

CHAPTER 35

SUBDIVISION CODE

ARTICLE I - GENERAL PROVISIONS

35-1-1 **TITLE.** This Code shall be known and cited as the St. Clair County Subdivision Code.

35-1-2 **PURPOSE AND INTENT.** The purpose of this Code is to prescribe procedures for the subdivision or resubdivision of land within the area of jurisdiction of the County of St. Clair, and comprise the procedures, requirements, standards and specifications with respect thereto. It is intended to encourage development and promote an attractive living environment through good planning and construction practices.

35-1-3 **VARIATIONS AND EXCEPTIONS.** Whenever the area to be subdivided is of such unusual size or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements of these regulations would result in real difficulties, substantial hardship or injustice, such requirements may be varied or modified by the Administrative Officer with the advice and consent of the Transportation Committee so that the subdivider may subdivide his property in a reasonable manner, but at the same time, the public welfare and interest of the County and surrounding areas are thoroughly protected and the general intent and spirit of these regulations are enforced. Such variations shall be incorporated in the subdivision plat, approved by the Administrative Officer and recorded.

35-1-4 **DISCLAIMER OF LIABILITY.** Except as may be provided by statute, no officer, board member, agent, or employee of the County shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code.

35-1-5 **PENALTIES.**
(A) Any person, firm or corporation violating this Code shall, upon conviction, be fined not more than **Five Hundred Dollars (\$500.00)** for each offense; and a separate offense shall be deemed committed on each day during, on, or which a violation occurs or continues.
(B) It shall be illegal to sell or offer to sell, any lot, tract, or property which does not conform to the requirements and regulations of this Code and every such sale or attempt to sell, shall be subject to a fine of not less than **Twenty-Five Dollars (\$25.00)** for each lot or tract.

ARTICLE II – ENFORCEMENT AND FEES

35-2-1 ENFORCEMENT.

(A) No plat of any subdivision shall be entitled to record in the office of the County Recorder of St. Clair County, until it has been approved in the manner prescribed herein.

(B) It shall be unlawful for any person, or agent, having control of any land within the unincorporated area of the County of St. Clair, Illinois, to subdivide land, except by a plat which is in accordance with the regulations contained herein.

(C) It shall be unlawful for the County Recorder of St. Clair County to accept for recording, any plat of a subdivision within the unincorporated area of St. Clair County until the plat has been approved as required herein and such approval has been endorsed in writing on the plat.

(D) The County Board shall not permit any public improvements under its jurisdiction to be constructed or maintained within an area that has been subdivided after the adoption of this Code unless such subdivision has been approved in accordance with the requirements of the Code or any duly authorized variation thereof and properly recorded with the County Recorder of Deeds.

(E) After the adoption of this Code, no building permit shall be issued for any lot hereafter platted unless such lot has been platted in accordance with the requirements of this Code or any duly authorized variation thereof and properly recorded with the County Recorder of Deeds.

(F) Failure on the part of the subdivider to comply forthwith with any order made under the provisions of this Code will result in injunctive action, notwithstanding the penalty provisions of **Section 35-1-5**.

35-2-2 FEES.

(A) Before the Preliminary Plat is approved by the Zoning Administrator, there shall be attached a receipt from the Administrative Officer showing that the subdivider has paid a fee of **Forty Dollars (\$40.00)** for each lot or tract shown upon the preliminary plat and in no case shall the minimum fee be less than **One Hundred Dollars (\$100.00)** per plat. Such fees shall be deposited with the County Treasurer for the General Corporate Fund of St. Clair County.

(B) Before the Final Plat is approved by the Administrative Officer, there shall be attached a receipt from the Administrative Officer showing that the subdivider has paid a fee of **Five Dollars (\$5.00)** for each lot or tract shown upon the final plat and in no case shall the minimum fee be less than **Ten Dollars (\$10.00)** per plat. Such fees shall be deposited with the County Treasurer for the General Corporate Fund of St. Clair County.

ARTICLE III - DEFINITIONS

35-3-1 SELECTED DEFINITIONS.

Administrative Officer: The County Superintendent of Highways shall be the Administrative Officer and shall approve or disapprove the plats required herein with the advice and consent of the Transportation Committee.

Alley: A public access way which affords a secondary means of vehicular access to the side or rear of properties abutting on a street.

Building Line: A line on a plat between which line and the street right-of-way no building or structure may be placed.

Comprehensive Plan: A plan or any portion thereof adopted by a local governmental entity and coordinate its physical and economic development.

Cul-de-Sac: A short street having one end open for vehicular traffic and the other permanently terminated by a turn-around for vehicles.

Dedicate: To transfer the ownership of a right-of-way, parcel of land, or improvement to the County or other public entity without compensation.

Detention Basin: A facility natural or artificial, that provides temporary storage for surface run-off accompanied by its controlled release.

Easement: A right to use other persons property, but only for a specifically named purpose.

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

Improvement: The furnishing of all materials, equipment, work and services, including plans and engineering services, staking and supervision necessary to construct all the improvements required in **Article X** of this Code or any other improvements that may be provided by the subdivider. All of such materials, equipment and services shall be provided at the subdivider's cost and expense, although he may enter into a contract with individuals and firms to complete such improvements and the improvements shall be subject to the final approval of the Administrative Officer.

Plans: All the drawings including general plans, cross-sections, profiles, working details and specifications which the subdivider prepares or has prepared to show the character,

extent and details of the improvements required in **Article V** of this Chapter, and which plans shall conform to any requirements of the Administrative Officer for his consideration, approval or disapproval.

Plat: A map, drawing, or chart, plus all required supplemental material upon which the subdivider's plan is presented and which he submits for approval and intends in final form to record.

Plat, Final: A plat drawn in ink upon tracing cloth and conforming to the requirements of **Article VII, Section 34-7-2.**

Plat, Preliminary: A plat drawn upon tracing paper or other materials from which reproductions can be made and conforming to the requirements of **Article V, Section 34-4-3.**

Reserve: To set aside a parcel of land in anticipation of its acquisition by the County (or other government entity) for public purposes.

Retention: A facility natural or artificial, that provides permanent or long term storage of surface runoff accompanied by a low release rate.

Right-of-Way: A strip of land which the owner/subdivider has dedicated to the County or other government entity for streets, alleys, and other public improvements.

Roadway: That portion of the right-of-way within the limits of construction.

Setback Officer: The County Superintendent of Highways is hereby designated as the Chief Enforcing Officer for the setback regulations of the County.

Specifications: The Standard Specifications for Road and Bridge Construction of the State of Illinois as prepared by the Illinois Department of Transportation, as adopted and amended by the Department, which are in effect at the time the subdivision is being constructed, and the related "Highway Standards". Any term in such specifications referring to State Departments or officials or to persons contracting with the State shall be deemed to refer to applicable departments, officials, or persons in the County of St. Clair, and the term "contractor" shall specifically apply to the subdivider who is responsible for installing all of the improvements required in **Article X** of this Chapter even though the subdivider may enter into agreements for such installing by other persons, firms, or corporations. "Engineer" shall be deemed to refer to the County Superintendent of Highways.

Street, Arterial: A street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route, with intersections at grade, and which

may have direct access to abutting properties, and on which geometric design and traffic control measures are used to expedite the safe movements of through traffic.

Street, Collector: A street which carries or is proposed to carry intermediate volumes of traffic from local streets to arterial streets and which may or may not be continuous.

Street, Local: A street used primarily for access to abutting properties, providing for minimum speeds and traffic volumes.

Structures: Unless otherwise defined, structures shall comprise all objects of materials other than earth, required to be built or to be removed, but not including surfacing, base course, curbs, gutters, sidewalk and pavement.

Subdivider: "Subdivider" means any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision as herein defined.

Subdivision: For the purpose of these regulations, a subdivision is either:

(A) The division of land into **two (2)** or more lots, sites or parcels, any of which is less than **five (5) acres** in area.

(B) Establishment of, or dedication of, a road, highway, street or alley through a tract of land regardless of its area.

(C) Division of land heretofore divided or platted into lots, sites, or parcels, provided, however, that the sale or exchange of parcels of land to or between adjoining property owners where such sale or exchange does not create additional lots shall not be considered as a subdivision, and provided further, that a contract of sale requiring conformity with this Chapter may be entered into.

Transportation Committee: The Transportation Committee shall be the Subdivision Committee of the County Board and shall advise the Administrative Officer regarding the approval or disapproval of plats.

ARTICLE IV – GENERAL REQUIREMENTS

35-4-1 **SUBDIVIDER COMPLIANCE TO REQUIREMENTS.** Anyone desiring to subdivide land within the unincorporated portion of the County of St. Clair which subdivision is subject to the requirements of these regulations shall adhere to the following procedures:

(A) Prepare a plat of the subdivision in accordance with the requirements of **Articles V and VII** of this Chapter.

(B) If the subdivision lies within **one and one-half (1 ½) miles** of the corporate limits of any municipality that has adopted and is enforcing subdivision regulations or an official plan on file with the County, the subdivider shall also submit the preliminary plat to the Municipal Clerk of such municipality for action by the appropriate jurisdiction body(s) to determine if said plat conforms with or exceeds the subdivision regulations and with streets, alleys, and public ground requirements or proposals of the official plan of such municipality.

 If the subdivision lies within **one and one-half (1 ½) miles** of the corporate limits of **two (2)** or more municipalities that have adopted and are enforcing subdivision regulations, then the Administrative Officer will decide which municipality the subdivider will submit the preliminary plat.

(C) The procedure and requirements for review of the preliminary plat by the municipality having jurisdiction shall be as prescribed by the Municipal Subdivision Control Ordinance and in compliance with the provisions of the **Illinois Compiled Statutes**, as amended. (Chapter 65, Section 8/11-12-8, **ninety (90) days** from the filing date, by the Planning Commission and **thirty (30) days** from the date of the next regular meeting of the governing body, following action of the Planning Commission).

(D) After the Municipality has approved the preliminary plat, or if the subdivision is within an area in which no subdivision control ordinance is exercised by a municipality, then the preliminary plat shall be submitted to the Administrative Officer for his study and action. The Administrative Officer may confer with the Transportation Committee upon the plat. If the Administrative Officer approves the plat, the subdivider shall proceed with the preparation of a final plat covering all or any part of the approved preliminary plat, with the plans for improvements, and with the installation of improvements required in **Article X** of this Chapter and the applicable provisions of the Municipal Subdivision Code.

(E) The final plat shall be submitted to and approved by the same agencies and officials that approved the preliminary plat and also by the Zoning Administrator, but no plat lying within **one and one-half (1 ½) miles** of a municipality having an official plan shall be entitled to recording unless it conforms with or exceeds the streets, alleys and public grounds requirements of such plan or unless it has been approved by the Planning Commission of that municipality. The procedure and

requirements for review of the final plat by the municipality having jurisdiction shall be as prescribed by that municipality's subdivision control ordinance and in compliance with the provisions of the Illinois State Statutes, as amended. **(See 65 ILCS 5/11-12-8)**

(F) When the final plat is submitted to the County Recorder, it shall be accompanied by a certificate from the County Clerk, showing that there are no delinquent or unpaid general or special taxes nor any delinquent or unpaid special assessments upon any part of the subdivided area.

(G) The final plat, together with such certificates as may be required by the Administrative Officer and any accompanying subdivision restrictions, shall be presented for recording to the County Recorder within **sixty (60) days** after their approval by the Administrative Officer. Any plat that is not so filed within such period shall not be entitled to recordation without reapproval.

(H) Whenever any subdivision contains not more than **two (2) lots**, neither of which has an area of less than **one (1) acre**, and no new streets or alleys are dedicated, the subdivider need submit only a final plat to the Zoning Administrator and then to the Administrative Officer for their approval.

(I) Preliminary plat approval will remain in effect for a **one (1) year** period. The applicant may during this period submit all of or part of said preliminary plat for final approval. Whenever a large tract is intended to be developed in stages and only part of the tract is to be submitted for final approval, a preliminary plat for subdivision of the entire tract shall be submitted. The applicant may, by written mutual agreement with the Administrative Officer, have final approval of the last part of the plat delayed for a period not to exceed **three (3) years** from the date of the preliminary plat approval.

All terms and conditions under which the preliminary plat approval was granted will not be changed.

(J) Whenever a municipality has adopted an official major street plan for any area lying within **one and one-half (1 ½) miles** of its corporate limits, and of such major street system lying within, or adjacent to, the streets in the subdivision shall be dedicated to their proper width as shown on the plan.

(K) Wherever any highway, constructed by the Illinois Division of Highways or the County of St. Clair, which is the maintenance responsibility of the Illinois Division of Highways, traverses or adjoins the subdivision, the subdivider shall reserve a right-of-way having a width of not less than **sixty (60) feet** from the centerline of such highway and in similar instances and manner, he shall reserve a right-of-way having a width of not less than **fifty (50) feet** from the centerline of any County Highway and **thirty (30) feet** from the centerline of any Road District Highway in St. Clair County.

(L) Wherever, the Illinois Division of Highways, the County of St. Clair or Township has gone on record as desiring the relocation and/or the construction of a new highway, or where a community has duly recorded with the County, a comprehensive plan or official map defining the location of streets, the subdivider shall reserve rights-of-way for the construction of such streets or highways with rights-of-way alignments to be as prescribed by the appropriate jurisdictional agency. The following street standards shall be considered as minimum requirements. Street rights-of-way may be increased because of limitations imposed by topography and/or other physical characteristics and design requirements.

Subdivision Code 35-11-1

<u>Street Classification</u>	<u>Right-of-Way</u>	<u>Minimum Surface Width</u>
Freeway (Full Access Control)	Special Design	--*
Arterial (Limited Access Control)	Special Design	--*
Primary Highway	120 ft.	--*
Major Collector	100 ft.	--*
**Minor Collector (Parking one-side)	60 ft.	36 ft.
Local Residential	50 ft.	30 ft.

*Minimum surface width shall be not less than **twelve (12) feet** per traffic lane and **eight (8) feet** per parking lane, except as indicated.

Minimum requirements should be predicted ADT be above **one thousand (1,000) vehicles per day. See Table No. 1.

ARTICLE V – PRELIMINARY PLATS

35-5-1 PRE-APPLICATION CONFERENCE. Before submitting a preliminary plat, the subdivider is encouraged to confer with the Administrative Officer, and officials of other units of government which would be affected by the proposed subdivision to initiate pre-planning activities and to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of detailed plans, surveys, and other data. **(NOTE: A sketch plan is extremely useful at this stage.)**

35-5-2 WRITTEN REQUEST. The subdivider desiring to subdivide a tract of land shall file a written request to the Administrative Officer for preliminary review of such subdivision and a general description of the location and size of the tract to be platted; the intent as to character type and use of the property and structures to be developed; the deed restrictions proposed, if any; and if appropriate, a description of any unique hardship or difficulty limiting the physical development of the property under consideration.

35-5-3 REQUIRED INFORMATION. The preliminary plat shall be drawn to a scale of not smaller than **one hundred feet to one inch (100' = 1")**, unless another scale is approved by the Administrative Officer, and shall show the following:

(A) North point and a small key map showing the relation of the subdivision to section or sections in which it is located. The key map shall also show the location of any corporate limits of a municipality lying within **one and one-half (1 ½) miles** or less of the subdivision;

(B) The location and width of existing streets within or adjoining the subdivision. Streams and normal watercourses, existing sanitary and storm water sewers, water mains or other underground facilities within or adjoining the subdivision and any other data regarding physical conditions that are needed to properly study and act upon the proposed plan shall also be shown.

(C) The proposed location and width of new streets and alleys, and provision for off-street parking.

(D) The title under which the proposed subdivision is to be recorded, and the names of all proposed streets and the name of the subdivider and the engineer, landscape architect or surveyor.

(E) Where the topography has a significant bearing upon the street grades and the plan of utilities in the proposed subdivision, and where it would be impossible for the Administrative Officer to understand the relation of the plan to the existing topographic conditions, contour lines at not greater than **one (1) foot** intervals shall be shown on the preliminary plan.

(F) Lots and easements, as required by this Chapter and by the Statutes of the State of Illinois in effect at that time, and any other information necessary to show that the plat conforms to the Statutes of the State of Illinois in effect at that time.

(G) A statement to the effect that "this plat is not for record" shall be printed or stamped upon all copies of the preliminary plat.

(H) Approval of the U.S. Soil and Water Conservation District. **(Ord. No. 93-417; 08-30-93).**

(I) Approval of the Zoning Administrator.

(J) Approval of the Highway Commissioner having jurisdiction in the area of development.

(K) Within **thirty (30) days** after filing of the plat with the Administrative Officer and after the last item of supporting information is filed and after inspection of the site, the Administrative Officer shall approve or disapprove the preliminary plat. **Three (3) copies** of the approved preliminary plat shall be filed with the Administrative Officer and a signed copy of the approved plat will be returned to the subdivider.

ARTICLE VI - IMPROVEMENT PLANS

35-6-1 **FILING.** After preliminary plat approval, but prior to submission of the final plat, the subdivider shall file with the Administrative Officer for approval, **two (2) copies** of the plans, specifications, and supporting data for all improvements to be installed in or in conjunction with the proposed subdivision.

35-6-2 **INFORMATION REQUIRED.** All improvement plans and supporting data shall be prepared, signed and sealed by a professional engineer. Said plans and/or supporting data shall provide all the information listed below. All dimensions shall be to the nearest **one-hundredth (0.01) of a foot** and all angles shall be to the nearest second.

(A) Title page with a key map showing the relationship of the subdivision to the surrounding area including the corporate limits of any municipality lying within **one and one-half (1 ½) miles** of the subdivision.

(B) Title block showing names and addresses of subdivider and engineering firm as well as the engineer's seal.

(C) North arrow, graphic scales, and dates.

(D) **One (1)** or more bench marks in or near the subdivision to which the subdivision is referenced.

(E) Plans, profiles and cross-sections of streets showing names, right-of-way and pavement widths, elevations, paving details, grades, curbs and gutter, storm sewers, inlets, catch basins, sidewalks, and any other improvements to be constructed within or in conjunction with the development.

(F) Plan of drainage system including watershed outlines with drainage computations, detention and retention basins showing drainage areas, location of storm sewers, culverts, drainage channels, swales, slopes, pipe sizes, invert elevations, underground drains, outlet locations and velocity reduction techniques.

(G) Plan of sewage disposal system showing pipe locations, sizes, force mains, invert elevations, manhole locations, lift stations, etc.

(H) A digital copy of the approved improvement plans shall be submitted in a format approved by the St. Clair County GIS Coordinator to the Data Processing Department.

ARTICLE VII - FINAL PLATS

Every person who proposes to subdivide any land within the County's subdivision jurisdiction shall comply with the provisions of the subsections below; provided, that said requirements shall not be applicable to land that is specifically exempted from such requirements by "An Act to revise the law in relation to plats" **Illinois Compiled Statutes, Chapter 765, Section 205/0.01 et seq.** amended from time to time.

35-7-1 TECHNICAL REQUIREMENTS.

- (A) A land surveyor registered in Illinois shall prepare every final plat.
- (B) The final plat may include all or only a part of the project area portrayed on the approved preliminary plat.
- (C) The final plat shall be drawn on linen tracing cloth or other material of comparable durability, at a scale of not less than **one hundred feet to one inch (100' = 1")**, where practical, provided that the resulting drawing conforms to state statutes.
- (D) All dimensions shall be shown in feet and decimals of a foot; all angles shall be shown in degrees, minutes and seconds.
- (E) A digital media copy of the approved Final Plat shall be submitted in a format approved by St. Clair County GIS Coordinator to the Data Processing Department.

35-7-2 INFORMATION REQUIRED. The final plat, together with the supporting data, shall provide all the following information.

- (A) Name of subdivision and description of property subdivided, including School District Boundaries, the section, township and range in which the subdivision is located, points of compass, scale of plan and name of owner or owners of the subdivision. The error of closure of the parcel described must not be greater than **one (1) in five thousand (5,000)**. **(Ord. No. 90-212; 07-30-90)**
- (B) The location, width and course of all proposed streets and alleys and provisions for off-street parking.
- (C) The location, width and course of all adjoining streets and alleys.
- (D) All dimensions necessary for locating the boundaries of the subdivision, lots, streets, alleys and of any other area for public use.
- (E) Reference to all monuments known and permanent marking of the external boundaries of the tract to be divided or subdivided.
- (F) Building lines, right-of-way for public use, easements for sewers, utilities and drainage.

(G) Approval of 911 Coordinator must be endorsed upon the final plat insofar as street names and house numbers are concerned. **(Ord. No. 94-424; 01-31-94)**

(H) Certification by a registered land surveyor, licensed under the laws of the State of Illinois, to the effect that the plat represents a survey made by him and that all the necessary survey monuments, dimensions and other essential information required by this Chapter and the Statutes of the State of Illinois are correctly shown thereon.

(I) Certification before a Notary Public by the owners in fee of all the property embraced within the plat, acknowledging the plat to be their free and voluntary act, dedicating to the public use forever the streets and drainage easements shown thereon, dedicating the easements shown thereon for the construction and maintenance of municipal and public utility services, and stating that building lines shown thereon will be referred to in all future conveyances of lots in the subdivision. In addition, the dedication or reservation to the public of any right-of-way lying along any public road adjacent to the boundary or boundaries of the plat.

(J) Certification by County Clerk of St. Clair County, Illinois, that he has examined the plat and search of records of his office to ascertain whether all redeemable sales for unpaid taxes or special assessments have been paid as required by law upon all property embraced within said plat and that he certifies that there are no redeemable tax sales or unpaid forfeited taxes against any of the real estate included in the plat and thereby approves the same for assessment purposes.

(K) Certification by the St. Clair County Health Department with respect to sewage disposal systems of platted land not served by a public sewer system.

(L) Certification by the Illinois Department of Transportation with respect to roadway access where such access is to be a state highway.

(M) Certification by the Soil and Water Conservation District with respect to stormwater detention and erosion control. **(Ord. No. 93-417; 08-30-93)**

ARTICLE VIII - ASSURANCE OF COMPLETION

35-8-1 **FINAL PLAT APPROVAL.** The Administrative Officer shall not approve any final plat of subdivision (and, hence, said final plat shall not be entitled to recording) until:

(A) All improvements required in the approved preliminary plat have been completed by the subdivider/developer, and inspected and accepted by the Administrative Officer; or

(B) In accordance with the subsections below, the subdivider/developer has provided the County with legal assurance to guarantee the satisfactory completion of all required improvements. **(Ord. No. 93-417; 08-30-93)**

(C) The plans for all such improvements shall have been submitted to and approved by the Administrative Officer, the Township Road District Highway Commissioner having jurisdiction, or any other County or State official or agency which is required to pass upon them before the improvements are started or before the legal assurance to guarantee satisfactory completion is filed with the County.

(D) All stormwater facilities including detention storage is complete and functional. **(Ord. No. 93-417; 08-30-93)**

(E) A digital media copy of the final plat and development plans in a format approved by the St. Clair County GIS Coordinator to that Data Processing Department has been submitted for use by said Department.

35-8-2 **FORMS OF ASSURANCE.** At the option of the Administrative Officer, the required legal assurance shall be either a performance bond or an escrow deposit. Every performance bond may be reviewed by the State's Attorney. Each performance bond shall be posted with the County Clerk. Escrow deposits shall be placed in a financial institution and the blank forms shall be obtained from the Administrative Officer, the executed forms verifying the deposit shall be filed with the Administrative Officer prior to plat approval.

35-8-3 **AMOUNT OF BOND OR DEPOSIT.** The amount of the performance bond or escrow deposit shall be equal to the Administrative Officer's estimate of the cost of construction the uncompleted portion of the required improvements. Any escrow deposit may be in the form of:

(A) Cash, Cashier's Check or Certified Check.

(B) An irrevocable letter of credit or commitment from a lending institution guaranteeing to the County the availability of the escrow funds from time to time upon demand; or

(C) Certificates of deposit, treasury bills, or other readily negotiable instruments approved by and made payable to the County Treasurer.

35-8-4 **ELIGIBLE SURETIES.** No person shall be eligible to act as a surety unless he has been approved by the County Treasurer. The Treasurer shall conduct spot audits of all sureties. Any surety who fails to perform shall be ineligible to act as a surety for any subdivision improvements within the County's jurisdiction for a period of **two (2) years**.

35-8-5 **TERM OF ASSURANCE, EXTENSION.** The initial term of any performance bond or escrow agreement shall not exceed **two (2) years**. If all the required improvements have not been completed by the end of the **two (2) year** period, the Administrative Officer may either extend said bond/escrow agreement for **one (1) year** or may proceed as provided in **Section 35-8-6**.

35-8-6 **RELEASE OF BOND/ESCROW DEPOSIT.** The performance bond/escrow deposit shall not be released until:

- (A) The Administrative Officer has determined that all required improvements have been satisfactorily completed; and
- (B) Said improvements have been accepted by the Administrative Officer, the Road District Highway Commissioner, and any other agency having jurisdiction.

35-8-7 **FAILURE TO COMPLETE IMPROVEMENTS.** If all the required improvements have not been completed by the end of the **two (2) year** period or **three (3) year** period, in the case of an extension, the Administrative Officer shall:

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

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

35-8-8 **MAINTENANCE GUARANTEE.** Subsequent to completion and prior to final acceptance, the subdivider/developer shall post a maintenance bond with the Administrative Officer in a form approved by the State's Attorney.

(A) Said bond shall be in an amount determined by the Administrative Officer to be sufficient to guarantee the satisfactory condition of the required improvements for a period of **two (2) years. (Ord. No. 94-434; 01-31-94)**

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

(C) The subdividers maintenance bond will be released upon final inspection of any repairs deemed necessary by the Administrative Officer or Township Road District Highway Commissioner.

(D) It shall be the subdividers responsibility to request a final inspection **sixty (60) days** and not later than **thirty (30) days** before the end of the guarantee period.

ARTICLE IX – STANDARDS OF DESIGN

35-9-1 **RELATION TO ADJOINING STREET SYSTEMS.** The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas or their proper projection where adjoining land is not subdivided insofar as they may be deemed necessary for public requirements. The width of streets in new subdivisions shall be not less than the minimum width established herein.

The street and alley arrangements shall be such as not to cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenience access thereto. Residential streets shall be so designed as to discourage through traffic, but offset streets shall be avoided.

35-9-2 **MINIMUM WIDTH OF STREET BY MUNICIPALITY.** Whenever a subdivision is located within **one and one-half (1 ½) miles** of an incorporated municipality having a population in excess of **three thousand (3,000) persons**, the minimum width of minor streets shall be **fifty (50) feet**, except that where there are unusual topographic or other physical conditions, the Administrative Officer may require a greater width for a minor street.

35-9-3 **DEAD-END STREET.** A dead-end street, where no provision is made for future extension because of platted lots, may not exceed **one thousand (1,000) feet** in length, provided, however, that this length can be modified in areas of excessive grade where a connection cannot reasonably be provided. At the closed end of such dead-end street, there shall be a turn-around having a radius of not less than **fifty (50) feet**.

35-9-4 **ALLEY RIGHT-OF-WAY.** The rights-of-way of all alleys shall not be less than **twenty (20) feet** in width. Dead-end alleys shall not be permitted, except where such dead-end alleys only provide, or provide the only access to off-street parking or access to buildings for services.

35-9-5 **SUBDIVISION ADJOINING NON-ACCESS HIGHWAY.** Whenever the subdivision adjoins a non-access highway, constructed by the Illinois Division of Highways or the County of St. Clair, which is the maintenance responsibility of the Illinois Division of Highways, the Administrative Officer, upon recommendation of the Illinois Division of Highways, may require the reservation of a service road with a

minimum right-of-way width of not less than **fifty (50) feet**, which road shall parallel the highway and may have connections thereto at locations jointly approved by the Administrative Officer and the Illinois Division of Highways.

35-9-6 **STATE HIGHWAY PERMIT FOR ROAD ENTRANCES.** If the tract of land proposed to be subdivided or any part thereof lies adjacent to a highway over which the Division of Highways of the State of Illinois has jurisdiction with respect to maintenance and upkeep thereof, and an entrance or entrances are desired from such highway to lots, streets, or alleys in such proposed subdivision, the subdivider shall submit to the Administrative Officer a written permit from the Division of Highways granting him permission to obtain and construct such an entrance or entrances.

35-9-7 **EASEMENTS.**

(A) **Rear Lot Easements.** Easements of not less than **ten (10) feet** in width shall be provided on each side of all rear lot lines, and along side lot lines where necessary, for storm and sanitary sewers, gas, water and other mains and for electric and telephone lines or for other public utilities. Easements of greater width may be required along or across lots when necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement. A **two (2) foot** easement shall be required on **one (1) side** of and adjacent to an alley to accommodate pole lines.

(B) **Storm Water Easements.** Adequate easements for storm water drainage shall be established along any natural drainage channel and in such other location as may be necessary to provide satisfactory disposal of storm water from streets, alleys and all other portions of the subdivision. The location and minimum widths of such easements shall be determined by the Administrative Officer. The maintenance of these drainage channels shall be the responsibility of the lot owner or adjacent lot owners and shall be so stated in all types of conveyances.

(C) **Trees in Easements.** No tree or structure shall be placed or erected in any easement for utility or drainage purposes and the proper authorities may have free access to and use of the easements at any time.

35-9-8 **BLOCKS.** No block shall be longer than **fifteen hundred (1,500) feet**, and except in unusual instances, residential blocks shall not be less than **five hundred (500) feet** in length. Where a subdivision adjoins a major thoroughfare, the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

35-9-9 **LOTS.**

(A) **Access to Street.** Each lot shall have adequate access to a public street. Access to existing public roads will be constructed by the contractor/developer in accordance with an approved plan before final plat approval.

(B) **Lot Area.** Every lot shall have an area of not less than **six thousand (6,000) square feet** and a minimum width of **fifty (50) feet** at the building line; provided, however, that in order that the public health and welfare may be protected, the following additional requirements regarding lot widths and area must be observed.

- (1) Lots which cannot reasonably be served by either a public or private sanitary sewer or a water system shall have a minimum width of **one hundred (100) feet**, measured at the building line, and a minimum area of **twenty thousand (20,000) square feet**. Lots that can reasonably be served by either a public or private water system or by a public or private sewer system, but not by both, shall have a minimum width of **seventy-five (75) feet**, measured at the building line, and a minimum area of **ten thousand (10,000) square feet**. **(See Chapter 40 – Zoning Code)**
- (2) In case of unusual soil conditions or other physical factors which may impair the health and safety of the neighborhood in which a subdivision may be located, upon recommendation of the State Department of Public Health, the Administrative Officer may increase lot area requirements as may be necessary. **(See County Health Department)**
- (3) The provisions of paragraph (2) of this Section as pertains to area and minimum width shall not apply to lots platted for the construction of so-called "Row Houses" or "Town Houses", being single-family houses separated by party walls. Lots specifically platted for such row or town housing shall have a minimum area of **fifteen hundred (1,500) square feet**, and a minimum width of **sixteen (16) feet** at the building line, and shall be governed by restrictions indenture providing for servicing of residences constructed thereon by both a public sanitary sewer system and public water system. **(See Chapter 40 – Zoning Code)**
- (4) On all lots, building setback lines shall be a minimum of **twenty-five (25) feet** from the right-of-way line of all platted streets. (Corner lots shall have extra width to provide for the setback lines for both streets.) On all lots adjacent to existing public roads or highways, building lines shall be in accordance with established setback regulations.

- (5) **Off-Street Parking.**
- (a) Except as provided in subparagraph (b) following, each lot shall have an area reserved for off-street parking of motor vehicles, such area to be connected to a public street or dedicated alley, so as to permit ready access thereto. The area of off-street parking required shall be governed by the number of dwelling units to be constructed upon such lots so as to make **one (1)** off-street parking space available for each dwelling unit.
 - (b) Any lot employed for multiple dwelling units designed for temporary use of transients or tourists shall provide for an off-street parking area of sufficient size to accommodate not less than **seventy-five percent (75%)** of the total number of dwelling units.
 - (c) The above provisions will not apply when centralized off-street parking is provided for multiple dwelling units upon adjacent land permanently reserved for such use so long as this use is continued, and of sufficient area to accommodate motor vehicles of tenants or guests according to the percentage above established.

35-9-10 **MANUFACTURED HOME PARKS.** In the event titles to spaces in manufactured home parks are conveyed, or are to be conveyed, the requirements of this Chapter shall apply. In such cases, each manufactured home space shall be considered a lot and shall have a minimum area of **six thousand (6,000) square feet**. Manufactured home parks are subject to the rules and regulations of the Illinois Department of Public Health. **(See Zoning Code)**

35-9-11 **PUBLIC RESERVATIONS.** When a school board, park board or governing body of a township, county or municipality goes on record as desiring to purchase ground in the subdivision for a park, school or other public area, such area shall either be dedicated to the proper agency or it shall be reserved for acquisition within a **thirteen (13) month** period. If, within this **thirteen (13) month** period, an acquisition price cannot be agreed upon or condemnation proceedings have not been instituted, the owner or subdivider may subdivide, sell or dispose of the ground.

35-9-12 **LAND SUBJECT TO FLOODING OR CONTAINING POOR DRAINAGE FACILITIES.** No plat will be approved for a subdivision which is subject to periodic flooding or which contains extremely poor drainage facilities and which would make adequate drainage of the streets impossible. However, if the subdivider agrees to make improvements which will, in the opinion of the Administrative Officer, make the area completely safe for residential occupancy, and provide adequate street drainage, the preliminary and final plats of the subdivision may be approved.

ARTICLE X – MINIMUM IMPROVEMENTS REQUIRED

35-10-1 STREET IMPROVEMENTS. All streets shall be graded as hereinafter provided.

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

In general, all such new streets within the subdivision and all work to be undertaken thereon shall be constructed according to the Standard Specifications for Road and Bridge Construction adopted and amended by the Illinois Department of Transportation and the related Highway Standards, all of which are in effect at the time the subdivision is being constructed, except as provided herein.

(A) **Roadway and Side Slopes.** The roadway shall be considered to be that part of the improvement which lies between the property lines, and which roadway shall not be less than **fifty (50) feet** in width and shall be constructed substantially in accordance with the typical cross-sections shown on Standards hereto attached; and turn-arounds or cul-de-sacs at the end of dead-end streets shall be laid out and constructed substantially in accordance with Standard No. 5, hereto attached. The roadway shall be seeded in accordance with Standard Specifications. The contractor and/or developer shall assume responsibility for maintaining the roadway, including the seeding, the removal of earth, crushed stone or other debris from the pavement, curb and gutter and other drainage facilities for a period of **one (1) year** after acceptance by the Road District Highway Commissioner. The Contractor or Developer shall take immediate action for compliance upon notification by either the Road District Highway Commissioner or the County Superintendent of Highways or one of his representatives. **(See Attached Standards.)**

(1) Alleys shall not be less than **twenty (20) feet** in width, of which area not less than **eighteen (18) feet** in width shall be paved in accordance with standards and specifications herein provided, except that such alleys shall not be required to have concrete curb and gutter.

(B) **Grading, Excavation and Embankment.** All excavation and construction of embankments shall be in accordance with the specifications. The embankment or fills shall be placed in **six (6) inch** layers and thoroughly compacted.

(C) The grades of all streets shall be not greater than **ten percent (10%)**. Vertical curves shall be designed for a minimum **thirty (30) miles per hour** speed limit with a minimum stopping sight distance of **two hundred (200) feet**. Where curvilinear horizontal alignment is utilized, the minimum centerline radius shall be **one hundred (100) feet**.

(D) **Erosion Control.** The subdivider shall conduct and schedule operations so as to avoid or minimize siltation of ditches, streams, lakes and reservoirs.

Erosion control features shall be constructed concurrently with other work as may be directed by the Administrative Officer.

35-10-2 PORTLAND CEMENT CONCRETE PAVEMENT. All rigid pavement shall consist of **six (6) inches** of unreinforced Portland Cement Concrete on **six (6) inches** of lime modified subgrade.

(A) Longitudinal joints shall be constructed in accordance with the Standard Specifications and the illustrations included herein.

(B) Transverse joint spacing shall not exceed **twenty (20) feet** and shall be constructed in accordance with the Standard Specifications and the illustrations included herein.

(C) Transverse construction joints shall be tied with #4 bars spaced at **twelve (12) inch** centers **thirty (30) inches** long and must be at least **five (5) feet** from a contraction or expansion joint.

35-10-3 BITUMINOUS CONCRETE PAVEMENT.

(A) All flexible pavement shall be constructed of **two (2) inches** of Bituminous Concrete Surface Course Class I – Type 2 on **four (4) inches** of Bituminous Base Course on a **six (6) inch** lime modified subgrade, in accordance with the applicable provisions of the standard specifications.

(B) Alleys where permitted shall have not less than **three (3) inches** of bituminous concrete surface on **eight (8) inches** of compacted base course and shall be constructed in accordance with the standards provided herein.

(C) If a subdivision consists of lots **one (1) acre** or more in size, the streets may be constructed of **eight (8) inches** of aggregate base course, Type A and A-3 bituminous surface treatment over a **six (6) inch** lime modified subgrade, all in accordance with the standard specifications and illustrations provided herein.

35-10-4 COMBINATION CONCRETE CURB AND GUTTER. Combination concrete curb and gutter shall be built in accordance with the detail shown on Standard No. 2 and in accordance with the standard specifications.

(A) Curb and/or gutter may be constructed monolithically or separately in conjunction with the Portland Cement Concrete Pavement.

(1) If constructed separately, **one-half (1/2) inch** round steel tie bars spaced at **thirty (30) inch** centers will be required to tie the gutter flag to the PCC Pavement.

(B) Contraction joints and expansion joints shall be installed in the curb and/or gutter, in prolongation with joints in adjacent PCC Pavement.

- (1) Contraction joints, when sawed or template formed, shall be sealed in accordance with the standard specification.
- (C) When curb and gutter is constructed adjacent to flexible pavement, a **one (1) inch** expansion joint shall be installed at points of curvature for short-radius curbs and at construction joints.
 - (1) Contraction joints shall be placed between expansion joints at distances not to exceed **twenty-five (25) feet** and sealed in accordance with the standard specifications.
- (D) The flow line of any combination curb and/or gutter section, shall have a fall of at least **0.3 of a foot** per **one hundred (100) lineal feet**, except where vertical curves in the grade line of the street make these provisions inapplicable with respect to the curb and gutter.

35-10-5 DRAINAGE AND STORM SEWERS.

- (A) In addition to the installation of curbs and gutters as required by **Section 35-9-4** of this Article, the subdivider shall make adequate provisions for the disposal of storm water throughout the entire subdivision.
- (B) Facilities shall be provided to satisfactorily accommodate the surface runoff incident to the **ten (10) year** design storm by utilization of the "rational method" or the "scs method" or both.
- (C) Pipe Culverts/Storm Sewer materials and construction shall conform to the applicable sections of the standard specifications, and shall be either reinforced concrete pipe meeting the requirements of AASHTO M170, or pre-coated galvanized corrugated steel pipe meeting the requirements of AAASHTO M245 and M246, sheet-coated with polymer coating thickness of 1.010 in (0.25 mm) on both surfaces.
- (D) The minimum diameter for across road culverts shall be **fifteen (15) inches.**
- (E) The minimum diameter for storm sewers shall be **twelve (12) inches.**
- (F) Minimum gradient shall be **0.3%.**

35-10-6 INLETS/CATCH BASINS.

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

35-10-7 **IMPROVEMENTS OF A HIGHER TYPE.** The requirements above set forth, with respect to street drainage and surfacing, are to be considered as minimum requirements and nothing contained herein shall be construed to mean that the subdivider cannot construct or provide improvements of a higher type, if he so desires.

35-10-8 **STREET SIGNS.** Signs shall be erected at all street intersections giving names of streets. The signs shall be of an approved material sufficient in size to accommodate **four (4) inch** lettering. They shall be mounted on **four by four inch (4" x 4")** creosoted wood posts, **two (2) inch** galvanized pipe posts or standard "U" channel painted or galvanized sign posts (minimum weight 2.6 pounds per foot) **three (3) feet** in the ground and extending above the surface **seven (7) feet**. All signs shall be reflectorized and approved by the Township Road District Highway Commissioner having jurisdiction.

ARTICLE XI – STANDARDS FOR UTILITIES

35-11-1 **WATER SUPPLY.** Whenever a subdivision is located within **one and one-half (1 ½) miles** of an incorporated municipality or any other public agency having an approved public water supply that is within reasonable distance of the subdivided area, such subdivision shall be provided with a complete water distribution system and be constructed under the supervision of the public agency or utility supplying the water and shall be in accordance with the regulations of the **“Illinois Specifications for Water and Sewer Main Construction”**.

35-11-2 **FIRE HYDRANTS.** When a public or private water distribution system is provided, fire hydrants shall be installed by the subdivider as part of the water distribution system. Installation of hydrants shall be accomplished in such manner that each lot is within **four hundred (400) feet** of the fire hydrant when measured along the center line of the right-of-way. No fire hydrant shall be placed on a main smaller than **six (6) inches** in diameter. Hydrants installed shall be of the type approved by the Fire Chief of the district having jurisdiction.

35-11-3 **SANITARY SEWERS.** Whenever a subdivision is located within **one and one-half (1 ½) miles** of an incorporated area or other public agency and where public sanitary sewers are within a reasonable distance of the subdivided area, each lot in the subdivision shall be provided with a connection to the sanitary sewer system, when a permit can be secured from the municipality. The construction of the sewer system shall conform to the plans and specifications and be under the supervision of the public agency operating the system to which it is connected. If the connection is made to a private system serving another subdivision, then the new system shall conform to the plans, specifications and requirements of the **“Illinois Specifications for Water and Sewer Main Construction”** and the approval of the agency shall be secured.

Whenever the subdivider provides a private system of sanitary sewers and a treatment plant, such system and plant shall conform to all standards, specifications and requirements of the Illinois Department of Public Health and the approval of the agency shall be secured.

Whenever septic tanks are permitted, the system shall comply with the application regulations or recommendations of the Illinois Department of Public Health and the St. Clair County Health Department.

35-11-4 **PROVISIONS FOR MAINTENANCE AND OPERATION.** Where the subdivision is to contain sewers, sewage treatment plants, water supply system, park areas, or other physical facilities which will not be maintained by existing public agencies, adequate provision shall be made for the continuing maintenance, supervision, operation and reconstruction of such facilities by the lot owners in the subdivision, subject to the regulations of the Department of Public Health of the State of Illinois where applicable.

[This Chapter Ord. No. 89-184; 06-26-89]