subgrade cover of six inches (6"). Corrugated metal or equal culverts must be provided at all driveway intersections, sized to eliminate flooding or ponding, but not less than fifteen inches (15") in diameter, and with a minimum subgrade cover of six inches (6"). The location, type and sizing of culverts is to be determined by the County Engineer or the township highway commissioner.

- (4) The following criteria shall be used in planning and designing the ground water drainage system. The underlying objective is to provide capacity for ground water or nuisance flows in a pipe or tile in order to keep yards and ditches from becoming wet in dry weather.

- a. *Design Methodologies:* Ground water or nuisance flow systems shall be designed by using the information found in the University of Illinois cooperative extension service circular #1226, Illinois drainage guide for sizing of drain tiles. Drainage coefficients for subsurface drains of one-half inch (1/2") per day or less shall be used when designing ground water drainage systems for wet or perched water table soils in order to not increase base flows in receiving streams.

- b. *Ground Water Drainage Systems:* All septic system curtain drains and all sump pumps shall be connected to a new ground water (also called nuisance or subsurface) drainage system. The new

ground water drainage system shall be routed around storm water storage basins. The new ground water drainage systems shall not drain into old existing agricultural drain tiles. Rather, they shall be connected to an existing or proposed wet pond, wetland or stream, or extended off site to a stream. All new ground water drainage system pipes, both on site and off site, shall be placed within a minimum ten foot (10') wide drainage easement. No footing tiles shall be connected by gravity to a ground water drainage system. Ground water drainage systems shall be kept separated, in general, from storm sewer systems to avoid hydraulic surcharging of the ground water drainage system. However, ground water systems may drain into storm sewer systems or utilize the same pipe as the storm sewer system provided all essential design criteria of a separate ground water system can be met, and

1. The storm sewer system drains to an on site wet pond, wetland or stream.
2. The ground water drainage system will not be hydraulically surcharged by storm water flows, including the prevention of hydraulic overloading of sump pump services and septic system curtain drains. (Res. 91-66, 4-9-1991; Ord. 02-408, 12-10-2002)

Sec. 19-114. Underground Wiring.

The owner or developer shall make arrangements for all lines for telephone, electricity, television and other similar services distributed by wire or cable to be placed underground entirely throughout the subdivided area. Such conduits or cables shall be placed within easements or within public ways where necessary, provided only that overhead lines may be permitted by the Committee where it is

determined that overhead lines will not constitute a detriment to the health, safety, general welfare, and character of the subdivision. All such facilities placed in dedicated public ways or easements shall be planned so as not to conflict with other underground utilities. Electrical transformers and telephone junction boxes shall not be placed in any portion of a designated drainage or storm water control facility. All such facilities shall be constructed in accordance with standards approved by the Illinois Commerce Commission, and in conformance with the franchise of said utilities. (Res. 91-66, 4-9-1991)

Secs. 19-115-19-125. Reserved.

DIVISION 5. OTHER IMPROVEMENTS

Sec. 19-126. Fencing .

The developer shall be required to furnish and install fences at the boundaries of the subdivision wherever the Committee determines that a hazardous or nuisance condition may or could exist. The fences shall be constructed according to the standards established by the Committee and in accordance with the zoning ordinance. Fence improvements shall be made part of the Improvement Plans and construction guarantee provisions of Section 19-35 of this Chapter. (Res. 91-66, 4-9-1991)

Sec. 19-127. Landscaping.

Wherever possible, existing trees shall be preserved in the installation of subdivision improvements. In order to maintain the existing ecological diversity of stable plant material, the owner or developer shall be required to restore the diversity and numerical quality of site flora within designated areas of the subdivision as shown in the Improvement Plans. Numerical quality shall be determined by the scoring

system defined in "Wild Plants And Natural Areas Of Kane County" by Young or "Plants Of The Chicago Region" by Swink and Wilhelm. All required landscaping shall be environmentally sound with plant selection appropriate to sunlight exposure and existing climatic, edaphic, and hydrological conditions. Where no existing native vegetation exists, the developer shall be required to plant a minimum of two (2) native tree species on each lot created appropriate to the foregoing physical conditions encountered. All plant material shall be of a size sufficient to withstand external stresses likely to be encountered and shall be planted in a manner consistent with standard horticultural practices. Disease prone species, sterile clones and any plant with a negative rating in "Wild Plants And Natural Areas Of Kane County" are not acceptable. Provision shall be made to assure the growth of all landscaping. (Res. 91-66, 4-9-1991)

Sec. 19-128. Temporary Sales Facilities.

A mobile sales office shall be permitted on an approved subdivision of twenty (20) or more lots for a period of twelve (12) months which may be extended for twelve (12) month periods, but not to exceed a total of thirty-six (36) months, provided the following criteria are met:

- (1) A site plan submitted showing parking area, lighting, signage, access and location;
- (2) A mobile office shall be placed no closer than thirty-five feet (35') from any road right-of-way;
- (3) One 6-square foot mobile sales office identification sign shall be permitted no closer than thirty-five feet (35') from any road right-of-way;
- (4) A minimum of five (5) parking spaces shall be provided on the site;

(5) A building permit shall be obtained prior to placing the mobile home office on the site. (Res. 91-66, 4-9-1991)

Sec. 19-129. Entryway Treatments.

Permanent landscaped entryway signs shall be permitted at the intersections of approved subdivision entrances, but not within the public right-of-way, provided that the signs meet the following criteria:

- (1) Only one single faced sign with a maximum display area of thirty-two (32) square feet shall be permitted on each approved corner;
- (2) Sign display area shall be placed no higher than five feet (5') above grade;
- (3) Sign display areas shall be placed upon fencing, masonry, timbers or other approved material;
- (4) The placement of the sign shall be designated on the Preliminary Plan and landscape plan and shall be landscaped;
- (5) A diagram shall be submitted showing sign dimensions, landscaped area with species name and distance from right-of-way;
- (6) No entrance sign shall be constructed or erected which identifies the subdivision by any name other than the name displayed on the Final Plat. This Section shall not be construed to require the inclusion of alphabetical, numerical or alphanumeric identification on a portion of a subdivision platted in phases or units;
- (7) A building permit shall be obtained prior to placing of a sign on site. (Res. 91-66, 4-9-1991)

Sec. 19-130. Bicycle and Equestrian Trails.

Bicycle and equestrian trails shall be constructed within easements or dedicated rights-of-way when required as part of the subdivision improvements. Such trails will be separate and distinct from sidewalks, pedestrianways and dedicated roads and shall be installed in accordance with the following:

(1) Bicycle Trails:

- a. The trail shall not be closer than seventy-five feet (75') to any house, barn or garage;
- b. The trail shall not be closer than five feet (5') to any property line or fence;
- c. The trail shall have a minimum of ten inches (10") of gravel base;
- d. The surface may be four inches (4") of limestone screenings or two inches (2") of asphalt, class I-11 or I-11 modified;
- e. The trail shall be a minimum of eight feet (8') wide.

(2) Equestrian Trails: The design and specifications for equestrian trails will be determined on a case by case basis according to use and site conditions. (Res. 91-66, 4-9-1991)

Sec. 19.131. Special Service Areas:

The County may require a special service area or a backup special service area to be established that may provide any or all of the following public improvements and services: maintenance of curbs, alleys, and parking areas, including but not limited to snow removal, salt/sand spreading, street sweeping, striping, and traffic controls; sidewalks and trails; street lighting; street and community identification

signs; landscaping and fencing along rights-of-way and common areas; security; residential waste collection, recycling, and yard waste; common area benches, waste and recycling receptacles and other furniture; pest control; pond aerators; parkway tree removal and replacement; SSA administrative office and staff, and other services as it relates to subdivision maintenance. The County may require that these responsibilities be carried out by a Homeowners Association.

**ARTICLE IV.
SPECIAL SUBDIVISIONS**

DIVISION 1. GENERALLY

Sec. 19-132. Compliance.

All planned unit developments and light industrial subdivisions shall be subject to this Chapter.

For the purpose of promoting the public health, safety, and general welfare, the County Board may, from time to time, amend the regulations imposed by this Chapter. (Res. 91-66, 4-9-1991)

Secs. 19-133-19-135. Reserved.

DIVISION 2. PLANNED UNIT DEVELOPMENTS

Sec. 19-136. Definitions.

A "planned unit development" is a tract or tracts of land which may include two (2) or more principal uses that would otherwise require classification of the tract into two (2) or more standard zoning districts and which is developed as a unit. A planned unit development may also be a tract or tracts of land which include varying residential lot sizes as a result of providing adequate soil and other physical requirements for on site wastewater

disposal systems ensuring adequate protection of environmental and natural amenities; and providing for the reservation of public or private open space areas. (Res. 91-66, 4-9-1991)

Sec. 19-137. Intent.

The planned unit development is a concept which encourages improved design in the development of land. It is the intent of this division to provide flexible land use and design regulations and performance criteria. This division specifically encourages innovations in residential development so that the growing demands for housing at economically reasonable prices can be met by greater variety in type, design, and siting of dwellings and by the conservation and more efficient use of land in such developments. (Res. 91-66, 4-9-1991)

Sec. 19-138. Compliance.

A planned unit development shall conform to the comprehensive plan, the zoning ordinance, the requirements as stated herein, all regulations pertaining to the control of land development and to all other applicable rules, regulations, specifications and standards. (Res. 91-66, 4-9-1991)

Sec. 19-139. General Principles.

A planned unit development (PUD) shall consist of such combination and arrangement of elements as will:

- (1) Form a compatible and harmonious group or groups;
- (2) Be consistent with the policies and recommendations of the comprehensive plan of the County;
- (3) Be suited to the capacity of existing and proposed community facilities;

(4) Be capable of a unitary design consistent with the protection of public health, safety, and welfare in general; and

(5) Not adversely affect the permissible uses of adjacent properties. (Res. 91-66, 4-9-1991)

Sec. 19-140. Design Talents.

Professional talents of qualified land planners, Licensed landscape architects, Illinois Licensed Professional Engineers, Illinois Licensed Professional Land Surveyors, and other specialists deemed necessary shall be utilized in different stages of the preparation necessary to effect a planned unit development to assure developments of the quality desired by the County. (Res. 91-66, 4-9-1991)

Sec. 19-141. Site.

The site for a planned unit development shall consist of a single parcel of land or an integrated group of parcels. The site may include areas of land which are topographically unsuitable for the erection of structures but which may be incorporated into the development plan as an element of the open space system. (Res. 91-66, 4-9-1991)

Sec. 19-142. Procedures and Approval Process.

The detailed review procedures, submittal requirements and approval process for a planned unit development shall be the same as those required in Article II of this Chapter of these regulations except where otherwise stated herein. The following items are for clarifying the process or providing more detailed requirements:

- (1) Subsequent to completion of the Concept Plan stage, the applicant shall prepare a detailed development plan. The

submittal requirements and review process for a development plan shall be the same as required for Preliminary Plans in Article II of this Chapter. In addition, the development plan shall convey by map, table or text the following:

a. Land development pattern showing relationships among physical features, including:

1. Typical arrangements of buildings; community facilities, landscape features and topography;
2. Density of land use to be allocated to parts of the development site;
3. Circulation plan showing major, collector, and local roads;
4. Location and function of all common open space.

Except in the case of very large sites, the above information may usually be included on one or two (2) map sheets.

b. Acreage allocated for open space, major types of housing and nonresidential features. (May be conveyed in tabular form on the map sheet.)

c. Relation between the development and adjacent land in terms of uses, physical features on the land, the areawide system facilities. (A separate map at area scale is desirable for this information.)

d. Written provisions for the permanent maintenance of common or privately owned community facilities shall be included in the development plan. The development plan shall be submitted for review by the Plat Officer and the

Committee. Action shall be contingent upon the following criteria:

1. Consistency with the general requirements for planned unit development;
2. Fulfillment of the specific quantitative and qualitative requirements for density, land use, and administrative features;
3. The satisfactory arrangement of features on the site as shown on the development plans in terms of:
 - (A) Free flowing circulation pattern;
 - (B) Functional compatibility among land uses as arranged;
 - (C) Locational convenience of facilities and services for residents.

(2) Planned unit development zoning shall be required and considered subsequent to the Committee's action on the development plan. Consideration and action by the County Board on the planned unit development zoning petition shall be necessary before the matter shall proceed further before the Committee. Granting of planned unit development zoning constitutes official approval of the development plan and authorizes construction to begin, pending approval of Improvement Plans and issuance of the necessary permits. Expiration of the development plan shall be warranted in the event of failure to commence construction as approved with an extension of time granted after the passing of one year from the date of rezoning the site to a planned unit development district. No authority for construction within the site shall be granted until the plan is reapproved.

(3) Subsequent to the approval of the planned unit development zoning petition, the applicant shall file detailed plans for the construction of proposed site improvements and obtain necessary permits in accordance with the requirements for Improvement Plans in Article II of this Chapter; however, detailed Improvement Plans for entire large scale projects need not be submitted at one time. The project may be divided into sections, with Improvement Plans and construction guarantee necessary only for each section prior to its construction. Where sectioning is desired, the applicant shall be required to identify sections for the entire site before any Improvement Plans may be approved. At no time shall the overall density of completed sections exceed the overall density limits for the entire project.

(4) Final platting and recording of all lots shall be required prior to transfer of ownership of any parcel in accordance with the requirements for Final Plats in Article II of this Chapter. Written guarantees for the maintenance of private roads or open space when permitted by the Committee must be accepted by the Plat Officer prior to the approval of a Final Plat. (Res. 91-66, 4-9-1991)

Sec. 19-143. Validity and Adjustments.

(a) Approval of a planned unit development plan shall be valid for a period of not more than ten (10) years from the date of such approval. After the ten (10) year period, the plan shall be subject to review by the Committee for possible adjustments in light of current conditions before granting extended approval. Any adjustments as to time or requirements by the Committee, after review and recommendation by the Plat Officer, may be granted by the Committee provided that if the development contains five hundred (500) or more

residents, the developer shall notify property owners in accordance with Subsection (b)(1) or (b)(2) of this Section, prior to the adjustment being acted upon by the Committee.

(b) At any time during the course of construction and operation of the development, any request by an owner for adjustments regarding the approved development plan shall be referred to the Committee and will be considered as follows:

(1) "Minor adjustments" are proposed changes regarding setback distances, the location of easements and the physical layout and design of lots and parcels which do not increase the density of area or decrease the open space of the area and do not affect more than ten percent (10%) of lots in the phase or unit affected as indicated on the approved development plan. Adjacent and adjoining property owners within two hundred fifty (250) feet to any area proposed for a minor adjustment shall be given fifteen (15) days' written notice of the proposed adjustment and the date, time and place of the Committee meeting at which they may comment on the proposed minor adjustment.

(2) "Major adjustments" are all adjustments not contained in Subsection (b)(1) of this Section or not involving an extension of time. Major adjustments must proceed in accordance with Section 4.7, Appendix B, "Zoning", of this code. In addition to the required distribution associated with the Zoning Code, a major adjustment shall be distributed to those listed on the distribution list under Section 19-34 (d) Preliminary Plan Distribution. (Res. 91-66, 4-9-1991; Ord. 03-20, 2-11-2003)

Sec. 19-144. Development Standards.

The general design standards of Article III of this Chapter shall govern planned unit developments. Variation from the standards or criteria imposed by Article III of this Chapter may be granted by the Committee at the development plan stage if there is a finding that the needs of traffic, drainage, pedestrian circulation, lot layout and other usage are adequately accommodated by facilities or improvements of dimensions other than those required, but not necessarily under the minimum. (Res. 91-66, 4-9-1991)

Sec. 19-145. Conveyance and Maintenance of Common Open Space.

- (a) All land shown on the development plan as common open space must be conveyed under one of the following options:
 - (1) It may be conveyed to a public agency (pending acceptance) which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it;
 - (2) It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the planned unit development;
 - (3) It may be retained and maintained by the developer.
- (b) If the common open space is not conveyed to a public agency, conveyance or retention must be made subject to covenants to be approved by the Committee which restrict the common open space to the uses specified on the approved development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing

maintenance and use for its intended purposes.

- (c) No common open space may be put to any use not specified in the approved development plan submittals unless the approved development plan submittals have been amended to permit that use under the Kane County Zoning Ordinance. However, no change of the use authorized under the zoning ordinance may be considered as a waiver of any of the covenants, limiting the use of common open space areas, are expressly reserved.
- (d) If the common open space is not conveyed to a public agency, either one of the following methods of enforcement must be provided:
 - (1) The legal right to develop the common open space for the uses not specified in the approved development plan must be conveyed to a public agency;
 - (2) The restrictions governing the use, improvement, and maintenance of the common open space must be stated as conditions to the conveyance or retention of the common open space, the fee title to the common open space to vest in a public agency in the event of substantial default in the stated conditions.
- (e) If the common open space is not conveyed to a public agency, the covenants governing the use, improvements, and maintenance of the common open space may authorize a public agency to enforce their provisions.
- (f) Provisions shall be executed for conveyance and maintenance of open space designated for each section on the land plan at the time of construction within said section. (Res. 91-66, 4-9-1991)

Sec. 19-146. Nonresidential Land.

Lots used for nonresidential purposes shall be of sufficient area to hold structural and nonstructural portions of each establishment and associated off road parking area. Off road parking shall be provided in accordance with the regulations of the Kane County Zoning Ordinance. Industrial sites shall be developed in accordance with the improvements required in Division 3 of this Article and shall be utilized for those industrial uses which meet the performance standards for light industry set forth in the zoning ordinance. Land determined by the County and school authorities to be needed for public elementary and intermediate school purposes shall be reserved and set aside. School recreation areas shall be included within the site but shall be considered open space. (Res. 91-66, 4-9-1991)

Secs. 19-147-19-160. Reserved.

DIVISION 3. LIGHT INDUSTRIAL SUBDIVISIONS

Sec. 19-161. Procedures.

Plans for light industrial subdivisions shall be submitted in accordance with the procedures indicated in Article II of this Chapter. In addition, a zoning change to an LI district under the zoning ordinance shall be required and considered subsequent to the Committee's approval of the Preliminary Plan and prior to the approval of the Final Plat. (Res. 91-66, 4-9-1991)

Sec. 19-162. Plan Specifications.

Plans for light industrial subdivisions shall show information as required in Article II of this Chapter except that the Preliminary Plan need not indicate lot width, area, or interior lot lines. Lot widths and area need not be determined until time of sale or lease of a tract

in order that it may meet the requirements of a client; however, subdividing shall occur in such a way that any tract will meet the normal building requirements for minimum lot size. (Res. 91-66, 4-9-1991)

Sec. 19-163. General Design Standards.

Light industrial development shall comply with all applicable urban subdivision standards set forth in Article III of this C, including those applying specifically to nonresidential development. (Res. 91-66, 4-9-1991)

Sec. 19-164. Road Standards.

Roads constructed and intended to serve light industry shall have a minimum pavement width of twenty-four feet (24') and shall meet a minimum pavement structural number of 3.0. All major and collector roads shall be as specified by the County Engineer. Roads shall not exceed a gradient of five percent (5%). All roads, alleys, and driveways at their intersections within an industrial district shall possess a curb radius of at least fifty feet (50'), and some major intersections may be required to have a minimum curb radius of seventy five feet (75'). (Res. 91-66, 4-9-1991)

Sec. 19-165. Landscaping and Paving.

Each industrial site shall be developed with at least twenty-five percent (25%) of its area set aside for the planting and growing of trees, shrubs, lawn and other permanent natural ground cover, exclusive of drives and parking areas. All such landscaping must be completed within two (2) years of occupancy. All parking areas, driveways and loading spaces shall be paved with asphalt or its equivalent, or otherwise sealed against the release of dust. (Res. 91-66, 4-9-1991)

Secs. 19-166-19-220. Reserved.

DIVISION 1. GENERALLY

**ARTICLE V.
DEDICATION OF SCHOOL/PARK SITES
OR PAYMENT OF FEES IN LIEU
THEREOF**

**Sec. 19-221. Table of Estimated Population
Per Dwelling Unit.**

The following table shall be used in connection with the provisions of this Article:

TABLE OF ESTIMATED ULTIMATE POPULATION PER DWELLING UNIT*

CHILDREN PER UNIT

Type of Unit	<u>Pre-School</u> 0-4 Years	<u>Elementary</u> Grades K-5 5-10 Years	<u>Junior High</u> Grades 6-8 11-13 Years	<u>Total</u> Grades K-8	<u>High School</u> Grades 9-12	Adults 18 Years +	Total Per Dwelling Unit
Detached single-family:							
2 bedroom	.102	.122	.041	.163	.020	1.694	1.979
3 bedroom	.254	.346	.138	.484	.142	1.921	2.801
4 bedroom	.413	.470	.303	.773	.303	2.142	3.631
5 bedroom	.236	.314	.231	.545	.212	2.637	3.630
Attached single-family:							
1 bedroom	0	0	0	0	0	1.068	1.068
2 bedroom	.092	.095	.077	.172	.037	1.776	2.077
3 bedroom	.231	.237	.064	.301	.066	1.805	2.403
4 bedroom	.332	.345	.155	.500	.168	2.243	3.243
Apartments:							
Efficiency	0	0	0	0	0	1.360	1.360
1 bedroom	0	.002	.001	.003	.001	1.749	1.753
2 bedroom	.042	.082	.041	.123	.042	1.614	1.821
3 bedroom	.050	.230	.123	.353	.116	2.499	3.018

*Source: Illinois School Consulting Service/Associated Municipal Consultants, Inc., Naperville, Illinois, 1993.

(Ord. 94-112, 5-10-1994)

Secs. 19-222-19-230. Reserved.

DIVISION 2. SCHOOL SITES

Sec. 19-231. Generally.

As a condition of approval of a Final Plat of subdivision, or of a Final Plat of a planned unit development, each owner or developer will be required to dedicate land for school sites to serve the immediate and future needs of the

residents of the development, to make a cash contribution in lieu of actual land dedication, or a combination of both at the option of the County in accordance with this Division. (Ord. 94-112, 5-10-1994)

Sec. 19-232. Criteria for Dedication of School Sites.

(a) The number of students to be generated by a subdivision or planned unit development shall bear directly upon the amount of land required to be dedicated for school sites. The land dedication requirement shall be determined by obtaining the ratio of:

(1) The estimated number of children to be generated by the subdivision or PUD in each school classification as determined by reference to Section 19-221 of this Article; over the

(2) Maximum recommended number of students to be served according to each school classification site as stated herein, and then applying such ratio to the said

(3) Minimum recommended number of acres for a school site of each such school classification as stated herein.

The product thereof shall be the acres of land deemed needed to have sufficient land for school sites to serve the estimated increased children in each such school classification.

(b) School classification and size of school sites within the County shall be determined in accordance with the following criteria:

School Classification By Grades	Maximum Number Of Students For Each Such School Classification Sites	Minimum Number Of Acres Of Land For Each School Site Of Such Classification
Elementary schools Grades Kindergarten through 5th or 6th	600 students	15 acres
Junior high schools Grades 6th through 8th or 7 th through 9th	900 students	35 acres
High schools Grades 9th through 12th or 10th through 12th	1,500 students	80 acres

(c) The comprehensive school plan, County plan, and the standards adopted by the affected school district shall be used as a guideline in locating sites. (Ord. 94-112, 5-10-1994; Ord. 02-22, 2-13-2002)

Sec. 19-233. Criteria for Requiring a Contribution in Lieu of School Sites.

(a) Where the subdivision size results in the dedication of a school site too small to be practical or when the available land is inappropriate for a school site, the County shall require the owner or developer to pay a cash contribution in lieu of the land dedication required. The cash contributions, in lieu of school sites, shall be held in a special fund by the County, or other public body designated by the County, used only to specially and uniquely benefit the

residents of the subdivision the contribution was donated from, for use in:

(1) The acquisition of land for a school site to serve the immediate or future needs of children from that subdivision or development.

(2) The construction of new buildings.

(3) The construction of additions to existing school structures.

(4) The alteration, renovation, modification or rehabilitation of existing school structures.

(5) The leasing of school facilities to meet needs when building is not possible or feasible.

(6) The administrative expenses of application for disbursement, and use of the cash contributions.

(7) The purchase of real estate from the developer making the contribution under this Article for vocational training as set forth in and under the authority of 105 Illinois Compiled Statutes 5/10-23.3, Illinois school code. When a purchase is made from the contributing developer for such purposes, said developer will transfer the site agreed upon to the purchasing school district for a purchase price not to exceed the price that results from the application of the fair market value set forth in Subsection (b) of this Section to the size of the site.

(b) The cash contributions in lieu of land shall be based on the "fair market value" of so much of the land as would have been dedicated and improved as provided herein. It has been determined that the present "fair market value" of such land, as improved for

a school site, in and surrounding the County is eighty thousand dollars (\$80,000.00) per acre and that such figure shall be used in making any calculation therein unless the owner or developer or the school district in which the proposed subdivision is located files a written objection thereto. In the event of any such objection, the developer or school district shall submit an appraisal or other evidence showing the "fair market value" of such improved land in the area of his development and final determination of said "fair market value" per acre of such improved land shall be made by the Committee based upon the information submitted by the owner or developer, and/or by other interested persons or entities. (Ord. 94-112, 5-10-1994; Ord. 02-22, 2-13-2002)

Sec. 19-234. Criteria for Requiring Dedication and a Fee.

There will be situations in subdivisions or planned unit developments when a combination of land dedication and a contribution in lieu of land is necessary. These occasions will arise when:

(1) Only a portion of the land to be developed is determined as the location for a school site. That portion of the land within the subdivision falling within a proposed school site location shall be dedicated as a site aforesaid, and a cash contribution shall be required for any additional land that would have been required to be dedicated;

(2) A major part of the school site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portions for the school site shall be required to be dedicated, and a cash contribution shall be required in lieu of the balance of the land which would have been

required to be dedicated under this division. (Ord. 94-112, 5-10-1994)

Sec. 19-235. Density Formula.

The "Table of Estimated Ultimate Population per Dwelling Unit" in Section 19-221 of this Article is generally indicative of current and short range projected trends in family size for new construction and shall be used in calculating the amount of required dedication of acres of land or the cash contributions in lieu thereof unless a written objection is filed thereto by the owner or developer or the school district. In the event an owner or developer or school district files a written objection to said table, they shall submit their own demographic study showing the estimated population to be generated from the subdivision or planned unit development and in that event, final determination of the density formula to be used in such calculations shall be made by the County based upon such demographic information submitted by the owner or developer or school district and from other sources which may be submitted to the County. It is recognized that population density, age distribution and local conditions change over the years, and the specific formula for the dedication of land, or the payment of fees in lieu thereof, as stated herein, is subject to periodic review and amendment if necessary. (Ord. 94-112, 5-10-1994)

Sec. 19-236. Reservation of Additional Land.

Where the comprehensive plan or the standards of the County call for a larger number of school sites in a particular subdivision or planned unit development than the developer is required to dedicate, the land needed beyond the developer's contribution shall be reserved for subsequent purchase by a school district approved by the County. Such reservation shall be made for at least one year from the date of

approval of the Final Plat. (Ord. 94-112, 5-10-1994)

Sec. 19-237. Combining with Adjoining Developments.

Where the subdivision or planned unit development is less than forty (40) acres, a school site which is to be dedicated should, where possible, be combined with dedications from adjoining developments in order to produce usable school sites without hardship on a particular developer. (Ord. 94-112, 5-10-1994)

Sec. 19-238. Topography and Grading.

The topography, geology and soils of the dedicated site as well as its surroundings must be suitable for its intended purpose. Grading and drainage on sites dedicated shall be consistent with those purposes and comply with the Kane County Stormwater Management Ordinance. Sites which will rely on an on-site waste water disposal system must be in compliance with the requirements of Chapter 18 of this code prior to acceptance and dedication. (Ord. 94-112, 5-10-1994)

Sec. 19-239. Improved Sites.

Prior to dedication, all sites shall be improved with full service of electrical, water, sewer and roads where these services are included in the development and as applicable to the location of the site, or acceptable provision must be made therefore. The sidewalks and trees normally included within definition of "improved" sites may be deleted due to the delay between dedication of any such school site and construction of school facilities thereon. (Ord. 94-112, 5-10-1994)

Sec. 19-240. Hearing.

(a) Prior to the approval of any plat of subdivision, a public hearing shall be had wherein the school district in which the proposed subdivision is located may petition for a cash contribution in lieu of land in an amount which is greater than that which would be contributed according to the fair market value of eighty thousand dollars (\$80,000.00) per acre or petition for the use of criteria other than that set forth in Subsection 19-232(b) of this Division. The school district seeking such contribution must demonstrate that the amount of the contribution sought would be necessary to meet costs specifically and uniquely attributable to the subdivision in question. The school district may but is not limited to presenting evidence of:

(1) The fair market value of property located in the school district.

(2) The fair market value of all property and buildings owned by the school district.

(3) The estimated costs of new construction, modification, renovation or rehabilitation, which are attributable to the needs of the subdivision in question.

(4) The estimated costs attributable to the creation of the subdivision in question which are expected to be passed on to taxpayers generally as a result thereof.

(b) The hearing shall be conducted before the Land/cash Subcommittee of the Committee upon proper notice to the school district, the owner or developer, and the public generally. The Land/cash Subcommittee of the Committee shall hear evidence, take testimony, offer a period of public comment, and shall make recommendations to the Committee and the Kane County

Board. The procedure of such hearing shall be determined by rules promulgated by the Land/cash Subcommittee of the Committee. (Ord. 94-112, 5-10-1994; Ord. 02-22, 2-13-2002)

Sec. 19-241. Annual Review.

By January 1, 1991, and each subsequent year, the Regional Superintendent of Schools in conjunction with Department staff shall review the provisions of this division and any plans submitted by school districts concerning donations of land, or cash contributions in lieu thereof. The Department shall forward its findings to the Land/cash Subcommittee. No amendment to this division shall be effective without a public hearing first being held where comments from interested persons, if any, were received. (Ord. 94-112, 5-10-1994)

Sec. 19-242. Residential Building Activity Report.

The Kane County Building Officer, if requested, shall submit to the Regional Superintendent of Schools on a quarterly basis for distribution to the school districts a report listing all residential building permits, the address or parcel number for each permit, the date of issuance, and the date of issuance of the occupancy permit. (Ord. 94-112, 5-10-1994)

Sec. 19-243. Collection and Distribution of Cash Contributions.

(a) *Collection; Application for Contribution:* All cash contributions in lieu of actual land dedication made as a condition of approval of a Final Plat of subdivision, or of a Final Plat of a planned unit development, shall be collected by the Plat Officer and deposited in an account provided by the Kane County Treasurer. A school district may apply for use of the cash contributions from Final Plats within their district boundaries by

filing an application with the regional superintendent of schools. The Regional Superintendent of Schools shall review the application and forward copies of it to the Kane County Board Chairman and the members of the Land/cash Subcommittee.

- (b) *Application Contents:* The application for withdrawals of funds by a school district shall include a notarized affidavit setting forth the specific purpose of the needed contribution and shall be signed by the District Superintendent and the President of the School Board. The application shall include the following statement:

_____ *School District has passed a resolution, a copy of which is attached hereto, agreeing to defend and indemnify the County of Kane, the Kane County Board members, the Kane County Regional Superintendent of Schools, and any agent or employee thereof, in their individual and official capacities, for any and all claims by any developer, subdivider, land owner, or any other person or entity arising out of the application for or use of such funds. Pursuant to a resolution to defend and indemnify, and prior to disbursement of any funds, an intergovernmental agreement between the County and the school district shall be executed providing therefore.*

- (c) *Recommendation:* Upon reviewing the application for release of funds, the Land/cash Subcommittee shall then make a recommendation to the Committee which in turn shall make a recommendation to the full Kane County Board. Upon resolution of the Kane County Board, the Kane County Treasurer shall disburse the amount of money approved. (Ord. 94-112, 5-10-1994)

Secs. 19-244-19-250. Reserved.

DIVISION 3. PARK LANDS

Sec. 19-251. Generally.

As a condition of approval of a Final Plat of subdivision, or of a Final Plat of a planned unit development, each owner or developer will be required to dedicate land for park and recreational purposes to serve the immediate and future needs of the residents of the development, or to make cash contribution in lieu of actual land dedication, or a combination of both at the option of the County, in accordance with this division. (Ord. 94-112, 5-10-1994)

Sec. 19-252. Criteria for Requiring Park and Recreation Land Dedication.

- (a) The ultimate density of a proposed development shall bear directly upon the amount of land required for dedication. The total requirement shall be ten (10) acres of land per one thousand (1,000) of ultimate population in accordance with the following classifications:

<i>Minimum</i>	Acres Per 1,000 People
(1) School park (play lot or neighborhood playground), with a minimum size of 1 to 5 acres	1.25
(2) Neighborhood park, with a minimum size of 3 1/2 acres	1.00
(3) District wide park or play field, with a minimum size of 4 acres up to 30 acres	1.25
(4) Community wide recreation park, with a minimum size of	2.00

12 acres up to 30 acres

- (5) County wide forest preserve or subregional open space, with a minimum size of 100 to 500 plus acres

4.50

10.00
acres of
land per
1,000
people

- (b) When owner or developers provide their own open space for recreation areas and facilities, it has the effect of reducing the demand for local public recreational services. Depending on the size of the development, a portion of the park and recreation area in subdivisions or planned unit developments may, at the option of the County, be provided in the form of "private" open space in lieu of dedicated "public" open space. The extent to which "private" open space may be substituted for the required "public" open space shall be determined by the Committee based upon the nature of and projected uses of such open space, the needs of the projected residents, the adopted plans for the area, and after consideration of the total park and recreation land for the general area.
- (c) In general, a substitution of "private" open space for dedicated parks may require a substantially higher degree of improvement and the installation of recreational facilities, including equipment by the developer as part of his obligation. Detailed plans of such areas, including specification of facilities to be installed, must be approved by the County, and before any credit is given for private recreation areas, the owner or developer must guarantee that these private

recreation areas will be permanently maintained for such use by the execution of the appropriate legal documents. Private "swimming clubs" are included in this provision. In addition, if approved by the Committee, a substitution of "private" open space for dedicated parks may also be allowed for conservation purposes through the use of easement rights or other similar techniques used to preserve land in its natural condition, and in order to achieve realization of the County open space plan. When an adjustment for private recreation areas is warranted, it will be necessary to compute the total park land dedication that would have been required from the subdivision or planned unit development and then subtract the credit to be given. (Ord. 94-112, 5-10-1994)

Sec. 19-253. Criteria for Requiring a Contribution In Lieu of Park Sites.

- (a) Where the development is small and the resulting site is too small to be practical or when the available land is inappropriate for park and recreational purposes, the County shall require the owner or developer to pay a cash contribution in lieu of the land dedication required. The cash contributions in lieu of park and recreation land dedication shall be held in a special fund by the County, or other public body designated by the County, and dispersed for the acquisition of park and recreation land as herein before classified, which will be available to serve the immediate or future needs of the residents of that subdivision or development or for the improvement of other existing local park and recreation land which already serves such needs; and may also be dispersed for the administration expenses of these provisions.
- (b) The cash contributions in lieu of land shall be based on the "fair market value" of so

much of the land as would have been dedicated and improved as specified herein. It has been determined that the present "fair market value" of such land as improved for a park site, in and surrounding the County is eighty thousand dollars (\$80,000.00) per acre and that such figure shall be used in making any calculation herein unless the owner or developer files a written objection thereto. In the event of any such objection, the developer shall submit an appraisal or other evidence showing the "fair market value" of such improved land in the area of this development and final determination of said "fair market value" per acre of such improved land shall be made by the Committee based upon the information submitted by the owner or developer, and/or from other interested persons or entities. (Ord. 94-112, 5-10-1994; Ord. 02-22, 2-13-2002)

Sec. 19-254. Criteria for Requiring Dedication and a Fee.

There will be situations in subdivisions or planned unit developments when a combination of land dedication and a contribution in lieu of land is necessary. These occasions will arise when:

- (1) Only a portion of the land to be developed is determined as the location for a park site. That portion of the land within the subdivision falling within a proposed park location shall be dedicated as a site as aforesaid, and a cash contribution shall be required for any additional land that would have been required to be dedicated;
- (2) A major part of the local park or recreation site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portions for the park site shall be required to be dedicated, and a cash

contribution shall be required in lieu of the balance of the land which would have been required to be dedicated under this division. (Ord. 94-112, 5-10-1994)

Sec. 19-255. Density Formula.

The population density table in Section 19-221 of this Article is generally indicative of current and short range projected trends in family size for new construction and shall be used in calculating the amount of required dedication of acres of land or the cash contributions in lieu thereof unless a written objection is filed thereto by the owner or developer. In the event a owner or developer files a written objection to said table, he shall submit his own demographic study showing the estimated population to be generated from the subdivision or planned unit development and in that event final determination of the density formula to be used in such calculations shall be made by the County based upon such demographic information submitted by the owner or developer and from other sources which may be submitted to the County. It is recognized that population density, age distribution and local conditions change over the years, and the specific formula for the dedication of land, or the payment of fees in lieu thereof, as stated herein, is subject to periodic review and amendment if necessary. (Ord. 94-112, 5-10-1994)

Sec. 19-256. Reservation of Additional Land.

Where the comprehensive plan or the standards of the County call for a larger amount of park and recreational land in a particular subdivision or planned unit development than the developer is required to dedicate, the land needed beyond the owner's contribution shall be reserved for subsequent purchase by the County or other public body designated by the County. Such reservation shall be made for at least one year

from the date of approval of the Final Plat. (Ord. 94-112, 5-10-1994)

Sec. 19-257. Combining with Adjoining Developments.

Where the subdivision or planned unit development is less than forty (40) acres, public open space which is to be dedicated should, where possible, be combined with dedications from adjoining developments in order to produce usable recreation areas without hardship on a particular owner. (Ord. 94-112, 5-10-1994)

Sec. 19-258. Topography and Grading.

The topography and geology of the dedicated site as well as its surroundings must be suitable for its intended purposes. Grading on sites dedicated for park and recreational uses shall be consistent with those purposes and comply with the Kane County Stormwater Management Ordinance. (Ord. 94-112, 5-10-1994)

Sec. 19-259. Improved Sites.

Some recreational sites shall be improved with full service of electrical, water, sewer and roads where these services are included in the development or where these services are required for the desired recreational uses, or acceptable provision be made therefor. The degree of improvements shall be determined according to the nature of and the projected uses of such park land. (Ord. 94-112, 5-10-1994)

Sec. 19-260. Distribution of Cash Contributions.

The Forest Preserve District, or a park district, or a township may apply for use of the cash contributions from Final Plats within its district boundaries by filing an application with the Plat Officer. The Plat Officer shall review the

application for completeness and forward copies of it to the Kane County Board Chairman and the members of the Land/cash Subcommittee.

Application Contents: The application for withdrawals of funds by a Forest Preserve District, park district, or township shall include a notarized affidavit setting forth the specific purpose of the needed contribution and shall be signed by the appropriate District representative. The application shall include the following statement:

_____ *Forest Preserve District/Park District/Township has passed a resolution, a copy of which is attached hereto, agreeing to defend and indemnify the County of Kane, the Kane County Board members, and any agent or employee thereof, in their individual and official capacities, for any and all claims by any applicant, developer, land owner, or any other person or entity arising out of the application for or use of such funds. Pursuant to a resolution to defend and indemnify, and prior to disbursement of any funds, an intergovernmental agreement between the County and the Forest Preserve District/Park District/Township shall be executed providing therefore.*

(c) *Recommendation:* Upon reviewing the application for release of funds, the Land/cash Subcommittee shall then make a recommendation to the Committee which in turn shall make a recommendation to the full Kane County Board. Upon resolution of the Kane County Board, the Kane County Treasurer shall disburse the amount of money approved. (Ord. 94-112, 5-10-1994)