

# Chapter 16 - Subdivision Control Ordinance

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## Article 1 - Title and Purposes

### 1601 Title

This Ordinance shall be known as and may be cited as "The Village of Spring Grove Subdivision Ordinance".

### 1602 Purposes

In the subdivision and resubdivision of land, a developer is required to comply with certain procedures outlined in the Illinois Compiled Statutes. This Ordinance establishes additional procedures and requirements governing the platting of land in the Village, and is adopted for the following purposes:

- A. To establish reasonable design standards and procedures for subdivision and resubdivision of land;
- B. To provide for an orderly subdivision process and promote continuity with existing developments;
- C. To encourage development which is compatible with the natural features of a particular site;
- D. To establish guidelines for the dedication, use and continuing maintenance of common areas;
- E. To establish a single document to serve as a guide in providing an adequate street system; a means of sewage disposal and other utilities; surface drainage and stormwater control; and other services related to the use of subdivided land; and
- F. To protect and provide for the public health, safety and general welfare of the citizens of the Village.

## Article 2 - General Provisions

### 1603 Authority

This Subdivision Control Ordinance regulating the subdivision of land implements and is hereby made a part of the Official Comprehensive Plan of the Village. It is intended to provide for the harmonious development of the Village and its environs; for the location and width of proposed streets within new subdivisions with other existing or planned streets; for the installation and construction of utilities, roadways and other improvements essential to service the subdivided lands; for the dedication and acceptance of land acquired for schools, parks, playgrounds and other public uses; for the preparation of subdivision plans and the procedure for the submittal, approval and recording of subdivision plats in and about the Village, and in accordance with the authority vested in the municipality under the provisions of State Statutes.

### 1604 Jurisdiction

This Ordinance shall apply to any subdivision or the dividing of any parcel of land made within the borders of the Village as well as to any subdivision or dividing of any parcel of land within 1.5 miles of the corporate limits of the Village.

### 1605 Fees

*(Revised Ord 2019-43)*

1605.1 **Filing Fees.** All plats filed with the Village shall be accompanied by the required filing and retained personnel fees established by the Village Board. No plat shall be processed and considered submitted until said fees have been paid.

- Plats of Consolidation, Dedication, Consolidation and Resubdivision and Subdivision for 5 lots or less \$300
- Plats of Subdivision for 5 lots or more \$600

1605.2 **Retained Personnel Fees.** Property owners shall pay and reimburse the Village for any and all administrative expenses, special meetings, costs, and any and all fees, salaries or compensations incurred by the Village or charged to the Village by retained personnel for work in connection with proposed subdivision of land as provided in Chapter 17, Annexations and Retained Personnel, of the Municipal Code Book.

### 1606 Repeal of Existing Regulations

The existing subdivision regulations of the Village are hereby repealed.

**1607 Interpretation and Separability**

- 1607.1 **Interpretation.** When interpreting and applying the provisions of this Ordinance, these shall be held to be the minimum requirements throughout the Village.
- 1607.2 **Conflicts of Law.** Where this Ordinance imposes greater restrictions or requirements than are imposed or required by other provisions of the law or rules, regulations, covenants or other agreements, the provisions of this Ordinance shall control. However, nothing herein shall interfere with or be construed to abrogate or annul any easements, covenants, deed restrictions or agreements between parties which impose restrictions greater than those imposed by this Ordinance.
- 1607.3 **Invalidity.** If any section, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**1608 Implementation and Enforcement**

- 1608.1 **Review Authority.** The Village Board of Trustees grants the Village Engineers and the Village Attorney the power and authority to review and recommend approval or disapproval of plats for the subdivision of land within the Village.
- 1608.2 **Law Compliance.** All laws of the State of Illinois are made a part hereof, the same as if fully set forth herein, and all officers and employees of the Village, are directed to compel compliance with such laws of the State of Illinois.
- 1608.3 **Plat Approval.** No plat of subdivision shall be approved which does not comply with all of the provisions of this Ordinance.
- 1608.4 **Recording of Plat.** The Recorder shall not record any subdivision plat unless it has been approved by the Village Board of Trustees.
- 1608.5 **Plat Violations.** Whenever it shall come to the knowledge of the Recorder that any provisions of the state law governing plats have been violated, it shall be his or her duty to notify the State's Attorney, who shall take appropriate action.
- 1608.6 **Ordinance Enforcement.** It shall be the duty of the Village Engineer, Village Attorney, and the Building Inspector to enforce this Ordinance; to bring to the attention of the Board of Trustees any violations or lack of compliance with this Ordinance; and to take appropriate action in the case of violations.

## 1609 Violations and Penalties

- 1609.1     **Illegal to Transfer.** No owner or agent of the owner of any land located in a proposed subdivision shall transfer, sell, lease or offer for sale or lease any such land before a Final Plat of such subdivision or resubdivision has been approved in accordance with the provisions of this Ordinance and recorded. Whoever shall sell or lease, or offer for sale or lease, any lot or block in any subdivision before complying with all of the requirements of these regulations, shall be subject to a fine of up to five hundred (\$500.00) dollars for each lot so disposed or offered. Each day that sales or leasing, or offers to sell or lease, continue in violation of these regulations shall constitute a separate offense, subject to the above penalty.
- 1609.2     **No Metes and Bounds.** The subdivision of any lot or any parcel of land by the use of metes and bounds descriptions for the purpose of sale, transfer or lease, with the intent of evading these regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements in this Ordinance.

## Article 3 - Definitions

### 1610 Definitions, General

For the purposes of uniform interpretation of this Ordinance, certain terms and phrases shall be deemed to have the meaning ascribed to them in this Section.

The words "shall" and "must" indicate mandatory items, while the word "may" indicates optional items.

### 1611 Listing of Definitions

**Alley.** A dedicated and improved roadway intended to provide supplementary public access to the rear of lot.

**Board of Trustees.** Current Board of Trustees of the Village of Spring Grove.

**Building Department.** The Village Building Inspector.

**Building Inspector.** Current Building Inspector of the Village of Spring Grove.

**Cable Television (CATV) Company.** A person, firm or corporation who has obtained a franchise from the appropriate unit of local government to provide television signals for public use via permanently installed coaxial or other cable sufficient for conveying images for display on televisions.

**Clerk.** Current Clerk of the Village of Spring Grove.

**Congressional Survey Township.** An area approximately 6 miles square identified by its unique township and range numbers with respect to a designated Principle Meridian and Base Line.

**County.** McHenry County, Illinois.

**County Clerk.** The elected or appointed County Clerk of McHenry County, Illinois.

**Critical Soil.** Soil materials that have been distributed and/or have natural limitations extensive enough to require alternative systems or are perhaps so limited as to preclude the practicality of on-site waste water treatment.

**Design Requirements.** The Schedule of Minimum Design Requirements for Subdivision Roads in the Village of Spring Grove (Appendix J of this Ordinance).



**Final Plat.** The official graphic depiction of a subdivision which is ultimately filed for the record in the Recorder's Office. It shows all lots, easements, streets and other dedicated areas. The Final Plat also indicates items such as building setback lines, restrictions for septic systems and any ingress and egress restrictions.

**Fire Department.** The applicable Fire Department.

**Health Department.** The McHenry County Department of Health.

**Highway Department.** The McHenry County Highway Department.

**IDOT.** The Illinois Department of Transportation.

**Natural Resource Inventory (NRI) Report.** A report prepared by the McHenry County Soil and Water Conservation District which describes the soils, as shown on the official McHenry County Soil Maps, surficial geology and other natural features of a parcel of land, and evaluates in general terms its suitability for a particular use. Any requirement that such a report be prepared may be waived by the Board of Trustees.

**Non-Critical Soil.** Undisturbed soil materials, as determined by on-site comprehensive soil survey, that can support a conventional private sewage disposal system, where at least the lower portion of the soil absorption part of the system can be installed in original, uncompacted soils. Another term having the same meaning for purposes of this Ordinance is "suitable soil".

**Owner.** The owner of a piece of property (or the beneficiary if title is held in a trust) and his designated representative such as developers, engineers, surveyors and other agents.

**Parkway.** The portion of the public right-of-way between the street and the nearest parallel property line, including the sidewalk area.

**Planning and Zoning Commission.** The Planning and Zoning Commission of the Village of Spring Grove.

**Planning Department.** The McHenry County Department of Planning.

**Plat Act.** An act to revise the law in relation to plats, approved March 21, 1874, as amended (705 ILCS 205/0.01 et seq.)

**Police Department.** The Village of Spring Grove Police Department.

**Political Township.** A unit of local government organized under an act to revise the law in relation to township organization, approved March 4, 1874 as amended (60 ILCS 5/1-1 et seq.). It may or may not coincide with a Congressional Survey Township.

**President.** Current President of the Board of Trustees of the Village of Spring Grove.

**Private Road.** A privately owned and maintained access or way set aside or designated for vehicular travel or access which is provided by an easement, license or other legal means, which typically serves any combination of two (2) or more residential or commercial units or lots.

**Record Drawings.** Design drawings checked in the field and which are revised to show as constructed the location, elevation, grading and specification of material for improvements and utilities.

**Recorder.** The elected or appointed Recorder of Deeds of McHenry County, Illinois.

**Recorder's Act.** An act to revise the law in relation to Recorders approved March 9, 1874, as amended (*55 ILCS 5/3-5001 et seq.*).

**Regional Superintendent of Schools.** The elected head of the McHenry County Educational Services Region.

**Registered Professional Engineer.** An engineer who is licensed to practice Professional Engineering by the State of Illinois, or who is allowed to practice by the State of Illinois under a reciprocity agreement with another state. (*See 225 ILCS 655/1*)

**Retained Personnel.** Any engineer, attorney, landscape consultant, planner, economist, or other technical, professional or expert paid or retained by the Village, to assist or advise the Village, directly or indirectly, in connection with any aspect of a proposed subdivision of land of territory to the Village.

**Road Commissioner.** The elected or appointed head of the local Political Township Road District.

**Septic System (Conventional).** An individual, conventional on-site sewage system employing a septic tank and the soil treatment system commonly known as seepage trenches, that are partially or wholly in original soil material.

**Sketch Plan.** A graphic exhibit which shows basic resource features, proposed lot divisions, roadway layout and general drainage features of a proposed subdivision. The purpose of the Sketch Plan is to explore alternative subdivision arrangements prior to investing time and money on detailed drawings of an arrangement which may not be acceptable.

**Soil Classifier.** A certified member of the Illinois Soil Classifiers Association and/or a certified professional soil classifier member of ARCPACS, who by reason of his or her 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 practiced soil classifying.

**Soil Conservation Service.** A division of the United State Department of Agriculture which provides technical assistance in soil-related matters to individuals, units of government, etc., through the local Soil and Water Conservation District Office.

**Soil Standards Manual for Waste Disposal Systems.** A book prepared by the McHenry County Health Department which details requirements for the design and installation of septic systems in various types of soil conditions.

**Staff Review.** An administrative unit consisting of the Village Engineer, Village Attorney, Village Police Department, Village Building Inspector, Landscape Consultant, and any other representative appointed by the Village President and the Village Board.

**Standard Specifications.** The *Standard Specifications for Road and Bridge Construction* adopted January 1, 2007 by the Illinois Department of Transportation (IDOT), as amended.

**State's Attorney.** The elected or appointed State's Attorney of McHenry County, Illinois.

## **Streams**

- **Ephemeral Stream.** An ephemeral stream has flowing water only during and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.
- **Intermittent Stream.** An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.
- **Perennial Stream.** A perennial stream has flowing water year-round during a typical year. The water table is located above the streambed for most of the year. Groundwater is the primary source of water for stream flow. Run off from rainfall is a supplemental source of water for stream flow.

**Suitable Soil.** Undisturbed soil materials as determined by on-site comprehensive soil survey that can support a conventional private sewage disposal system, where at least the lower portion of the soil absorption part of the system can be installed in original, uncompacted soils. Another term having the same meaning for purposes of this Ordinance is “Non-Critical Soils”.

**Superintendent of Highways.** The appointed head of the McHenry County Highway Department.

**Superintendent of Schools.** Current Superintendent of Schools for the applicable School District.

**Tentative Plat.** A graphic depiction of the proposed lot lines, streets and other engineering improvements of a proposed subdivision superimposed on a map of the existing topography. Where septic systems are to be used for subsurface waste disposal, a Tentative Plat will also indicate soil classifications and wetness categories used to determine suitability of various areas for the septic systems.

**Utility Company.** A person, firm or corporation who owns, controls, operates or manages any equipment, plant or property furnishing telephone, telegraph, electric, light, heat, power, water, sewerage, gas (by pipeline) or similar service for public use. The Village shall not be considered to be a utility company even if it provides any of the aforementioned services.

**Village Attorney.** Current Village Attorney of the Village of Spring Grove.

**Village Engineer.** Current Village Engineer of the Village of Spring Grove who shall at all times act as an adviser to the Planning and Zoning Commission. All documents required to be received by the Planning and Zoning Commission shall be received by the Village Engineer.

**Zoning Enforcement Officer.** The appointed head of the Building Department of the Village of Spring Grove.

**Zoning Ordinance.** The Village of Spring Grove Zoning Ordinance adopted in 1953 and as further amended from time to time.

## Article 4 - Subdivision Review Procedure

### 1612 General Review Procedure

The following procedure applies to subdivision plat review in the Village. All Plats shall be subject to a 3-step review procedure by the Staff, Planning and Zoning Commission and Board of Trustees as established herein, except Plats of Vacation which will require a one step review, in accordance with Section 1616. The Planning and Zoning Commission shall meet monthly or as needed to consider sketch plans, plats, drawings and reports. The Planning and Zoning Commission members typically receive their packets seven (7) days prior to their meeting so all application requirements must be submitted well in advance of a meeting to allow for Staff review and revisions. The Village Clerk or his or her designee shall be responsible for coordinating the process, distributing documents and information, and arranging meeting dates and times. The Planning and Zoning Commission reserves the right to table an item if all submittal requirements were not received or the Commission believes more time is needed to review the plans.

The developer or any person seeking subdivision approval shall be required to establish a retained personnel account for the payment of any and all expenses and fees directly or indirectly incurred by or charged to said Village and to pay for the costs and expenses attributed to any and all special meetings held in connection with the subdividing of land in accordance with Section 1606. (*Revised Ord. 2019-43*)

The developer or its designated representative is required to be present at all meetings before the Planning and Zoning Commission and Board of Trustees where its plans are being considered.

### 1613 Step One – Sketch Plan Review (Optional)

The developer may choose to have a Sketch Plan reviewed by the Village Board at an informal meeting for general input. In the alternative, he or she may choose to have a Sketch Plan reviewed by the Village Engineer.

A Sketch Plan will not be accepted for review unless the property is appropriately zoned for the intended use, or unless there is a petition on file requesting a change in zoning with the Village and a hearing date has been scheduled pursuant to the Zoning Ordinance of the Village.

The Sketch Plan shall consider the Village's Comprehensive Land Use Plan, Zoning Ordinance, Subdivision Control Ordinance and other planning documents in the preparation of the plan, particularly with regard to provisions for interconnecting roadways. Several Sketch Plans may have to be evaluated before a subdivision design is determined to be in conformance with Village ordinances and the Comprehensive Land Use Plan.

Review of the Sketch Plan does not relieve the developer from compliance with any changes in Village ordinances or regulations after a Sketch Plan has been reviewed but prior to approval of a Tentative Plat by the Board of Trustees. The fact that the Board of Trustees has reviewed the Sketch Plan is no guarantee that the Board of Trustees will approve a subsequent Tentative or Final Plat.

1613.1 **Filing Requirements.** A developer wishing to subdivide land shall submit the required number of copies of a Plan prepared in accordance with the requirements as stated in Appendixes A and B to the Village Clerk or his or her designee.

1613.2 **Review of Sketch Plan Documents.** The Village Clerk or his or her designee shall forward the documents to Village Staff. Village Staff shall review all of the Sketch Plan documents and notify the developer of any additional required filings or information necessary for their review. Village Staff shall provide the Village Clerk with copies of any such notices sent to the developer. Village Staff shall note the date of receipt of the last item of required supporting information and review the information within 10 working days thereafter. Village Staff shall then provide comments on the submittal to the developer and Village Clerk. The developer shall revise the plans to incorporate all comments of Staff and shall submit the necessary number of plans to the Village Clerk.

1613.3 **Date Set for Village Board Meeting Agenda.** Once the Sketch Plan is adequately revised, the Village Clerk or his or her designee shall schedule the item to be placed on the next available Village Board meeting agenda in order to review the Sketch Plan documents. The Village Clerk or his or her designee will notify the developer of the date and time of the scheduled meeting.

1613.4 **Village Board Approval or Disapproval of Sketch Plan.** The Village Board may approve, disapprove, refer to the Planning and Zoning Commission for comments, or direct such other action as may be appropriate with reference to the Sketch Plan. If the Village Board approves the Sketch Plan, the developer shall apply for Tentative Plat approval no later than 1 year after the Sketch Plan has been approved. The Village, in its discretion, may grant extensions beyond the 1 year period for all or portions of the development upon the request of the developer.

## 1614 Step Two - Tentative Plat

1614.1 **Filing Requirements.** The developer shall submit the established number of copies of Plats, plans, reports and specifications prepared in accordance with the requirements as stated in Appendixes C and D to the Village Clerk or his or her designee.

1614.2 **Review of Tentative Plat Documents.** The Village Clerk or his or her designee shall forward the documents to Village Staff. Village Staff shall review all of the Tentative Plat documents and notify the developer of any additional required filings or information necessary for their review. Village Staff shall provide the Village Clerk with copies of any such notices sent to the developer. Village Staff shall note the date of receipt of the last item of required supporting information and review the information within 10 working days thereafter. Village Staff shall then provide comments on the submittal to the developer and Village Clerk. The developer shall revise the plans to incorporate all comments of Staff and shall submit the necessary number of plans to the Village Clerk.

1614.3 **Date Set for Planning and Zoning Commission Meeting Agenda.** Once the Tentative Plat is adequately revised, the Village Clerk or his or her designee shall schedule the item to be placed on the next available Planning and Zoning Commission meeting agenda in order to review the Tentative Plat documents and form a recommendation. The Village Clerk or his or her designee will notify the developer, Planning and Zoning Commission and Village Staff of the date and time of the scheduled meeting.

A. **Notification of Meeting.** The following individuals and organizations shall be notified by the developer of the date and time of the scheduled meeting. The developer shall provide the Village Clerk or his or her designee with an affidavit stating that each of the following individuals and organizations have been notified by regular U.S. Mail at least 10 working days prior to the date set for each meeting and by indicating the address to which each notice was sent.

1. Fire Department
2. School Districts
3. Township Road Commissioner (if annexation is being considered)
4. Township Supervisor (if annexation is being considered)
5. County Director of Transportation, if applicable

1614.4 **Recommendation of Planning and Zoning Commission.** The Planning and Zoning Commission shall recommend to the Village Board by a motion as to whether they approve or disapprove of the Plat.

A. If the Tentative Plat is approved by the Planning and Zoning Commission it shall then be submitted to the Village Board for its review. However, if the recommendation of the Planning and Zoning Commission is a denial, the developer may either:

1. Make appropriate revisions to the Tentative Plat documents and resubmit to the Planning and Zoning Commission; or

2. Request that the matter be referred to the Village Board without the approval of the Planning and Zoning Commission.
- B. Before a Tentative Plat can be approved by the Village Board, the developer must submit a letter from each concerned School District indicating whether they request a school site or a cash donation in lieu of land.
  - C. It shall be the developer's responsibility to request the Village Clerk or his or her designee to submit the Tentative Plat, as approved by the Planning and Zoning Commission to the Village Board. However, if the Tentative Plat has been conditionally approved by the Planning and Zoning Commission, all conditions must be met before the Tentative Plat may be submitted to the Village Board.
  - D. Approval of the Tentative Plat by the Village Board is required prior to the submission of a Final Plat for consideration by the Planning and Zoning Commission.

1614.5 **Date Set for Village Board Meeting Agenda.** After the Planning and Zoning Commission makes a recommendation and at the developer's request, the Village Clerk or his or her designee shall schedule the item to be placed on the next available Village Board meeting agenda in order to review the recommendation of the Planning and Zoning Commission and the Tentative Plat and to approve or disapprove the Tentative Plat. The Village Clerk or his or her designee will notify the developer of the date and time of the scheduled meeting.

1614.6 **Village Board Approval or Disapproval of Tentative Plat.** The Village Board may approve, disapprove, refer back to the Planning and Zoning Commission for additional comments or information, or direct such other action as may be appropriate with reference to the Tentative Plat. If the Village Board approves the Tentative Plat, the developer shall apply for Final Plat approval no later than 1 year after the Tentative Plat has been approved. The Village, in its discretion, may grant extensions beyond the 1 year period for all or portions of the development upon the request of the developer. However, if the Village Board fails to approve the Tentative Plat, the developer may either:

- A. Make appropriate revisions to the Tentative Plat documents and resubmit to the Planning and Zoning Commission or Village Board, as per the directions or instructions of the Village Board; or
- B. Abandon the project.



- 1614.7 **Developer's Option.** At the developer's option, a Tentative Plat for less than the entire area covered by the Sketch Plan may be submitted. However, any area which was part of the approved Sketch Plan but not included with a Tentative Plat, shall be resubmitted as a revised Sketch Plan if the one year period has elapsed.
- 1614.8 **Developer's Responsibility.** It shall be the developer's responsibility to contact the Utility companies and the CATV company to obtain their easement requirements and other appropriate utility information concerning the proposed subdivision.
- 1614.9 **Simultaneous Review of Tentative and Final Plats.** A proposed subdivision of land may not always involve significant issues regarding roads, easements, drainage facilities, stormwater control systems and other matters that generally are reviewed during a separate Tentative Plat Review and a separate Final Plat Review. Nothing contained within this Chapter shall prevent a developer, upon authorization by the President and Board of Trustees from proceeding with Tentative and Final Plat review simultaneously before the Planning and Zoning Commission. Following review by the Planning and Zoning Commission of a Tentative and Final Plat, the Village Board in its discretion, may review the Tentative and Final Plat simultaneously in accordance with the applicable rules and regulations set forth in this Ordinance.

### 1615 Step Three - Final Plat

The Final Plat shall be submitted to the Village Clerk or his or her designee within 1 year after approval of the Tentative Plat by the Village Board. If the subdivision is to be subdivided into units, the Final Plats for each unit shall be submitted within 2 years after approval of Tentative Plat by the Village Board.

- 1615.1 **Filing Requirements.** The developer shall submit the required number of copies of Plats, plans, reports and specifications prepared in accordance with the requirements as stated in Appendixes E and F to the Village Clerk or his or her designee.
- 1615.2 **Review of Final Plat Documents.** The Village Clerk or his or her designee shall forward the documents to Village Staff. Village Staff shall review all of the Final Plat documents and notify the developer of any additional required filings or information necessary for their review. Village Staff shall provide the Village Clerk with copies of any such notices sent to the developer. Village Staff shall note the date of receipt of the last item of required supporting information and review the information within 10 working days thereafter. Village Staff shall then provide comments on the submittal to the developer and Village Clerk. The developer shall revise the plans to incorporate all comments of Staff and shall submit the necessary number of plans to the Village Clerk.

1615.3

**Date Set for Planning and Zoning Commission Meeting Agenda.** Once the Final Plat is adequately revised, the Village Clerk or his or her designee shall schedule the item to be placed on the next available Planning and Zoning Commission meeting agenda in order to review the Tentative Plat documents and form a recommendation. The Village Clerk or his or her designee will notify the developer, Planning and Zoning Commission and Village Staff of the date and time of the scheduled meeting.

A. **Notification of Meeting.** The following organizations shall be notified by the developer of the date and time of the scheduled meeting. The developer shall provide the Village Clerk or his or her designee with an affidavit stating that each of the following organizations have been notified by regular U.S. Mail at least 10 working days prior to the date set for each meeting and by indicating the address to which each notice was sent.

1. Fire Department; and
2. School Districts;
3. County Director of Transportation, if applicable

1615.4

**Recommendation of Planning and Zoning Commission.** The Planning and Zoning Commission shall recommend to the Village Board by a motion as to whether they approve or disapprove of the Plat.

A. If the Final Plat is approved by the Planning and Zoning Commission, and all requirements of Appendix E, Final Plat Specifications, have been complied with, it shall then be submitted to the Village Board for its review. However, if the recommendation of the Planning and Zoning Commission is a denial, the developer may either:

1. Make appropriate revisions to the Final Plat documents and resubmit to the Planning and Zoning Commission; or
2. Request that the matter be referred to the Village Board without the approval of the Planning and Zoning Commission.

B. It shall be the developer's responsibility to request the Village Clerk or his or her designee to submit the Final Plat, as approved by the Planning and Zoning Commission to the Village Board. However, if the Final Plat has been conditionally approved by the Planning and Zoning Commission, all conditions must be met before the Final Plat may be submitted to the Village Board.

- 1615.5 **Date Set for Village Board Meeting Agenda.** After the Planning and Zoning Commission makes a recommendation and at the developer's request, the Village Clerk or his or her designee shall schedule the item to be placed on the next available Village Board meeting agenda in order to review the recommendation of the Planning and Zoning Commission and the Final Plat and to approve or disapprove the Final Plat. The Village Clerk or his or her designee will notify the developer of the date and time of the scheduled meeting.
- 1615.6 **Village Board Approval or Disapproval of Final Plat.** The Village Board may approve, disapprove, refer back to the Planning and Zoning Commission or Village Engineer for additional comments or information, or direct such other action as may be appropriate with reference to the Final Plat.
- 1615.7 **Signing of Plat.** The Plat shall not be signed by the Village President until the Village Engineer and Village Clerk confirm that all requirements have been met and the Village Attorney confirms a Letter of Credit has been received in the proper amount and proper form covering all required public improvements.
- 1615.8 **Recording of Plat.** When all signatures required on the Final Plat have been obtained, the developer may obtain the Final Plat from the Village Clerk or his or her designee and present it to the Recorder for recording. The Final Plat shall be recorded with the McHenry County Recorder of Deeds within 10 working days of receipt from the Village Clerk.
- A. **Identification of Flood Hazard Area.** A Final Plat may not be presented for recording without indicating whether any part is located within a flood hazard area as identified by the Federal Emergency Management Agency.
- 1615.9 **Distribution of Copies of the Recorded Final Plat.** After a Final Plat has been recorded, the developer shall obtain 8 copies of the recorded Plat and give them to the Village Clerk or his or her designee, who will then distribute a copy to the Village Engineer, local Post Office, Public Works Department, Building and Zoning Department, Fire Protection District and the McHenry County 911 Coordinator. The Village may refuse to issue building permits for lots in the subdivision until the required number of copies have been furnished. The developer shall also provide a copy of the recorded Declaration of Covenants and Restrictions to the Village Clerk and provide an electronic copy of the Final Plat in state plane coordinates to the Village Engineer.
- 1615.10 **Six Month Validity of Final Plat.** A Final Plat which has not been recorded within 6 months after its approval by the Board of Trustees shall have no validity, and shall not thereafter be recorded. The Village Board may allow extensions of the time when the Final Plat shall be recorded in its sole and absolute discretion.

## 1616 Plats of Vacation

- 1616.1 **Submission of Plats of Vacation.** A developer wishing to vacate all or part of an existing plat shall submit the established number of copies of plats, plans, reports and specifications prepared in accordance with the requirements of Appendix G to the Village Clerk or his or her designee.
- 1616.2 **Review of Plat of Vacation Documents.** The Village Clerk or his or her designee shall forward the documents to Village Staff. Village Staff shall review all of the documents and notify the owner of any additional required filings or information necessary for their review. Village Staff shall provide the Village Clerk with copies of any such notices sent to the owner. Village Staff shall note the date of receipt of the last item of required supporting information and review the information within 10 working days thereafter. Village Staff shall then provide comments on the submittal to the owner and Village Clerk. The owner shall revise the plans to incorporate all comments of Staff and shall submit the necessary number of plans to the Village Clerk.
- 1616.3 **Written Approval of Utility Companies.** It shall be the owner's responsibility to contact the Utility companies and the CATV company to obtain their written approval of any vacation of Utility easements and to establish new easements, if necessary.
- 1616.4 **Date Set for Planning and Zoning Commission Meeting Agenda.** Once the Plat of Vacation is adequately revised, the Village Clerk or his or her designee shall schedule the item to be placed on the next available Planning and Zoning Commission meeting agenda in order to review the Plat of Vacation documents and form a recommendation. The Village Clerk or his or her designee will notify the owner, Planning and Zoning Commission and Village Staff of the date and time of the scheduled meeting.
- A. **Notification of Meeting.** The following individuals and organizations shall be notified by the owner of the date and time of the scheduled meeting. The owner shall provide the Village Clerk or his or her designee with an affidavit stating that each of the following individuals and organizations have been notified by regular U.S. Mail at least 10 working days prior to the date set for each meeting and by indicating the address to which each notice was sent.
1. Fire Department;
  2. School Districts;
  3. Township Road Commissioner; and
  4. Township Supervisor

- 1616.5 **Recommendation of Planning and Zoning Commission.** The Planning and Zoning Commission shall review the Plat of Vacation and submit a recommendation and comments in the form of minutes to the Village Board.
- A. If the Plat of Vacation is approved by the Planning and Zoning Commission and all requirements of Appendix G have been complied with, it shall then be submitted to the Village Board for its review.
  - B. It shall be the owner's responsibility to request the Village Clerk or his or her designee to submit the Plat of Vacation, as approved by the Planning and Zoning Commission to the Village Board. However, if the Plat of Vacation has been conditionally approved by the Planning and Zoning Commission, all conditions must be met before the Plat of Vacation may be submitted to the Village Board.
- 1616.6 **Date Set for Village Board Meeting Agenda.** After the Planning and Zoning Commission makes a recommendation and at the owner's request, the Village Clerk or his or her designee shall schedule the item to be placed on the next available Village Board meeting agenda in order to review the recommendation of the Planning and Zoning Commission, and the Plat of Vacation and approve or disapprove the Plat of Vacation. The Village Clerk or his or her designee will notify the owner of the date and time of the scheduled meeting.
- 1616.7 **Village Board Approval or Disapproval of Plat of Vacation.** The Village Board may approve, disapprove, refer back to the Planning and Zoning Commission or Village Engineer for additional comments or information, or direct such other action as may be appropriate with reference to the Plat of Vacation.
- 1616.8 **Signing of Plat.** The Plat shall not be signed by the Village President until the Village Engineer and Village Clerk confirm that all requirements have been met.
- 1616.9 **Recording of Plat.** When all signatures required on the Plat of Vacation have been obtained, the owner may obtain the Plat of Vacation from the Village Clerk or his or her designee and present it to the Recorder for recording.
- 1616.10 **Distribution of Copies of the Recorded Plat of Vacation.** After a Plat of Vacation has been recorded, the owner shall obtain 8 copies of the recorded Plat and give to the Village Clerk or design, who will then distribute a copy to the Village Engineer, local Post Office, Public Works Department, Building and Zoning Department, Fire Protection District and the McHenry County 911 Coordinator. The developer shall also provide an electronic copy in state plane coordinates to the Village Engineer.

1616.11 **Six Months Validity of Plat of Vacation.** A Plat of Vacation which has not been recorded within 6 months after its approval by the Board of Trustees shall have no validity, and shall not thereafter be recorded. The Village Board may allow extensions of the time when the Plat of Vacation shall be recorded in its sole and absolute discretion.

## 1617 Plat of Consolidation

1617.1 **Submission of Plat of Consolidation.** A property owner wishing to consolidate two or more lots into one lot shall submit the established number of copies of plats, plans, reports and specifications prepared in accordance with the requirements of the Village and pay the appropriate filing and retained personnel fees to the Village Clerk or designee.

1617.2 **Review of Plat of Consolidation Documents.** The Village Clerk or his or her designee shall forward the documents to Village Staff. Village Staff shall review all of the documents and notify the owner of any additional required filings or information necessary for their review. Village Staff shall provide the Village Clerk with copies of any such notices sent to the owner. Village Staff shall note the date of receipt of the last item of required supporting information and review the information within 10 working days thereafter. Village Staff shall then provide comments on the submittal to the owner and Village Clerk. The owner shall revise the plans to incorporate all comments of Staff and shall submit the necessary number of plans to the Village Clerk.

1617.3 **Date Set for Planning and Zoning Commission Meeting Agenda.** Once the Plat of Consolidation is adequately revised, the Village Clerk or designee shall schedule the item to be placed on the next available Planning and Zoning Commission meeting agenda in order to review the Plat of Consolidation documents and form a recommendation. The Village Clerk or designee will notify the owner, Planning and Zoning Commission and Village Staff of the date and time of the scheduled meeting.

A. **Notification of Meeting.** The following individuals and organizations shall be notified by the owner of the date and time of the scheduled meeting. The owner shall provide the Village Clerk or designee with an affidavit stating that each of the following individuals and organizations have been notified by regular U.S. Mail at least 10 working days prior to the date set for each meeting and by indicating the address to which each notice was sent.

1. Fire Protection District;
2. School Districts;
3. Homeowners' Association (any which have indicated an interest in the review of a subdivision)

- 1617.5 **Recommendation of Planning and Zoning Commission.** The Planning and Zoning Commission shall review the Plat of Consolidation and submit a recommendation and comments in the form of minutes to the Village Board.
- A. If the Plat of Consolidation is approved by the Planning and Zoning Commission and all requirements have been complied with, it shall then be submitted to the Village Board for its review.
  - B. It shall be the owner's responsibility to request the Village Clerk or designee to submit the Plat of Consolidation, as approved by the Planning and Zoning Commission to the Village Board. However, if the Plat of Consolidation has been conditionally approved by the Planning and Zoning Commission, all conditions must be met before the Plat of Consolidation may be submitted to the Village Board.
  - C. If the Planning and Zoning Commission does not recommend approval of the Plat of Consolidation, the property owner may elect to request that the matter be referred to the Village Board for review.
- 1617.6 **Date Set for Village Board Meeting Agenda.** After the Planning and Zoning Commission makes a recommendation and at the owner's request, the Village Clerk or designee shall schedule the item to be placed on the next available Village Board meeting agenda in order to review the recommendation of the Planning and Zoning Commission, and the Plat of Consolidation and approve or disapprove the Plat of Consolidation. The Village Clerk or designee will notify the owner of the date and time of the scheduled meeting.
- 1617.7 **Village Board Approval or Disapproval of Plat of Consolidation.** The Village Board may approve, disapprove, refer back to the Planning and Zoning Commission or Village Engineer for additional comments or information, or direct such other action as may be appropriate with reference to the Plat of Consolidation.
- 1617.8 **Signing of Plat.** The Plat shall not be signed by the Village President until the Village Engineer and Village Clerk confirm that all requirements have been met.
- 1617.9 **Recording of Plat.** When all signatures required on the Plat of Consolidation have been obtained, the owner may obtain the Plat of Consolidation from the Village Clerk or his or her designee and present it to the Recorder for recording.
- 1617.10 **Distribution of Copies of the Recorded Plat of Consolidation.** After a Plat of Consolidation has been recorded, the owner shall obtain 7 copies of the recorded Plat and give to the Village Clerk or designee, who will then distribute a copy to the Village Engineer, local Post Office, Public Works Department, Fire Protection

District and the McHenry County 911 Coordinator. The owner shall also provide an electronic copy in state plane coordinates to the Village Engineer.

1617.11 **Six Months Validity of Plat of Consolidation.** A Plat of Consolidation which has not been recorded within 6 months after its approval by the Board of Trustees shall have no validity, and shall not thereafter be recorded. The Village Board may allow extensions of the time when the Plat of Consolidation shall be recorded in its sole and absolute discretion.

1617.12 **Exemption from Plat of Consolidation.** If the owner of two adjacent subdivided parcels of land which are zoned residential and located on the same linear street frontage desires to use both lots for a single residential dwelling unit, the parcels shall not be required to be consolidated, subject to the requirements of this section. *(Revised Ord. 2022-04)*

- A. The two lots shall have common ownership.
- B. The setbacks for the adjacent parcels shall be at the front, rear, and outside side yards of the two parcels such that the common lot line between the two adjacent lots is eliminated.
- C. Only one principal structure shall be permitted on the two lots when taken together. The principal structure shall not be located solely on one of the platted lots.
- D. Only one accessory building shall be permitted on the two lots when taken together. An accessory structure shall not be the sole building on one of the platted lots.
- E. After construction of a residential structure, the two parcels shall be forever transferred together so they are always in common ownership.
- F. Immediately after a building permit is issued for construction of a residential dwelling unit, the owner of the parcels shall record a restrictive covenant with the McHenry County Recorder of Deeds in the form required by the Village to memorialize that the requirements of this Ordinance.
- G. The owner of the lots shall apply or request that the parcel identification numbers of the lots be consolidated into a single parcel identification number.



## Article 5 - General Platting Requirements and Procedures for Resubdivision and Dedication

### 1618 General Provisions

- 1618.1 **Benchmark, Monuments and Triangulation Stations.** All federal, state, county and other official bench marks, monuments and triangulation stations in or adjacent to a proposed subdivision shall be preserved. Any person that destroys a benchmark or station is responsible to pay for its replacement by a registered surveyor selected by the Village. When a proposed improvement in a subdivision makes it necessary to move a benchmark, monument or triangulation station, the authority having jurisdiction shall be notified and given sufficient time to take appropriate action.
- 1618.2 **Re-Survey.** All dimensions, linear, curvilinear and angular, necessary to properly re-survey shall be shown, with linear dimensions in feet and decimals of a foot.
- 1618.3 **Monumentation.** Monumentation shall be in accordance with the procedures and requirements of the *Plat Act (765 ILCS 205/0.01 et seq.)*
- 1618.4 **Datum.** All sites should be referenced to the North American Vertical Datum of 1988 (NAVD 88). Benchmark information is required on the plans and Tentative Plat.

### 1619 Design Considerations

- 1619.1 **Lot Arrangement.** The lot arrangements shall be such that there will be no foreseeable difficulties in securing building permits to build on all lots in compliance with the Zoning Ordinance and McHenry County Health Department regulations.
- 1619.2 **Lot Dimensions.** Lot dimensions, areas and building set back lines shall conform to the requirements of the Zoning Ordinance.
- 1619.3 **Driveway Slope.** The maximum driveway slope allowed will be 10%.
- 1619.4 **Lot Frontage.** All lots shall front directly upon a road which is presently, or shall be upon completion of the subdivision, publicly maintained. However, the Village may allow lots to front upon a private road in its sole discretion.

The road/street system of the subdivision shall exit directly upon a dedicated road publicly maintained, or road/street which upon completion of the subdivision shall be publicly maintained.

1619.5 **Flood Hazard Area.** If any portion of a lot falls within the boundaries of a Flood Hazard Area, as identified by the Zoning Ordinance or other duly adopted maps or ordinances, or if a portion of a lot is traversed by an intermittent stream and/or waterway, that portion of such lot shall be protected by a drainage easement and shall be excluded from the buildable area of the lot. When this situation results in the separation of the buildable area of a lot from the road to which it has access, provisions shall be made for the installation of an adequate drainage structure, and its construction shall be provided for as a condition of plat approval.

1619.6 **Critical Soils.** If any portion of a lot falls within the boundaries of critical soils as identified by the Soil Standards Manual for Waste Disposal Systems, that portion of such lot shall be designated as restricted for use of septic systems unless evidence can be produced to demonstrate that the soils can be managed by appropriate common engineering practices which would render the soils suitable. Soils removal and replacement and the use of curtain drains are not generally considered a suitable management practice.

## 1620 Blocks

1620.1 **Length of Continuous Streets and Roads.** The length of uninterrupted continuous streets or roads shall be determined with due regard for the following:

- A. Needs for convenient access and circulation of emergency vehicles and the general public with due regard to the safety of vehicular and pedestrian traffic.
- B. Limitations and capabilities of topography, soils, drainage and other natural features.
- C. The density of the proposed development. The following distances between intersecting roads are generally recommended.

<u>Lot Size in Development</u>	<u>Maximum Distance between Intersecting Roads</u>
5 acre	2000 ft.
3 acre	1500 ft.
2 acre	1250 ft.
1 acre	1250 ft.
Less than 1 acre	1000 ft.

1620.2 **Continuing Streets.** Provisions shall be made for future access to adjacent properties and direct connection with the principal existing streets in adjoining subdivisions.

- A. Future access streets shall be designed and constructed to allow for emergency, snowplow and refuse pickup vehicles and school buses to be able to efficiently complete a turn around.
- B. Curb lines shall taper down and terminate at the point where the turn around begins to radius out.
- C. It shall be the responsibility of the developer of the adjoining property to make the connection with and remove the temporary turn around and make all required restoration and improvements to the effected area including but not limited to curb line extension, stormwater control, grading and seeding.

1620.3 **Number of Cul-de-sacs.** Since cul-de-sacs are difficult and expensive to maintain, their use should be minimized.

1620.4 **Cul-de-sac Fee.** The Village Board has found and determined that cul-de-sacs are more difficult and more costly to maintain than regular roads. As such, the developer or owner of a new subdivision which includes a cul-de-sac shall pay the Village a cul-de-sac fee of \$30,000.00 for each cul-de-sac payable at the time the first final plat of the subdivision is approved by the Village Board where a cul-de-sac will be constructed. *(Revised Ord. No. 2009-08)*

1620.5 **Cul-de-sac Length.** The maximum length for a cul-de-sac shall be 600 ft. as measured from the center line of the intersection at the original street to the center of the cul-de-sac circle. However, if the length of a cul-de-sac exceeds 600 feet due to site constraints, turn around areas for fire trucks and garbage trucks shall be located every 600 feet along the entire length of the cul-de-sac. Additionally, provisions shall be made to ensure that fire trucks and garbage trucks are able to turn around at the end of the cul-de-sac.

## 1621 Road Dedication

1621.1 **Right-of-Way Width.** All roads created by a subdivision shall be shown on the plat as dedicated for public use. Rights-of-way shall be not less than 60 ft. wide. A greater width may be required if deemed necessary by the Planning and Zoning Commission or Village Engineer.

1621.2 **Return Radii at Intersections and Corner Lots.** Return radii at all intersections shall be a minimum of 40 ft. Corner lots shall have radii such that the distance from the edge of the pavement to the right-of-way line is approximately 20 ft.

1622 Easements

1622.1 **Required.** The easements provided in Appendix H shall be required and shall use the provisions provided therein.

- A. When electric and gas utilities are located near each other or are within the same easement, the electric utility shall be placed nearest to the property line such that the transformers and pedestals are near the property line. Each utility shall be placed within its half of the easement width (typically 12 ft. or 16 ft.).
- B. All utilities such as electric, gas and telephone are not permitted in the Village road right-of-way. A 16 foot wide utility easement shall be provided when curb and gutter is not utilized and when the developer has not provided the Village Engineer with utility layout. If the developer utilizes curb and gutter, then an easement width of 12 foot shall be utilized along the Village right-of-way unless a utility layout is provided that indicates the easement is not necessary.

1622.2 **Limitations on the Use of Drainage and Stormwater Retention/Detention Easements.**

- A. No construction of structures, dams, embankments or channels (except as indicated on the engineering drawings), and no planting of trees, shrubbery, or other flow-impeding vegetation, which hinders the flow of water or otherwise inhibits the intended purpose, shall be allowed within any drainage or stormwater retention or detention easements.
- B. Drainage easements must be separate and distinct from utility easements and the two shall not be combined.
- C. A septic limitation line shall be shown in conjunction with each drainage and stormwater retention or detention easement demarcation line as required in Appendix I.

1622.3 **Maintenance of Easements and Establishment of Special Service Areas**

- A. **Maintenance and Repair of Detention and/or Retention Areas.** Drainage and stormwater retention and detention easements and areas 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 drainage ways or the essential features of retention or detention facilities.

- B. Pedestrian way easements shall be maintained to permit their continued use.
- C. **Responsible Party.** Surface water detention and/or retention easement areas depicted on the Final Plat of Subdivision for the property shall be maintained in a functionally operating condition at all times by the owners of those premises on which such easements are located. If any such owner fails or neglects to perform said obligation, the Village is authorized (but not obligated) to enter upon such owner's premises to repair and maintain said easement area, assess all of its costs and expenses thereof (including engineering and attorney's fees) to such owner, file a lien against such owner's premises for such sum in the Office of the Recorder of Deeds of McHenry County, Illinois and prosecute any action against such owner to obtain reimbursement for said costs and expenses, and shall be payable to the Village at the judgment rate of interest from the date such expenses and costs are incurred by the Village until the Village is reimbursed by such owner. The Village shall have complete discretion in determining whether or not a particular easement area is being maintained in a "functionally operating condition at all times".
- D. **Special Service Areas.** The Village Board of Trustees may require, as an additional condition for acceptance of the final plat of subdivision, the creation of a special service area to ensure the maintenance, repair and improvement of stormwater management facilities, detention/retention areas, drainage and landscape easements, outlots, and any and all other common areas within the subdivision, and to pay for the costs and expenses of maintaining, repairing, rebuilding or reconstructing the subdivision's roads, streets, curbs and gutters, ditches, culverts, storm drainage system, sidewalks, parkway trees, decorative street signs and posts and street lights, common areas and any and all other improvements within the public right of way or within any Village owned or maintained easement or license area, as well as to pay for the costs and expenses directly or indirectly related in any way to the foregoing purposes, which would include, but not be limited to, the payment of public liability insurance premiums, engineering expenses, legal expenses, and direct and indirect administrative expenses, and/or to reimburse the Village for the funds advanced by it to maintain and/or repair the common areas, public rights of way, easements or license areas described above shall be paid by the lot owners in the subdivision. If a special service area is required to be created, the developer shall pay any and all costs associated in creating the special service area, including but not limited to, the payment of all attorney's fees incurred by the Village in creating the area, as well as reimbursement to the Village for any and all costs and/or expenses incurred by the Village in creating the special service area.

1. **Dormant.** This special service area is established to insure the maintenance, repair and improvement of the detention/retention areas, outlots, drainage and landscape easements and any and all other common areas within the subdivision including the storm drainage system maintained by the homeowner's association. This special service area may be a dormant or backup special service area and no direct annual tax will be levied unless or until the owner or owners of the land which is subject to the special service area fail or refuse to repair and maintain improvements or the property as required in the declaration of covenants, conditions and restrictions for the property or as required by the Village Code.
  
2. **Active.** This special service area is established to pay for the costs and expenses of maintaining, repairing, rebuilding or reconstructing the subdivision's roads, streets, curbs and gutters, ditches, culverts, storm drainage system maintained by the Village, sidewalks, parkway trees, decorative street signs and posts and street lights, common areas and any and all other improvements within the public right-of-way or within any Village owned or maintained easement or license area shall be an active special service area whereby a direct annual tax shall be levied against the property which is subject to the special service area to pay for the aforesaid costs and expenses.

1622.4 **Utility Easements.** The developer is responsible to provide record drawings of the public utilities to the Village prior to the second lift of asphalt being placed on the streets and/or letter of credit reduction being processed.

1622.5 **Municipal Snow Placement Easement Required.** For any street which includes a cul-de-sac, there shall be dedicated to the Village a perpetual Municipal Snow Placement Easement where required by the Village and in the size mandated by the Village in its sole discretion. The Easement shall be for the benefit of the Village for the placement of snow and ice as part of snow plowing and removal operations and shall be so dedicated on the Plat of Subdivision in the form required in Appendix H of this Chapter. The Snow Easement may be located across more than one lot and may restrict driveway placement on a lot.

### 1623 Procedure for Resubdivision

The procedure for resubdivision of land in the Village shall be the same as for initial platting.

### 1624 Plat Corrections and Addenda

All plat corrections and addenda shall be reviewed by the Staff before being presented for recording.

## Article 6 - Requirements for Design and Construction of Roads and Roadside Drainage Facilities

### 1625 General Requirements

The design of roads and their drainage facilities shall promote effective and efficient use. The construction of roads and their drainage facilities shall be performed with quality materials and workmanship; the construction of such shall also promote superiority and longevity.

### 1626 Connecting, Adjoining, Adjacent and/or Impacted Property

The Village may require the owner to also make specific improvements as recommended by the Village Engineer to existing Village streets which adjoin and/or are adjacent to the subdivision based upon the impact to those streets from the subdivision. The same provisions with respect to requirements for design and construction of roads as set forth in this article shall be applicable to such streets. In the alternative, the Village may require a cash donation based upon the impact to those streets from the subdivision as determined by the Village Engineer.

### 1627 Classification of Streets

The Village Engineer shall classify each street shown on the plat of subdivision as to its functional use as follows:

- 1627.1      **Major Residential Streets.** Main entrance streets within a subdivision which will presently or may in the future provide access to 60 or more residential lots shall be classified as “Major Residential Streets”. Streets which are adjacent or provide access to schools, parks and major apartment complexes shall also be classified as “Major Residential Streets”.
- 1627.2      **Residential Streets.** Streets providing access to residential property which are not classified as Major Residential Streets shall be classified as “Residential Streets”.
- 1627.3      **Business Access and Industrial Access Streets.** Streets providing access to commercial or industrial property shall be classified as “Business Access Streets” or “Industrial Access Streets”, respectively.

### 1628 Specifications for Subdivision Road Construction

The following specifications shall govern both public and private subdivision road construction in the Village.

1628.1 **Excavation and Grading.** Streets within the subdivision shall be excavated true to line and grade in accordance with applicable articles of the Standard Specifications. Whenever unsuitable material is encountered in the subgrade, it shall be removed and replaced with CA-6 or other acceptable granular material. The Village Engineer shall inspect and approve the subgrade prior to construction of the aggregate base course.

1628.2 **Aggregate Base Course.** An aggregate base course shall be constructed on each street in the subdivision to the width and compacted thickness shown in Appendix J and in accordance with applicable articles of the Standard Specifications.

The material used for the full depth of the base course shall meet the requirements of the Standard Specifications for Aggregate Base Course Type B (CA-6 100% crushed).

1628.3 **Bituminous Binder and Surface.** A bituminous plant mix of the width and type shown in Appendix J shall be constructed on all streets in the subdivision. In no case shall the bituminous surface be constructed until the Village Engineer has approved the aggregate base course.

A. **Preparation of Base.** Immediately prior to construction of the bituminous surface, the aggregate base course shall be prepared in accordance with the Standard Specifications and primed.

B. **Bituminous Base Course Superpave.** Bituminous base course shall be constructed to the compacted thickness shown in Appendix J and in accordance with the Standard Specifications.

C. **Bituminous Concrete Binder Course Superpave.** Bituminous binder plant mix shall be constructed to the compacted thickness shown in Appendix J and in accordance with the Standard Specifications.

D. **Bituminous Concrete Surface Course Superpave.** Bituminous surface plant mix shall be constructed to the compacted thickness shown in Appendix J and in accordance with the Standard Specifications.

1628.4 **Concrete Pavement.** A concrete class PV mix of the width shown in Appendix J can be substituted at the Village's sole discretion for bituminous pavement. The concrete shall have a minimum Structural Number (SN) of 3.5 for residential streets and 4.4 for commercial and industrial streets and shall be constructed in accordance with the Standard Specifications.

1628.5 **Combination Concrete Curb and Gutter.** Combination concrete curb and gutter shall be constructed along the edge of all pavement.



- A. Combination concrete curb and gutter shall be a roll type or other type as approved by the Village and shall be constructed in accordance with the Standard Specifications in Appendix J except that contraction joints are to be spaced on 10 ft. centers.
- B. The curb and gutter section must be constructed separately from the pavement section. The curb and gutter shall be constructed in accordance with the IDOT standard specifications. Curb and gutter may NOT be constructed monolithically with concrete pavement.

1628.6 **Combination of Ditch and Culvert.** In event the Village approves a ditch and culvert system in its sole discretion the owner shall comply with the standard specifications in Appendix J.

1628.7 Street widths shall be as follows:

- A. Residential - 27 ft. back to back.
- B. Major Residential, Business and Industrial Access:
  - 1. 31 ft. back to back with no parking;
  - 2. 37 ft. back to back with parking on one side; and
  - 3. 45 ft. back to back with parking on both sides.
- C. The minimum single lane width edge of pavement to edge of pavement is 15 ft. This width will typically be applicable at subdivision entrances that have medians.

## 1629 Specifications for Subdivision Construction

1629.1 **Storm Sewer System.** An adequate storm sewer system shall be constructed as necessary to ensure satisfactory drainage of surface water throughout the subdivision and area adjacent thereto. Storm sewers shall be designed for a minimum 10-year storm. Pipe velocities shall be maintained between 2 – 8 ft. per second. All storm sewer inlets shall be bicycle safe and vane grates are to be used on downslopes of streets when curb and gutter are utilized.

1629.2 **Required Barricades.** Once house or commercial structure construction activities have started, the developer shall have on the project site at all times or immediately available a minimum of 24-Type 2 barricades with lights, which can be erected as needed during repair activities to curb, pavement, sidewalk or other public improvement, to protect the public.

- 1629.3 **Seeding.** Prior to acceptance of streets and the subdivision, the shoulders and ditches must be smoothed by dragging and planted with a seed mixture appropriate to the time of year in accordance with the recommendations of the USDA Soil Conservation Service, the Standard Specifications and this Chapter.
- 1629.4 **Signs.** The developer shall furnish and erect all necessary traffic signs (i.e. stop and speed limit signs) including street name signs as designated by the Village Engineer, Public Works Department and Police Department. All signs shall be in conformance with the Manual on Uniform Traffic Control Devices and of a type approved by the Village or Village Engineer.
- 1629.5 **Closed Drainage System.** Roadway drainage shall consist of a storm sewer system with inlets, catch basins and manholes as appropriate. Storm sewers shall have a minimum diameter of 12 inches and shall meet the requirements for “Class B” of Article 550.03 of the Standard Specifications, except clay is not allowed. Storm sewers shall be installed in accordance with the Standard Specifications.
- A. Inlets, catch basins and manholes shall be constructed in accordance with applicable IDOT “Highway Standards” and the Standard Specifications.
  - B. The storm sewer system shall follow an inlet, catch basin, to manhole configuration. Mainline catch basin placement shall be avoided.
  - C. At the conclusion of construction operations (first Letter of Credit Reduction) all gutters, inlets, catch basins, manholes and storm sewer pipes shall be free from all dirt and debris prior to acceptance of these facilities by the Village.
  - D. **Sump Pump Connection to Storm Sewer.** The developer shall provide storm sewer stubs to the property lines of each lot in the subdivision. The sump pump discharge line of each house built in the subdivision shall be connected to the storm sewer stub. In subdivisions with concrete curb and gutter, sump pump and rain gutter discharge pipe outlets or other structures shall terminate prior to reaching the applicable front, rear or side yard setback line for the zoning district according to the Village's Zoning Ordinance and are prohibited from terminating at or near the concrete curb or street. A direct discharge by way of a pipe connection or pipe outlet to the existing underground storm sewer drainage system is permitted after obtaining a permit to connect thereto from the Village. There shall be no charge for the issuance of this permit. Any existing sump pump or rain gutter discharge pipe outlets or other structures which terminate beyond the building setback line or at or near the concrete curb or street which exist as of the date of the passage of this ordinance shall be removed, as such discharge pipe outlets or other structures are damaging village facilities and

had not been previously authorized. (*Revised Ord. 2008-54*)

1629.6 **Landscaping.** Prior to acceptance of streets in a subdivision all road frontages shall be planted with trees of an acceptable variety in accordance with Village guidelines referenced in the Village’s Landscape Code. A Landscape Master Plan is required for review and approval by the Planning and Zoning Commission at Tentative Plat.

1629.7 **Street Lighting.** Every development shall provide adequate street lighting for the public streets in a proposed subdivision. Street lighting facilities shall be provided at all street intersections and placed in such a manner as to adequately light intersections, at the ends of all cul-de-sacs, and where conditions merit them in the opinion of the Village.

Unless otherwise approved by the Village, all street lighting shall be installed and maintained by ComEd using standard ComEd fixtures and poles. Where there is a choice of poles, fixtures and size of luminaire, the Village shall make the final selection. The Village has adopted the mercury vapor type fixture with an octagon shape concrete pole as the standard for all subdivision entrance street lighting. Said poles should be 30 ft. in height with 250 watts. The Village has also adopted ComEd’s model entitled “Acorn” as the street light standard for all internal intersection or end of cul-de-sac street lighting. Said poles shall be 25 ft. in height with 175 watt metallic halite bulbs.

Pole Location	Pole Height	Bracket	Watts
Subdivision Entrance	30 ft.	10 ft.	250
Internal intersection or end of cul-de-sac	25 ft.	8 ft.	175
Major intersections (i.e. with State or County roads of highway intersections)	30. ft.	10 ft.	400

All street lights shall be on at dusk and off at dawn. Street lights shall be controlled by a photo cell mounted on top of the luminaire. The height and shielding of lighting standards shall provide property lighting without hazard to drivers or nuisance to residents, and the design of lighting standards shall be of a type appropriate to the Village. Street light standards shall be installed 30 inches behind the back of curb except where the distance between the curb and sidewalk prohibits this location.

The developer of the proposed subdivision shall provide the Village with a cashier’s check made payable to ComEd to pay for all street light and pole installations prior to the Village executing the Customer Work Agreement with ComEd. The amount must be sufficient to cover the cost as provided in the prior section, and/or in compliance with the approved engineering plans. The Village will forward this check



Village Engineer. The certificate shall include "the Village of Spring Grove, its employees and its Village Engineer as additional insured".

- D. A pre-construction conference is held between the developer, contractor, design engineer, Village Engineer, Public Works Director and Building Inspector. The developer, contractor and sub-contractors must signoff on the pre-construction checklist prepared by the Village Engineer as set forth in Appendix V.

1631.2 **General Supervision.** The developer shall employ a Registered Professional Engineer who shall be responsible for establishing the proper lines and grades and shall exercise general supervision as construction progresses. For the purpose of this Section, general supervision shall mean sufficient overseeing of the project to assure that construction of the engineering improvements is accompanied substantially in accordance with the approved plans and specifications. The developer shall submit, to the Village Engineer, the Certificate of Owner/Developer Approval and Acceptance of Design and Construction of Subdivision Improvements as set forth in Appendix O prior to acceptance.

1631.3 **Completion Schedule.** All construction items except bituminous surface and seeding shall be completed within 1 year after approval of the Final Plat. All other underground utilities (such as electric, telephone and gas) shall be in place, adequate grass growth established and trees installed within 18 months of approval of the Final Plat. All storm sewers must be televised as part of the record drawings and the DVD's provided to the Village and the Village's Engineer. The record drawings must be complete and accepted in writing by the Village prior to the placement of the subdivision's surface course. The bituminous surface course shall not be placed until 75% of the lots have been issued occupancy permits.

1631.4 **Road Maintenance.** The developer shall be responsible for maintaining all roads in the subdivision and all previously existing Village roads being improved by the developer until such roads have been accepted by the Village (i.e. until release of Maintenance Bond). Maintenance shall at all times be adequate as to insure ingress and egress to all lots. The developer shall sweep the roads monthly or more frequently as directed by the Village. All snow plowing shall be performed by and under the control of the Village but the developer shall be responsible for paying all of the Village's cost of snowplowing until the Maintenance Bond is released. If the developer fails to, in the Village's sole discretion, act reasonably in complying with this Section, the Village shall take whatever steps may be necessary to insure the road is maintained in compliance with this Section. Those steps may include but are not limited to drawing on the Letter of Credit and/or utilizing retained personnel fee funds.

1631.5 **Siltation and Roadway Flooding.** When roadside drainage facilities include drywells, adequate precaution shall be taken to insure against siltation until protective vegetation has been established in the ditches, and overflow provisions shall be provided to prevent roadway flooding.

1631.6 **Letter of Credit.** The developer shall provide the Village with a Letter of Credit or other form of guarantee as set forth in Appendix L. The amount as required by Appendix M shall be established as 110% of the items identified in Section 1630.2 and verified by the Village Engineer.

A. The developer and his Registered Professional Engineer are responsible for providing the Village Engineer with:

1. Notification of commencement of any work to allow the Village Engineer to observe all work as construction progresses;
2. The Letter of Credit Reduction request in the form provided for in Appendix N with both the developer and engineer executing the request to signify the correctness of completed items; and
3. The following documentation shall be provided:
  - a. Televising of sanitary sewer, as applicable. Closed circuit television recordings (DVD format) of sanitary sewer system.
  - b. Televising of storm sewer. Closed circuit television recordings (DVD format) of storm sewer system.
  - b. Density tests on the pavement.
  - c. Density tests on the detention basin berm.
  - d. Tests of the concrete strength for the concrete used in the curb.
  - e. Completed set of record drawings.
  - f. Developer shall confirm in writing that the survey monumentation is complete. The Village Engineer will confirm via field observation that all survey monumentation is installed pursuant to Section 1618.3.

- B. The Letter of Credit shall be fully released only when the following conditions are met:
1. The final lift of bituminous surface and the aggregate shoulder are in place. No roadways will be accepted by the Village for maintenance during the period of November 1<sup>st</sup> to April 30<sup>th</sup>.
  2. Completion of the construction detailed on the approved engineering plans, as determined by the Village Engineer.
  3. Completion of any punch list items, as determined by the Village, Village Landscape Consultant and the Village Engineer.
  4. Statement of Owner/Developer Approval and Acceptance of Design and Construction of Subdivision Improvements. Please refer to Appendix O.
  5. Payment of all engineering and attorney's fees and all other retained personnel of the Village.
  6. **IEPA Notice of Termination (NOT).** A copy of the "Notice of Termination" (NOT) forwarded to the Illinois Environmental Protection Agency for termination of coverage under the general permit for stormwater discharges associated with construction site activities.
  7. The requirements of the USACE Wetland Permit have been fulfilled.
  8. **Final Plat of Subdivision.** Bond copy and electronic copy in state plane coordinates have been received by both the Village and Village Engineer.
  9. **Record-Drawing Engineering Plans as set for in Appendix P.**
    - a. **Village Engineer.** One electronic version of the record drawings on a DVD in AutoCAD format (2004 or higher – as specified by the Village Engineer) and one bond copy.
    - b. **Village.** Two bond copies and one electronic version of the record drawings in a PDF format.
  10. Subdivision signage reviewed and approved by Public Works.
  11. Fire Hydrant Flow Check, as applicable.

12. Municipal utilities inspected and approved by Public Works.
13. All sanitary and storm sewers must be clean and manholes must be water tight and clean. Manhole covers should properly indentify the utility (i.e. storm, sanitary).
14. All gutters, catch basins, inlets, manholes and storm sewer pipes must be free of dirt and debris.
15. All dead or dying parkway trees shall be replaced. The Landscape Consultant will review and approve the condition of the trees and landscaping.
16. McHenry County approvals, as applicable.
17. Any other outstanding issues shall be addressed to Village Board's satisfaction.
18. **Maintenance Bond.** The developer shall provide at the time of final release of the Letter of Credit a Maintenance Bond as set forth in Section 1631.7.
19. The final release shall be reviewed and approved by the Board of Trustees based upon the recommendation of the Village Engineer.

1631.7 **Maintenance Bond.** At the time of final release of the Letter of Credit the developer shall provide a Maintenance Bond for the benefit of the Village in a form approved by the Village Attorney for a period of 2 years commencing on the date of the final release of the Letter of Credit by the Board of Trustees. The amount of the Maintenance Bond shall be established as 10% of the items identified in Section 1630.2 and include the replacement trees and all other landscaping required in the Landscape Code and the replenishment of the retained personnel account. In the event repairs are needed to be made to a particular improvement or in the event of a defect in any improvement, the Village Board may in its discretion extend the security provided for in this paragraph for an additional period of time to guarantee the satisfactory repair and completion of the improvement in question.

- A. The Maintenance Bond shall be fully released only when the following conditions are met:
  1. Completion of any punch list items as determined by the Village, Village Landscape Consultant and the Village Engineer.



2. Replacement of all dead parkway trees.
3. All gutters, inlets, catch basins, manholes and storm sewer pipes shall be free from all dirt and debris.
4. **Final Waivers of Lien.** The developer shall furnish the Village a final waiver of lien from every person and entity that furnished labor and/or material in connection with the public improvements, including final waivers from all subcontractors and material suppliers shown on the first tier subcontractor's waiver to assure the Village of protection against mechanic's lien claims through the completion date.
5. **Title Insurance.** A title insurance policy from Chicago Title or other title company acceptable by the Village indicating the property dedicated to the Village and the public improvements are free and clear of any and all liens and encumbrances which are unacceptable to the Village. The amount of the title insurance policy shall be determined by the Village.
6. **Bill of Sale.** A bill of sale, as set forth in Appendix Q, conveying ownership of all public improvements to the Village, shall be delivered to the Village Clerk and approved by the Village Attorney.
7. Fire Hydrant Flow Check, as applicable.
8. Municipal utilities inspected and approved by Public Works.
9. All sanitary and storm sewers must be clean and manholes must be water tight and clean.
10. Any other outstanding issues shall be addressed to the Village Board's satisfaction.
11. The final release shall be reviewed and approved by the Board of Trustees based upon the recommendation of the Village Engineer.

**1632 Existing Subdivisions: Acceptance of Roads by the Village**

If roads in existing subdivisions connect with publicly dedicated roads and are made to comply with the provisions of this Ordinance, they may be accepted and maintained by the Village in accordance with *Section 6-325* of the *Illinois Highway Code*. The Village and Village Engineer shall be consulted before work is performed in existing subdivisions, including but not limited to work in the Village rights of way as otherwise provided in the Village Code.

**1633 Underground Utilities - Installation and Restoration of Original Grade, Road Surfaces and Sod**

**1633.1 Coordination of Utility and CATV Companies.** It is recommended that the developer keep all utility and CATV companies apprised of progress on the subdivision, and coordinate their construction activities with those of the Utility and CATV companies.

**1633.2 Restoration of Ditch and Turf.** If underground Utility installation cannot be completed prior to final grading and seeding, it shall be the responsibility of the developer to restore the ditches and turf following installation of underground utilities.

**1633.3 Replacement of Aggregate or Bituminous Surface Course.** Utility companies shall not dig trenches across any roads after placement of the aggregate or bituminous surface course unless complete restoration meeting the approval of the Village Engineer is provided.

**1633.4 Utility Line and Transformer Box Placement.** All Utility lines shall be placed underground in easements along rear lot lines of the subdivision or as otherwise allowed by the Village Board. Conduits and/or cables shall be placed within the easements or dedicated public ways in a manner which will not conflict with other underground services and Utilities. All transformer boxes shall be located so as not to be unsightly or hazardous to the public.

**1634 Issuance of Occupancy Permit**

No Occupancy Permit for any building or structure shall be issued unless all of the requirements in this Article have been complied with.

## Article 7 - Stormwater Management Ordinance

### 1635 Stormwater Management Ordinance of McHenry County

The Stormwater Management Ordinance of McHenry County is a basis for the Village's Stormwater Management Ordinance. The Village's Ordinance is set forth as Appendix W.

### 1636 Additional Provisions

In addition to the McHenry County Stormwater Management Ordinance, the Village Board finds that additional provisions are necessary. These additional provisions are set forth in the following sections.

#### 1636.1 Street, Parking Lot, and Culvert Drainage and Construction

- A. **Streets.** If streets are to be used as part of the minor or major drainage system, ponding depths shall not exceed curb heights by more than one inch and shall not remain flooded for more than eight (8) hours for any event less than or equal to the 100-year event.
- B. **Parking Lots.** The maximum stormwater ponding depth in any parking area shall not exceed six (6) inches for more than four (4) hours.
- C. **Culvert Road and Drainage Crossings.** A culvert shall have a minimum size as specified in Chapter 16, Appendix J based on its location (type of street or driveway). The culvert shall include flared end sections which are the same material type as the culvert. Calculations (hydraulic and hydrologic) shall be provided to support the size of the culvert. The sizing of culvert crossings shall consider entrance and exit losses as well as tailwater conditions on the culvert. Downstream culverts shall not be smaller than upstream culverts. *(Revised Ord. 2022-16)*
- D. **Culvert Construction.** The type of material allowed and construction methodology for culverts shall be as provided in the IDOT Standard Specifications for Road and Bridge Construction (latest edition). Metal (all types) and clay culverts are prohibited. *(Revised Ord. 2022-16)*
- E. **Detention Basin Berms.** All detention basin berms shall be compacted to 95% modified proctor with satisfactory test results provided to the Village.
- F. **Allowable Encroachment.** When completing inlet spacing calculations, a 12 ft. drive lane down the center of the pavement must be kept open. 5 ½ ft. of water is allowed to encroach into the drive lane during the 10 year storm event. Inlets should be spaced accordingly.

- 1636.2 **Maintenance of Stormwater Drainage Systems.** The stormwater drainage system shall be designed to minimize and facilitate maintenance. Pre-sedimentation basins shall be included, where feasible, for localizing sediment deposition and removal. Access for heavy equipment shall be provided in the form of an access easement 15 feet wide from the nearest road to the basin's restrictor structure. A 25 foot easement (minimum) around the basin shall be provided from the basin's 100 year high water level.
- 1636.3 **Restrictor Structure Configuration.** The basin's restrictor structure should consist of a 96" diameter (minimum) catch basin with a weir plate in the center. The weir plate shall include the required orifice size and there should be two access points into the structure, one on both sides of the weir. The restrictor structure should be accessible for maintenance when the basin is full. Based on site conditions, the Village may approve, in its sole discretion, other restrictor structure configurations.
- 1636.4 **Enforcement Data.** A list of the currently effective FIRM, Floodway and FIS data to be used in the enforcement of this Ordinance is on file at the Village Engineer's office and may be obtained from the Village Engineer.
- 1636.5 **Permit Fee.** A permit fee in the amount of \$750.00 shall be submitted to the Village at the time of permit application.
- 1636.6 **Management Plan for the Buffers and Stormwater Management Facilities.** The developer, in an effort to protect water quality and improve on-site habitat values, shall implement a Management Plan for the buffers and constructed stormwater management facilities for the subdivision as set forth in Appendix R.

**Article 8 - Miscellaneous Requirements - Payment of Back Taxes, Plat Certificates,  
Review Fees and Compliance with Village Code and Approved Plans**

**1637 Required Certificates**

All applicable certificates provided in Appendix S shall be included.

**1638 Tax Search**

Before a Final Plat may be submitted to the Board of Trustees, the owner shall make all payments of any and all taxes and special assessments levied against the property being platted by him. In vacating subdivisions previously platted, the petitioner shall submit evidence of the payment of all taxes and special assessments levied against the property in the same manner as is required for subdividing.

**1639 Spring Grove Fire Protection District**

Prior to tentative plat approval by the Board of Trustees, the owner shall take all necessary and reasonable legal steps to cause the property being platted to be included within the jurisdictional territory of Spring Grove Fire Protection District. Prior to signing of the Final Plat by the President of the Board of Trustees, the owner shall provide evidence that the legal steps taken have resulted in a final court order.

**1640 Compliance with Village Code and Approved Plans**

An Owner (including a contractor, employee or agent of an Owner) shall construct all improvements, whether public or private, strictly in compliance with the Village Code and the plans approved by the Village Board and/or the Village Engineer. An Owner who fails to follow the approved plans shall be fined a minimum of \$250.00 per day and a maximum of \$750.00 per day until the improvements are brought into compliance with the Village Code. Further, the Village may issue a stop work order until all fines are paid in full. In addition to the fine which is imposed, the Owner may be required to completely remove and replace the improvements which do not comply with the Village Code and the approved plans at the Village's sole discretion. (*Revised Ord. No. 2006-66*)

## Article 9 - Dedication of School and Municipal Sites or Fees

### 1641 General Guidelines for School Donations

- 1641.1 **Land Dedication/Cash Contribution.** As a condition to approval of any residential Final Plat of Subdivision or any residential development plan, the dedication of land and facilities for school purposes shall be required or, in lieu thereof, an equivalent cash contribution shall be made. A cash contribution shall be based upon the minimum criteria established in Appendix T. The Village Board of Trustees in cooperation with and with the advice of the School District shall determine whether land shall be dedicated or whether a cash payment will be made. *(Revised Ord 2019-13)*
- 1641.2 **Recording of Written Agreement for Cash Payment.** In the event it is determined by the Village Board of Trustees that a cash contribution shall be made, the owner/developer of the project shall execute a written agreement which shall be recorded and which shall provide that the owner/developer will pay to the elementary School District of jurisdiction amounts based on the criteria set forth in Appendix T.
- 1641.3 **Payment of Cash Amount.** Payment of the cash amount as set forth in Appendix T shall be required as a condition of approval of any Plat of Subdivision of any development of a Plan, and payment shall be made to the appropriate School District and distributed as required pursuant to this Ordinance.
- 1641.4 **Homeowners School Donation.** Prior to the issuance of any building permit for any dwelling unit, a school contribution shall be required as set forth in Appendix T.
- 1641.5 **Release Issued on Payment.** Concurrently with a cash payment the School District receiving the payment shall issue a receipt thereof which shall be turned over to the Village Clerk before a building permit is issued. The receipt shall be in substantial conformance with Appendix T.
- 1641.6 **Defense of Ordinance.** In the event this ordinance, or any portion thereof, is challenged, the Village shall immediately notify the School Districts and provide the School Districts with copies of all relevant pleadings. The School Districts shall defend the ordinance by attorneys of their choice and the School Districts shall reimburse the Village for any costs or damages incurred including the Village's reasonable attorneys' fees. The Village shall cooperate with the School Districts in defense of the ordinance and provide any necessary documents or testimony.

1641.7 **Yearly Reporting Requirement.** The applicable School District shall be required on an annual basis to either appear before the Village Board to provide a report on the expenditure of funds collected or to provide a written report to the Village Board on the expenditure funds collected pursuant to the terms and provisions of this Ordinance.

## 1642 Payment of Fees and/or Dedication of Land Sites for Municipal Purposes

1642.1 **Land Dedication/Cash Contribution.** As a condition of approval of any Final Plat of Subdivision or any development of a plan, the payment of fees and/or the dedication of land sites for municipal purposes shall be required. The Village Board of Trustees shall, in its sole discretion, determine whether cash fees shall be paid, land will be dedicated or whether a combination of cash fees and land dedication shall be required. A cash contribution shall be based upon the minimum criteria established in Appendix T. These fees shall be paid in addition to any other fees required by law.

1642.2 **Dedication of Land in Lieu of Cash Fee.** In the event the Village should determine that land site(s) shall be dedicated in lieu of cash fees the following conditions apply:

A. **Conversion Value.** \$30,000 per acre is deemed the land value. In the event of a dispute, developer shall submit evidence to support its claimed value. Such evidence shall include, but not be limited to MAI Fair Market Value Appraisal and published selling prices.

In the event evidence supports land values within plus or minus 10% of the conversion value established herein, the conversion value shall prevail. Otherwise, the Village can accept developer proposed conversion value.

B. **Location.** The Village Comprehensive Land Use Plan shall be used as a guideline in locating park and municipal purpose sites. A central location which will serve equally through the entire development or community is most desirable.

C. **Topography and Grading.** The slope, topography and other physical characteristics of the dedicated site must be suitable for its intended purposes. Wetland, floodplain, and detention areas may or may not be considered acceptable land for park and municipal purposes land donations, dependent upon the planned use.

## 1642.3 **Combination of Cash Fees and Site Dedication**

A. Determine cash equivalent total value;

- B. Determine cash equivalent value of land to be dedicated per Appendix T using the conversion value.
- C. Cash fee = A. minus B.

Upon the donation or turning over of land to the Village, the owner/developer shall provide to the Village the following documents:

1. A title insurance policy issued by Chicago Title Insurance or another company approved by the Village in the amount of the estimated fair market value of the property covering title to the real estate showing title in the Village subject only to public and utility easements which do not underlie any existing improvements, roads and highways. The grantor shall also furnish buyer with an Affidavit of Title in customary form covering the date of actual transference subject only to the permitted exceptions set forth above.
2. Prior to the acceptance of the property by the Village, the grantor shall furnish 4 copies of a Plat of Survey and 4 copies of a Topographical Survey certified less than 6 months prior to the date of actual transference of the property by an Illinois Registered Land Surveyor which shows location of all buildings and other improvements, if any, lot and building lines, recorded easements, driveways, sidewalks, roads and highways, and fences with distances to the various lot lines. The survey shall show encroachments of improvements from or on to adjoining properties. All lot corners shall be located, monumented and staked. Encroachments of buildings or other improvements, violation of lot building lines, and encroachments over recorded easements are survey defects. The survey shall include a Flood Hazard Report and a wetland study.
3. Grantor shall be responsible for general real estate property taxes that are due and owing on the property until actual transfer of the property to the Village and until the property is declared exempt by the McHenry County Assessor and Treasurer's Office and by the State of Illinois.
4. All park land shall be improved pursuant to the direction of the President and Board of Trustees and at a minimum shall be graded and seeded prior to acceptance by Village.



- 1642.4 **Homeowner's Park Donation.** Prior to issuance of any building permit for any dwelling unit, a park contribution shall be required in the amount based upon the criteria established in Appendix T. These fees shall be paid in addition to any other fees required by law.
- 1642.5 **Use of Contributions.** The money paid to the Village shall be used by the Village exclusively for the acquisition of park land, construction of multi use paths capital improvements, playground equipment, and the construction of a community center.
- 1642.6 **Village Fee for Public Works and Public Safety.** Prior to the issuance of any building permit for any dwelling unit, a public works and public safety contribution shall be required in the amount based upon the criteria established in Appendix T. These fees shall be paid in addition to any other fees required by law.
- 1642.7 **Use of Contributions.** The fee shall be used by the Village to offset the costs of providing additional public works and public safety equipment and supplies which are specifically and uniquely attributable to the increased population in the Village due to additional dwelling units. The fee shall be divided between the public works and public safety departments in the amounts determined to be appropriate by the corporate authorities of the Village.

### 1643 Contributions to the Spring Grove Fire Protection District

- 1643.1 **Cash Contribution.** Prior to the issuance of a building permit to construct any residential (single-family or multiple-family), commercial or industrial structure, the owner, developer or builder shall contribute a fee based upon the minimum criteria established in Appendix T to the Spring Grove Fire Protection District.
- For a commercial or industrial structure, the amount due shall be calculated per floor. Mezzanines are included as floor spaces. Additions to existing building must pay the impact fee as established in Appendix T for the portion of the building added. No fees are due for the remodeling of existing buildings.
- 1643.2 **Use of Contributions.** Contributions may only be used by the Spring Grove Fire Protection District for the purchase or renovation of vehicles, construction or renovation of fire stations or the purchase of land to be used for a future fire station.
- 1643.2 **Yearly Reporting Requirement.** The Spring Grove Fire Protection District shall be required on an annual basis (May 1<sup>st</sup> of each year) to provide the Village Board with a report on the expenditure of funds collected pursuant to the terms and provisions of this Ordinance.

1643.3 **Dedication of Land in Lieu of Cash Fee.** The owner or developer of land within the Village may agree to donate land to the Spring Grove Fire Protection District for the future construction of a fire station in lieu or in addition to the above monetary contributions. No land donation shall be required which exceeds the cash contribution provided in Appendix T.

#### 1644 Contributions to the Nippersink Public Library District

1644.1 **Cash Contribution – Residential Structure.** As a condition of any permit to construct any residential structure, the owner, developer or builder shall contribute the sum as set forth in Appendix T to the Nippersink Public Library District.

1644.2 **Use of Contributions.** Contributions may only be used by the Nippersink Public Library District for capital improvements and programs to enrich the community.

1644.3 **Yearly Reporting Requirement.** The Nippersink Public Library District shall be required on an annual basis (May 1<sup>st</sup> of each year) to provide the Village Board with a report on the expenditure of funds collected pursuant to the terms and provisions of this Ordinance.

#### 1645 Yearly Rate of Increase

Contributions made to the Village and the School, Fire and Library Districts shall increase by a percentage amount equal to the percentage increase in the Consumer Price Index for all urban consumers, Chicago, Lake County, Kenosha, if any, for the immediately preceding year but shall not be greater than 5%, in any year, said increase to be effective May 1<sup>st</sup> of every year.

#### 1646 Waiver of Donations

A resident who has lived for twenty-five (25) consecutive years in the Village in a home owned and occupied by him or her shall be entitled to request a waiver of municipal donations or fees as provided herein.

At the time a resident or the contractor of a resident who meets the above criteria applies for a building permit, he or she shall submit an affidavit and proof of ownership and residence for twenty-five (25) years to the Village in forms acceptable to the Village. Said resident shall attest that he or she intends to own and reside in the property for which the building permit is being applied for. If the Village determines that adequate proof of continuing residency has been shown, in the Village's discretion, the applicant will be exempt from paying the homeowner's school donation, the homeowner's park donation, the contribution to the Spring Grove Fire Protection District and any other future donations or fees of a similar nature. The waiver shall only be allowed one time and joint owners will only be entitled to one waiver of the donation fees.

At the time the resident applies for an occupancy permit, he or she shall again attest that the new home was constructed to be his or her owner occupied primary residence. In the event the Village determines that the owner did not occupy the new residence for which the waiver was granted, the Village may file a lawsuit to recover the unpaid donations and fees. In the event that a person applies for a building permit and does not request this waiver and all fees have been paid to the Village, the Village shall not refund the donations and fees which were paid.

#### **1647 Payment of Fees for Emergency Warning Siren System**

A fee shall be paid to the Village in the amount of \$100.00 per acre for expansion, maintenance and repair of the Village's Emergency Warning Siren System. This payment shall be allocated to a separate fund expressly for the purpose of expansion, maintenance and repair of the System. Payment shall be made prior to the signing of the Final Plat. In addition, a reasonable amount of land shall be dedicated to the Village, either by deed or by easement, as determined by the Village Board, which shall be sufficient to reasonably allow the Village to locate an emergency warning siren on a parcel of property in the subdivision, along with any appurtenant equipment necessary for the system.

## Article 10 - Developer Disclosure

### 1648 Display or Providing in Pamphlet Form

It shall be unlawful for an owner or developer or sales representative of an owner or developer to offer for sale newly constructed homes or vacant land zoned estate or residential within the Village without first prominently displaying or providing in pamphlet form the following:

1. The Village's current zoning map.
2. The Village's current Comprehensive Plan.
3. A general site plan identifying open space areas with a notation as to the taxing body responsible for maintenance, land use descriptions, and adjacent land uses and zoning, as well as a description of intended improvements of each open space area, if any, as approved by the Village Board. Said area would include sidewalks and landscaping.
4. A readily available list of applicable School Districts, park districts, library districts, with the telephone number for each district, as well as the Village telephone number.
5. A current local government jurisdiction/boundary map including School Districts, library districts, park districts, and fire districts.
6. A list of all temporary cul-de-sacs located within the particular subdivision.

### 1649 Maps

In addition, it shall be unlawful for an owner or developer to offer for sale newly constructed homes within the Village by means of a brochure incorporating a map purporting to indicate land use, Village boundaries, School Districts, park districts, library districts, zoning and general site plan unless said maps accurately indicate current land use, general Village boundaries, School Districts, park districts and library districts, zoning and general site plans.

### 1650 Penalty

Any person, firm or corporation violating any provisions of this Article shall be fined not less than \$100, no more than \$1,000 for each offense committed on each date during, or on which, a violation occurs or continues.