

CHAPTER 35

SUBDIVISION CODE

ARTICLE I - IN GENERAL

35-1-1 **TITLE.** This Code may be known, cited and referred to as the "**Village of Rochester Subdivision Code**".

35-1-2 **PURPOSE.** This Code, is adopted to promote and protect the public health, safety, morals, comfort, convenience and general welfare of the people; to protect the character and maintain the stability of the Village and contiguous unincorporated territory; to assure the orderly development of the Village; and to establish reasonable standards of design and procedure for subdivision and for resubdivision of land within the Village and contiguous unincorporated territory.

35-1-3 **JURISDICTION.** These regulations shall be applicable to all subdivision and resubdivisions of land within the corporate limits of the Village and contiguous unincorporated territory not more than **one and one-half (1 1/2) miles** beyond the corporate limits of the Village. Where the **one and one-half (1 1/2) mile** jurisdiction of the Village would overlap with that of another community, jurisdiction shall be to a line mutually agreed and adopted by both communities, or in the absence of such an agreed line, to a straight line between the intersection of the opposite points of crossing of the jurisdiction lines of the **two (2)** communities.

35-1-4 **RULES.**

- (A) Words used in the present tense shall include the future, and words used in the singular number shall include the plural number and the plural the singular.
- (B) The word "shall" is mandatory and not discretionary.
- (C) The word "may" is permissive.
- (D) The masculine gender includes the feminine and neuter.
- (E) Whenever a word or term defined herein appears in the text of this Code its meaning shall be construed as set forth in the definition thereof and any word appearing in parenthesis directly thereafter shall be construed in the same manner.

35-1-5 **DEFINITIONS.**

"Alley". A public right of way primarily designed to serve as access to the side or rear of those properties whose principal frontage is on some other street.

"Base Flood". A flood having a **one percent (1%)** chance of being equaled or exceeded in any given year. This base flood is also known as the 100-year flood.

"Block". A tract of land bounded by streets or a combination of streets, public parks, cemeteries, railroad right of way, waterways or boundary lines of the corporate limits of the Village.

"Certify" or "Certification". Formally attesting that the specific inspections and tests where required have been performed and that such tests comply with the applicable requirements of this Code.

"Collector Street". A street, either residential or commercial/industrial, intended to carry through traffic and to which several minor streets are connected.

"Commission". The Plan Commission of the Village.

"Comprehensive Plan". Collectively those documents and ordinances of the Village relating to zoning, major street planning and land development.

"Construction Plans". Plans prepared to show the types, locations, lines and grades of the proposed streets, storm sewers, sanitary sewers, water mains, etc. in the proposed subdivision and which shall include cost estimates.

"Crosswalk". A sidewalk through a block, normally provided where long blocks would otherwise inhibit pedestrian movement.

"Cubic Yards". The amount of material in excavation and/or fill measured by the method of "average end areas".

"Cul-de-Sac". A street or road with only **one (1) outlet** and having an appropriate terminal for the safe and convenient reversal of all traffic movement.

"Easement". A grant by a property owner of the use of land for a specific purpose.

"Excavation". Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced or relocated and shall include the conditions resulting therefrom.

"Existing Grade". The vertical location of the existing ground surface prior to excavation or filling.

"Fill". Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom.

"Final Grade". The vertical location of the ground or pavement surface after the grading work is completed in accordance with the site development plan.

"Final Plat". The final drawing of the proposed subdivision which shall be presented to the Plan Commission and Village Board for their respective considerations and which, if approved, shall be recorded in the Sangamon County Recorder's Office for the purpose of conveying land.

"Flood" or "Flooding". A general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual or rapid accumulation of runoff of surface waters from any source.

"Flood Hazard Boundary Map". A map delineating "A" Zones as areas that are susceptible to the base flood as prepared by the Federal Emergency Management Administration (FEMA) of the United States Government.

"Frontage". The length of the front line of lots, tracts or parcels fronting on a public street, road or right of way. The frontage of lots on curved streets or cul-de-sacs

shall be measured along the front building setback line which, for this definition, shall not exceed the required front yard distance from the property line.

"Grade". The slope of a road, street or other public way, specified in percent and shown on street profile plans as required herein.

"Grading". Excavation or fill or any combination thereof and which shall include the conditions resulting from any excavation or fill.

"Improvement, Public". Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, planting strip off-street parking area, lighting, park, recreation or conservation area or other facility for which the Village may ultimately assume the responsibility for maintenance and operation.

"Lot". A portion of a subdivision or other parcel of land intended for transfer of ownership or for building development.

"Lot, Corner". A lot situated at the intersection of **two (2) streets**.

"Lot, Through". A lot having a pair of opposite lot lines along **two (2)** substantially parallel public streets and which is not a corner lot.

"Natural Drainage". Channels formed in the existing surface topography of the earth prior to changes made by unnatural causes.

"Official Map". Map authorized herein and on which may be indicated proposed public improvements for the purpose of coordinating the construction of public improvements with future community development.

"Owner". Any person, group of persons, firm or firms, trust, corporation or corporations, or any other legal entity having legal title to the land sought to be subdivided under this Code.

"Parcel". All contiguous land in one ownership.

"Parkway". An unpaved strip of land situated within the public right of way of a street.

"Pedestrian Crosswalk" or "Way". A public right of way within a block, **ten (10) feet** or more in width, intended primarily for pedestrians but which may include utilities where necessary and from which motor propelled vehicles are excluded.

"Permittee". Any person for whom site development approval is authorized.

"Person". Any individual, firm or corporation, public or private, the State of Illinois and its agencies or political subdivisions and the United States of America, its agencies and instrumentalities, and any agent, servant, officer or employee of any of the foregoing.

"Plan Commission". The Plan Commission of the Village of Rochester.

"Plat Officer". The Plat Officer of the Village of Rochester.

"Preliminary Plat". The preliminary plat drawing indicating the proposed layout of the subdivision to be submitted to the Plan Commission and Village Board for their consideration.

"Removal". Cutting vegetation to the ground, complete extraction or killing by spraying.

"Right of Way". A strip of land occupied or intended to be occupied by a road, sidewalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer, drainage ditch or for other special uses. The usage of the term "right of way" for land platting purposes shall mean that every right of way hereafter established

and shown on a final record plat is to be separate and distinct from the lots or parcels adjoining such right of way, and not included within the dimensions or areas of such lots or parcels. Rights of way intended for streets, sidewalks, water mains, sanitary sewers, storm sewers, parks, recreation or conservation area or any other uses involving future maintenance by a public agency shall be dedicated to public use by the owner of the land on which such right of way is established.

"Rochester Subdivision Improvement Construction Requirements". The minimum construction specifications for public improvements as required herein or under other portions of the Village Code, which are to be used in subdivision construction. Where construction specifications outlined herein are in conflict with other minimum required construction specifications of the Village, the more restrictive shall apply.

"Sidewalk". That portion of a public right of way, paved or otherwise surfaced, intended for pedestrian use only.

"Site". A lot or parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

"Site Development". Altering terrain and/or vegetation and constructing improvements.

"Standard Specification". Published improvement construction standards and specifications as adopted or referred to by the Village.

"Street (Roadway)". The paved portion of a public or private right of way which affords primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, throughway or however otherwise designated.

"Street, Minor Residential". A street of limited continuity used primarily for access to abutting properties and local needs of a neighborhood, and on which through traffic is discouraged.

"Street Width". The shortest distance between the fronts or faces of parallel curbs or other parallel limits of the paved portion of a street.

"Stripping". Any activity which removes the vegetative surface cover including tree removal, clearing and storage or removal of topsoil.

"Subdivider (Developer)". Any person or corporation or duly authorized agent of the owner who undertakes the subdivision of land as defined herein.

"Subdivision". The division of land into **two (2)** or more parts, any one of which is less than **five (5) acres**, for the purpose, either immediate or future, of transfer of ownership or building development, except that the following instances shall not be deemed a subdivision of land:

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

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

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

(D) The conveyance of parcels of land for railroads, highways or other public utilities.

(E) The severance of the fee ownership of units of a two-family attached dwelling unit, when each is in full conformance with the provisions of **Chapter 40** including but not limited to the minimum required lot area and width specified in **Section 40-5-4(C)** and required yard area as prescribed in **Section 40-5-4(D)**. **(Ord. No. 96-6; 05-13-96)**

"Subdivision Design Standards". The basic land-planning principles established as guides for the preparation of preliminary plats as are contained in Article IV of this Code.

"U.S.G.S.". United States Geological Survey.

"U.S.G.S. Quadrangle Map". A topographic map as prepared by the U.S.G.S.

"Vacant". Land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself.

"Village Clerk (Clerk)". The Clerk of the Village of Rochester.

"Village Engineer". The Engineer for the Village of Rochester as provided in **Section 1-2-94**.

"Zoning Code". The zoning regulations of the Village as amended, being Chapter 40 of the Village Code.

35-1-6 INTERPRETATION.

(A) In their interpretation and application, the provisions of this Code shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare.

(B) Where the conditions imposed by any provisions of this Code upon the subdivision of land are either more restrictive or less restrictive than any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

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

(D) No subdivision of land which was not lawfully existing at the time of the adoption of this Code shall become or be made lawful solely by reason of the adoption of this Code, and to the extent and in any manner that said subdivision of land is in conflict with the requirements of this Code, said subdivision of land remains unlawful hereunder.

(E) Nothing contained in this Code shall be deemed to be a consent, license or permit to use or subdivide land.

(F) The provisions of this Code are cumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter, covering any subject matter in this Code.

35-1-7 **SEPARABILITY.** It is hereby declared to be the intention of the Village that the several provisions of this Code be separable in accordance with the following:

(A) If any court of competent jurisdiction shall adjudge any provision of this Code to be invalid, such judgment shall not affect any other provision of this Code not specifically included in said judgment.

(B) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Code to a particular subdivision of land, such judgment shall not affect the application of said provision to any other subdivision of land not specifically included in said judgment.

35-1-8 **SUITABILITY OF LAND FOR SUBDIVISION.**

(A) Land subject to flooding and land deemed to be topographically unsuitable for development, or lands in environmentally sensitive areas shall not be subdivided for residential purposes, nor for such other uses as may increase danger to health, life or property or aggravate erosion or flood hazard.

(B) To be suitable for subdivision, land proposed to be subdivided shall have essential utilities and public services available within a reasonable distance and time period. Land to which these essential utilities and services will not be provided shall be deemed unsuitable for subdividing. Essential utilities and services and criteria for determining if they can adequately be provided shall include the following:

(1) **Sanitary Sewer System.** Sanitary sewer system shall be provided in accordance with **Section 35-5-4** of the Subdivision Code, provided that if the land cannot be served with sanitary trunk sewers, the land shall be unsuitable for subdividing unless it can be shown that adequate private sewage systems can be provided, as required by **Section 35-5-4** of the Subdivision Code. Due to various environmental factors and considerations, some land will not be suitable for private sewage systems.

(2) **Water Main Supply System.** Water main supply system shall be provided in accordance with **Section 35-5-6** of the Subdivision Code and only as may be approved by the Village's water supplier pursuant to the Village's agreement to obtain water service, provided that private wells may be permitted for developments outside the Village if the developer can demonstrate that it is not feasible to extend water mains to the land proposed to be subdivided. As a minimum guideline, the extension of **one hundred twenty (120) feet** of water main per each individual lot of the preliminary plan shall be deemed feasible. This distance shall be measured between the nearest suitable public water main and the proposed development. Mains within the development shall not count toward this extension footage.

- (3) **Streets, Curbs and Gutters.**
- (a) Land proposed to be subdivided shall be suitable for street construction and shall not have limitations which adversely affect construction conditions. Factors to be considered include:
 - (i) soil type as it affects shrinkage, swelling, frost heave and related considerations;
 - (ii) water table as it affects subgrade; and
 - (iii) slope as it affects maintenance, snow plowing, sight distance, parking safety and need for large amounts of fill.
 - (b) The Village Engineer shall make the final determination on suitability for street construction, including **Section 35-5-7** of the Subdivision Code for further requirements which may affect suitability.
 - (c) The suitability of existing streets for access to the proposed subdivision and/or for incorporation into the proposed subdivision's street system shall also be considered. A street shall be considered suitable if:
 - (i) the street is constructed of all weather material (concrete, asphalt, oil mat);
 - (ii) the pavement has the equivalent strength to carry emergency and safety vehicles (minimum **two (2) inch** asphalt on **six (6) inch** crushed rock);
 - (iii) the paved area is at least **twenty (20) feet** wide with a road bed **twenty-four (24) feet** wide;
 - (iv) there is a minimum vertical clearance of **thirteen (13) feet six (6) inches**; and
 - (v) the street has good positive drainage and is not subject to frequent flooding.

(Ord. No. 97-6; 04-14-97)

(C) **Other Requirements.**

- (1) Site must be in conformance with the Village's Comprehensive Plan.
- (2) Development must be in accord with appropriate jurisdictional floodplain regulations.
- (3) Site must be of a shape, size and terrain so that usable lots and streets in conformance with this Chapter can and will be created. To achieve conformance, the site may require special design or may require the contemporaneous subdividing of adjacent property.

- (4) Development must not have a major conflict with existing use of adjacent property unless it is shown that factors which cause the conflict can and will be mitigated.
- (5) Development must not cause major off-site impacts and problems relating to but not limited to, streets, drainage, water system, parks. If it is determined that major off-site impacts will result, the subdivider must agree to mitigate the portion of the impact caused by the subdivision.

(Ord. No. 97-6; 04-14-97)

35-1-9 **CONNECTION TO VILLAGE UTILITIES.** Storm sewers, sanitary sewers and water mains shall not be connected or tied into the Village storm sewer, sanitary sewers or water mains until:

- (A) the subdivision has been annexed to the Village;
- (B) construction plan approval has been reviewed and approval recommended by the Village Engineer;
- (C) all fees and assessments have been paid;
- (D) all necessary permits for such connections have been granted by the appropriate governing agency; and
- (E) inspection and approval has been made by an authorized agent for the Village.

35-1-10 **FLOOD HAZARD AREAS.** Any subdivision which contains or is a part of "A" Zones as delineated on the Flood Hazard Boundary Map must observe all rules and regulations outlined in **Chapter 14 (Ord. No. 87-1)**, and ordinance regulating development in special flood hazard areas, as now in force or as may be amended from time to time, which ordinance regulates the construction, substantial improvements, subdivision of land, placement of structures or other development in relation to flood hazard areas.

35-1-11 **PUBLIC LANDS.**

(A) Planned public improvement sites indicated on the Official Map, which is adopted herein by reference, may be required by the Village as part of the approval of the subdivision. Such public improvements may include, but are not limited to, roadways and the widening of existing roadways, school sites, parks, recreational and conservation area sites, public building sites, storm drainage sites, bikeways and utility easements.

(B) Whenever the Official Map of the Village has indicated the necessity to provide public improvements within a proposed subdivision, the Plan Commission and the Village Board shall require that certain lands be designed for such public purpose before granting approval to such plat; except, however, that if the governing board of the agency responsible for that proposed public site by formal action indicates

disinterest in the site, the Plan Commission and the Village Board may permit the designated site to be used for any other purpose consistent with this Code and the zoning provisions of Chapter 40 of the Village Code. Furthermore, such site shall be held for that specific public improvement for a period of **one (1) year** from the date of final plat approval by the Village Board.

(C) Whenever a site for public improvements has been indicated on an approved final plat, the appropriate public agency shall acquire such land or commence proceedings to acquire such land by condemnation within **one (1) year** from the date of final plat approval, and if the public agency does not do so within such period of **one (1) year**, the land so designated may then be used by the owner in any manner consistent with this Code and the zoning provisions of **Chapter 40**.

35-1-12 VACATION OF PLATS, STREETS, ETC.

(A) In cases where an application is made to the Village Board to vacate any subdivision or part thereof, prior to the sale of any lot in the subdivision, the Board may by ordinance order the vacation of all or part of the said subdivision. When lots have been sold, the plat may be vacated providing all the owners of lots in said plat join in the execution of said application.

(B) In cases where an application is made to the Village Board to vacate any street, alley or public place, the Board may in such cases order the street, alley or public place or part thereof vacated and receive from the owner or owners of property abutting on such street, alley or public place or part thereof so vacated, compensation in an amount which, in the judgment of such Board, shall be equal to the benefits which will accrue to the owner or owners of such abutting property by reason of such vacation; provided, that such order of vacation shall be passed by the affirmative vote of at least **two-thirds (2/3)** of the members of the Board.

(C) In all cases where application for vacation of any subdivision, street, alley or public place or part thereof, is made to said Board, such application shall be referred to the Village Attorney and Village Engineer who shall make an investigation of the premises described in such application. The said attorney shall make a search to determine whether title is in the applicant's name and determine whether any lots or parcels of ground would be adversely affected by such vacations. **(Ord. No. 91-4; 05-06-91)**

ARTICLE II - ADMINISTRATION AND ENFORCEMENT

35-2-1 ADMINISTRATION. The following offices of the government of the Village are concerned with the administration of this Code. Specific duties are outlined as follows:

(A) **Plat Officer.** The Plat Officer shall be the enforcing officer of this Code, and it shall be his duty to enforce the provisions hereof. The Plat Officer may call upon any department or official of the Village to furnish him with such information and assistance as he may deem necessary to effect the proper enforcement of this Code, and it shall be the duty of such department or official to furnish such information and assistance whenever required. In the furtherance of such authority, the Plat Officer shall:

- (1) Maintain permanent and current records of this Code, including amendments thereto.
- (2) Receive and file all subdivision applications, preliminary plats and supporting data.
- (3) Forward copies of the preliminary plat to the Plan Commission for its recommendations and report.
- (4) Forward copies of the preliminary plat to the Village Board for its consideration.
- (5) Receive and forward subdivision construction plans and specifications to the Village Engineer for his review.
- (6) Receive and file all final plats.
- (7) Forward to the Plan Commission and Village Board all final plats for their approval or disapproval.
- (8) Receive and forward to the Plan Commission all review comments from individuals and agencies on preliminary and final plats.
- (9) Receive copies of State and local permits submitted by contractor prior to construction.
- (10) Give written approval to the subdivider to proceed with construction.
- (11) Make all other determinations required by him by the regulations contained herein.

(B) **Plan Commission.** The Plan Commission shall be entrusted with the following responsibilities:

- (1) Review and recommend approval or disapproval or necessary modifications of all preliminary and final subdivision plats.
- (2) Recommend to the Village Board the granting or denial of requests for variations or exceptions subject to the provisions of this Chapter.

- (3) Recommend to the Village Board from time to time such amendments to this Code as the Commission may deem necessary or advisable.
- (4) Make all other determinations required of them by the regulations contained herein.

(C) **Village Engineer.** The Village Engineer, or consulting engineer designated by the Village to act in this capacity, is hereby vested with the following responsibilities as requested and authorized in regard to subdivision control:

- (1) Recommend approval or disapproval of all engineering plans and specifications as requested by the Village Board relative to subdivision improvements, fees for such construction plan reviews to be paid by the subdivider as provided in this Code.
- (2) Recommend the amount of the guarantee to be provided by the subdivider.
- (3) Make periodic and final inspections of subdivision improvements, including a final inspection at the end of the guarantee period, when notified and authorized to do so by the Village Board, such construction inspection fees to be paid by subdivider as provided in this Code. Only periodic inspection will be performed by Village Engineer. The owner/developer shall engage the services of an engineer and be responsible for full time inspection and certification of required testing. All test results shall be submitted by contractor to Plat Officer prior to final acceptance of subdivision improvements.
- (4) Report his findings on all of the above to the Plat Officer.
- (5) Make all other determinations required by him by the regulations contained herein.

(D) **Village Board.** The Village Board is vested with the following responsibilities in regard to subdivision control:

- (1) Approve or disapprove all preliminary and final plats referred to it by the Plan Commission;
- (2) Amend the regulations of this Code when found necessary and desirable as hereinafter provided;
- (3) Institute appropriate proceedings to enforce the provisions of this Code;
- (4) Approve or disapprove intended dedications or public reservations of land;
- (5) Order the vacation of a street, alley or other public place and fix compensation received by the Village therefor;
- (6) Act upon variance recommendations referred to it by the Plan Commission; and
- (7) Make all other determinations required of the Board by the regulations contained herein.

(E) **Village Clerk.** The Village Clerk is vested with the following responsibilities in regard to subdivision control, to:

- (1) Collect and keep records of any fees and charges as required by the regulations contained herein;
- (2) Record in the Sangamon County Recorder's office all approved final plats;
- (3) Receive and administer performance guarantees; and
- (4) Make all other determinations required by the regulations contained herein.

(F) **Village Attorney.** The Village Attorney is vested with the following responsibilities in regard to subdivision control: to review and recommend approval or disapproval of performance guarantees to the Village Board.

35-2-2 ENFORCEMENT.

(A) No owner or agent of the owner of any parcel of land located in a proposed subdivision shall transfer or sell such parcel before a plat of said subdivision has been approved by the Village Board and filed with the Sangamon County Recorder of Deeds.

(B) The subdivision of any lot or any parcel of land by the use of metes and bounds description (with the intent of evading this Code) for purpose of sale, transfer or lease shall be subject to all the requirements and regulations contained in this Code.

(C) No building permit shall be issued for the construction of any building located on a lot or plot subdivided or sold in violation of the regulations of this Code.

(D) No preliminary or final plat shall be approved which does not comply with all applicable provisions of this Code.

35-2-3 INVALID PLATS. No plat of any subdivision shall be valid or entitled to record unless and until the same has been approved by the Village Board in accordance with the procedure hereinafter provided, and no plat of a subdivision shall be approved without compliance with the standards of design and specifications for improvement required herein.

35-2-4 UNLAWFUL DIVISION. From and after the effective date of this Code, no lot or tract of land located within the Village or within the extraterritorial area of jurisdiction of the Village shall be subdivided without complying with this Code, the Village Zoning Code, and the Illinois Compiled Statutes. **(Ord. No. 96-6; 05-13-96)**

35-2-5 BUILDING WITHIN PROPOSED STREET EXTENSIONS. No building, structure or permanent improvement of any type shall be erected within the extension of street right of way of any street terminated at the boundary of a subdivision or of any planned continuous street as indicated in the Comprehensive Plan of the Village. Such extensions are for the purpose of regulating the traffic flow within the Village in accordance with the best interests of public health, safety and general welfare.

35-2-6 CONSTRUCTION PLAN REVIEW AND CONSTRUCTION INSPECTION FEES TO BE PAID BY SUBDIVIDER. An hourly engineering fee to be set from time to time by the Village Board or charges corresponding to the current rate schedule for the consulting engineer serving as the Village Engineer shall be paid to the Village to defray the cost of reviewing and approving plans and specifications for public improvements and for site inspections of construction of said public improvements by the Village Engineer. These fees shall be borne by the subdivider and shall be paid in the manner as prescribed in Article 8 of this Code.

35-2-7 VARIATIONS AND EXCEPTIONS.

(A) **Hardships.** Where the Plan Commission finds that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, the Commission may recommend deviation from strict compliance with these regulations so that substantial justice may be done and the public interest secured; provided, that such variation or exception shall not have the effect of nullifying the intent and purpose of this Code and, further provided, the Commission shall not recommend variations or exceptions to the regulations of this Code unless it shall make findings based upon the evidence presented in each specific case that:

- (1) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result if the strict interpretation of the regulations were carried out.
- (2) The granting of the variation will not be detrimental to public health, safety or general welfare or injurious to the environment, other property or improvements in the neighborhood in which the property is located.

(B) **Exception to Procedure for Minor Subdivisions.** The subdivision of a parcel of land along an existing public street or road into not more than **five (5) lots** for single-family residential use and not involving the construction of public improvements shall be considered a minor subdivision and shall follow the procedure and requirements as outlined in Article 6 of this Code.

(C) **Plan Commission May Attach Conditions to Variations and Exceptions.** In its recommendations on variations and exceptions, the Commission may require conditions that will substantially secure the objectives of this Code.

35-2-8 REVIEW OF ADVERSE PLANNING COMMISSION'S DECISIONS. If the Plan Commission recommends disapproval of a preliminary plat or final plat, or a preapplication map of a minor subdivision, the subdivider may file with the Village Clerk a petition to the Village Board for review of such decision of the Plan Commission, pointing out those parts of the decision to which the subdivider objects. In such event, a hearing on the sufficiency or propriety of said preliminary plat or final plat shall be conducted by the Village Board after notice thereof has been mailed by the Village Clerk at least **one (1) week** before the hearing to the person or persons who requested the review and to the Plan Commission chairman; provided, however, that any matter which was the subject of a previous hearing before the Village Board in connection with the same proposed subdivision shall not be the subject of a second hearing.

After the conclusion of any such hearing, the Village Board may by majority vote of the total Board, affirm the recommendations of the Commission, or by **two-thirds (2/3)** majority vote of the total Board modify the recommendation of the Commission to approve the preliminary plat or final plat. If a preliminary plat or a minor subdivision preapplication map is so approved by the Village Board, the subdivider shall proceed before the Plan Commission with subsequent review steps provided by this Code.

35-2-9 AMENDMENTS. The Plan Commission shall from time to time prepare and recommend in writing to the Village Board such changes or additions to the provisions and regulations herein contained for subdivision control as it may deem necessary or advisable. Such changes or additions shall become effective after their adoption by the Board by the passage of an amendment of this Code.

35-2-10 PENALTIES. Any person who shall violate any of the provisions of this Code shall be subject to the penalty provision of **Section 1-1-20** of the Village Code.

ARTICLE III - PROCEDURE

35-3-1 GENERAL. A subdivider, before proceeding with the formal procedure outlined in this Article, is urged to ascertain the problems and requirements affecting the subdivision of his property. This may best be accomplished by a meeting with the Plan Commission to determine general compliance and understanding of all related Village requirements.

35-3-2 PREAPPLICATION. Prior to the filing of a preliminary plat, the subdivider may submit material to the Plat Officer relating to the proposed subdivision in order to avail himself of the advice and assistance of the Plan Commission at its next regularly scheduled meeting, without the expense and time of a formal application. It is suggested that for a maximum benefit the material should include as a minimum:

(A) General subdivision information that describes the existing condition of the site and the proposed development. This information may include data on existing covenants, land characteristics, available community facilities and utilities, information describing the subdivision proposal, such as number of residential lots, typical lot width and depth, proposed protective covenants, utilities, street improvements, existing zoning, surrounding land use and a general location map showing the subdivision's location to/or in the Village.

(B) A sketch plan showing in simple form the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan does not require formal application, fee or filing of the plat.

35-3-3 PRELIMINARY PLAT.

(A) **Filing the Preliminary Plat.** The subdivider shall file **twenty-one (21) prints** of the preliminary plat of the proposed subdivision with the Plat Officer for referral to the Plan Commission and other public officials. A transmittal letter shall be filed with the preliminary plat that states the ownership of the land to be subdivided, the engineer, the availability of utilities, variances requested, proposed covenants and other information pertinent to the Commission's consideration.

(B) **Special Information Required.**

- (1) If the legal owner desires to appoint a duly authorized agent to act on his behalf, he shall file a written statement designating such agent.
- (2) Any application wherein the title to land is held in a trust shall be signed by the land trustee, and the land trustee shall also disclose in writing the names and amount of beneficial ownership of all persons with a beneficial interest in the trust. Any changes in the beneficial ownership of the trust during the subdivision process shall be immediately disclosed in writing by the trustee.

(C) **Contents of the Preliminary Plat.** The preliminary plat shall contain the following information:

(1) **Description.**

- (a) Name of proposed subdivision.
- (b) Area of proposed subdivision.
- (c) Name and address of owner and developer.
- (d) Name and address of engineer.
- (e) Scale and north point. Scale to be not more than **one hundred feet to the inch (100' = 1")**.
- (f) Location sketch showing location of the subdivision in relation to existing roads.
- (g) All plats and revised plats must contain date.

(2) **Existing Conditions.**

- (a) Topography by contours with interval of **two (2) feet** or less.
- (b) The location of all existing property lines, section lines, streets, buildings, watercourses, utilities, 100-year designated flood plain and other pertinent features within and adjacent to the proposed subdivision.
- (c) The existing zoning classification of the proposed subdivision.

(3) **Proposed Conditions.**

- (a) Location, width and name of all streets.
- (b) Location and width of all alleys and walkways.
- (c) Layout including lot line, lot numbers, scaled dimensions and lot area of all lots.
- (d) Location and size of any areas to be conveyed or reserved for parks, scenic ways, walkways, playgrounds, schools, public buildings or other similar semi-public or public uses.
- (e) Designation of any lots to be used for duplex or multi-family development.

(4) **Certificates.** Certain certificates must appear on all preliminary plats. The appropriate forms of certificates are on file at the office of the Village Clerk and the subdivider shall consult the Village Clerk and provide the appropriate certificates on the preliminary plat.

(5) **Vertical and Horizontal Datums.**

- (a) All subdivisions of land within or to be annexed into the Village shall be surveyed utilizing the Illinois State Plane Coordinate System – West Zone, as applicable. The survey of land shall be prepared by or under the direct supervision of an Illinois Professional Land Surveyor.

- (b) Property corner coordinates shall be stated on the final plat in grid coordinates that list the point number, northing and easting. The following information shall be included in the final plat and shall be a condition for approval:
1. National Geodetic Survey (NGS) control point monument for origin of Illinois State Plane Coordinates.
 2. Elevation in North American Vertical Datum (NAVD) 1988 datum (U.S. Survey Feet).
 3. State Plane Coordinates Zone in North American Datum (NAD) 1983 (U.S. Survey Feet).
 4. Northing.
 5. Easting.
 6. Grid Factor.

(Ord. No. 06-04; 07-10-06)

(D) **Distribution of Preliminary Plat for Review.** Upon receipt of the preliminary plat, prints shall immediately be directed to the following persons for review and comment:

- (1) **Two (2) prints** to the Village Engineer.
- (2) **One (1) print** to the Director of Building and Zoning.
- (3) **Two (2) prints** to the Sangamon County Superintendent of Highways for transmittal of **one (1) print** to the appropriate highway commissioner.
- (4) **One (1) print** to the Soil and Water Conservation District.
- (5) **One (1) print** to the District Superintendent of Schools.
- (6) **One (1) copy** to be retained by the Plat Officer for his records.
- (7) **Two (2) copies** to be used for certifying Plan Commission approval. After certification, **one (1)** to be retained by Village Clerk and **one (1)** to be returned to subdivider.
- (8) **One (1) copy** each to telephone, gas, electric and cable companies to serve the area.
- (9) **Seven (7) copies** to the Plan Commission members.
- (10) **One (1) copy** to the Fire District.

(E) **Plan Commission Action.**

- (1) The Plat Officer shall distribute to the Plan Commission members, at least **ten (10) days** prior to the next meeting of the Plan Commission, **seven (7) copies** of the preliminary plat along with copies of any written recommendations of the Plat Officer, Village Engineer and the Director of Building and Zoning, Soil and Water Conservation District and County Superintendent of

Highways and Township Highway Commissioner and District Superintendent of Schools, or others to whom prints of the plats have been directed.

- (2) The date of the meeting of the Plan Commission wherein the preliminary plat is first presented shall be deemed the formal application date. Within **ninety (90) days** of the formal application date, the Plan Commission shall either recommend approval, recommend conditional approval with modifications or recommend disapproval of the preliminary plat. The **ninety (90) day** time limit may be extended by mutual consent of the subdivider and Plan Commission.
- (3) If the recommendation of the Commission on the proposed plan of subdivision is for disapproval, then within said **ninety (90) day** period the Plan Commission shall furnish to the subdivider a written statement setting forth the reasons for disapproval and specifying with particularity the aspects in which the proposed plat fails to conform to this Code including the Official Map.
- (4) If the preliminary plat is recommended by the Plan Commission, **two (2) copies** of the proposed plat will be so certified by the Plan Commission chairman and a copy of the findings and action of the Commission relative to the subdivision attached to each. **One (1) certified copy** will be filed with the Village Clerk and **one (1) copy** will be returned to the subdivider.

(F)

Village Board Action.

- (1) **Time Requirement.** The Village Board shall accept or reject said preliminary plat within **thirty (30) days** after the next regularly scheduled meeting following the action of the Plan Commission provided the Plan Commission action is at least **fifteen (15) days** prior to the next Village Board meeting and that **eight (8) copies** are promptly (within **seven (7) days**) provided by the subdivider to be distributed to the Village Board.
- (2) **If Approved.** If the preliminary plat is approved, the Village Clerk shall attach a certified copy of the resolution of approval of **two (2) copies** of the plat.
- (3) **If Disapproved.** If the preliminary plat is disapproved, the resolution shall state the reasons for disapproval, specifying with particularity the aspects in which the proposed plat fails to conform to this Code including required relationship to the Comprehensive Plan and the Official Map.

(G)

Procedure If Preliminary Plat Approved.

- (1) Approval of the preliminary plat shall not constitute approval of the final plat, nor does it qualify the plat for recording.

Said approval shall only be deemed as approval of the layout submitted on the preliminary plat as a guide to the preparation of a final plat.

- (2) A copy of the preliminary plat with the Clerk's certificate shall remain on file with the Village Clerk, and a copy of the plat so endorsed shall be returned to the subdivider. Additional copies of the preliminary plat shall also be provided by the subdivider for the Village Engineer and Plat Officer.

35-3-4 CONSTRUCTION PLANS.

(A) **Construction Plans Submission.** The subdivider shall submit **four (4) sets** of detailed construction drawings (5 sets for subdivisions not within and not to be within the corporate limits) and estimate of costs to the Plat Officer, a minimum of **thirty (30) days** prior to submission of the final plat. The drawings shall be in accordance with all design standards of this Code and applicable local, County and State design standards.

(B) **Contents of Construction Drawings.**

- (1) All drawings shall be prepared by or under the direct supervision of an Illinois Registered Professional Engineer and, if necessary, an Illinois Registered Structural Engineer. All drawings shall be signed, sealed and dated by the same. **(Ord. No. 05-08; 11-14-05)**
- (2) All drawings shall be neatly drawn on reproducible **eighteen inch by twenty-four inch (18" x 24")** or **twenty-four inch by thirty-six inch (24" x 36")** sheets at a scale of not more than **one inch equals one hundred feet (1" = 100')** and consist of a minimum of:
 - (a) Title sheet showing development location, scales, symbols, index to sheets, summary of quantities, approval blocks and seals.
 - (b) Site plan with existing and proposed contours showing drainage ways and flood plain boundaries.
 - (c) Plan and profile for streets.
 - (d) Typical cross sections for streets, showing right-of-way lines, proposed pavement widths, surface, base, sub base and subgrade type and thickness, crown, curbs and gutters and sidewalks.
 - (e) Plan and profile for sanitary sewers.
 - (f) Plan and profile for storm sewers.
 - (g) Plan for water mains and appurtenances.
 - (h) Plans for street lighting.
 - (i) Construction details, with details of manholes, inlets, catch basins, curbs and gutters, drainage structures,

- (4) Upon Village Board approval of the construction plans the subdivider may submit the final plat to the Plan Commission for its consideration.
- (5) Recommendation for approval by the Village Engineer does not relieve the owner/developer of full responsibility for the design of improvements and compliance with the requirements of this Code.

35-3-5

(A)

FINAL SUBDIVISION PLAT.

General Requirements.

- (1) **Time Limit on Subdivider.** Application for final approval of a plat shall be made within **twenty-four (24) months** after preliminary approval has been granted by the Village Board.
- (2) Within the aforesaid time period the subdivider shall file the original and **six (6) prints** of the final plat of the proposed subdivision with the Plat Officer together with a letter of transmittal stating that the final plat substantially conforms to the approved preliminary plat and specifying in what particulars the final plat deviates from the preliminary plat. Said letter of transmittal shall also include a request for consideration of the final plat by the Plan Commission and shall be received by the Plat Officer at least **ten (10) days** before the next scheduled meeting of the Commission.
- (3) The Plan Commission shall have **forty-five (45) days** to review and consider the final plat and shall approve or disapprove same in the same manner and form as preliminary plat.
- (4) If the Plan Commission has recommended approval of the final plat, then the Village Board shall approve or disapprove the final plat within **sixty (60) days** after its next regularly scheduled meeting providing copies of final plats are promptly (with **seven (7) days**) provided by the subdivider for distribution to the Village Board, following the action of the Plan Commission.
- (5) If the Village Board disapproves the final plat, the resolution shall state the reasons for the disapproval, specifying with particularity the aspects in which the proposed plat fails to conform to this Code.
- (6) If the Village Board approves the final plat, the Village Clerk shall retain the original plat in the Clerk's office.
- (7) The Village shall execute the requisite certificate on the final plat only after all fees, financial guarantees and other

required documents have been duly executed and provided to the Village.

- (8) The final plat shall be recorded with the Recorder of Deeds of Sangamon County by the Village Clerk within **one (1) year** of the date said plat was approved. The permission of the subdivider shall be required for recording.

(B) **Contents of the Final Plat.** The final plat shall be drawn in black ink on mylar and shall contain the following information:

(1) **General.**

- (a) Name of subdivision.
- (b) General legal description.
- (c) Area in acreage of the subdivision.
- (d) Scale, north arrow and date; scale to be not more than **one hundred feet to the inch (100' = 1")**.

(2) **Existing Conditions.**

- (a) The location of all existing section lines, lot lines and street lines lying within or adjacent to the subdivision.
- (b) The location of survey monuments found and used in determining the boundaries of the subdivision.

(3) **Proposed Conditions.**

- (a) The boundary of the subdivision.
- (b) Location, width and names of all streets.
- (c) Location and width of all alleys and walkways.
- (d) Layout, including lot lines and lot numbers of all lots; square foot area of each lot.
- (e) All dimensions, both linear and angular, necessary for locating the subdivision boundaries, lots, streets, alleys, walkways, easements, setback lines and other areas for public or private use. Linear dimensions shall be given to the nearest hundredth of a foot; angular dimensions shall be given to the nearest **ten (10) seconds**.
- (f) Angular and linear dimensions to the nearest quarter section line and corner.
- (g) Designation of any lots that are to be reserved for parks, playgrounds, schools or other public uses.
- (h) Designation of any lots to be used for duplex or multi-family use or use other than residential use.
- (i) Location of survey monuments.

- (4) **Certificates.** Certain certificates must appear on all final plats. The appropriate forms of certificates are on file at the office of the Village Clerk and the subdivider shall consult the Village Clerk and provide the appropriate certificates on the

final plat. An additional certificate concerning not developing in a flood plain is required by statute and this certificate form is not provided by the Village Clerk.

35-3-6 **GUARANTEE OF IMPROVEMENTS.**

(A) Prior to approval of the final plat, the subdivider shall provide one of the following:

- (1) A corporate surety bond equal to **one hundred percent (100%)** of the cost of the improvement.
- (2) A cash deposit in the sum of **one hundred percent (100%)** of the cost of the improvement. **(Ord. No. 91-4; 05-06-91)**

(B) For purposes of this Section, cost of the improvement is defined as an amount equal to the approved cost estimate of the project, including reasonable inspection fees to be borne by the subdivider necessary to conform to the requirements established by this Code.

(C) The Village Attorney shall approve, as the case may be, the following:

- (1) The corporate surety and the terms and conditions including, but not limited, to the specific language of the bond.
- (2) The depository and escrow agreement in the event a cash deposit is made.
- (3) The bank, or other financial institution, and terms and conditions of the irrevocable letter of credit.

(D) Whichever manner of providing guarantee is chosen by the subdivider, the exact terms and conditions of same will be drafted and executed to accomplish the following:

- (1) The Village will have sole authority to determine if the construction of the improvements is being accomplished in conformity with the requirements of this Code.
- (2) In the event the construction of the improvements is not being accomplished in conformity with the requirements of this Code, all or such part of the bond, cash deposit or letter of credit, as the Village deems appropriate, may be immediately forfeited and paid to the Village.
- (3) If the subdivider disputes the decision of the Village as to forfeiture, its sole remedy shall be to institute litigation as it deems appropriate.

(E) Up to **ninety percent (90%)** of the guarantee may be released in portions from time to time as construction is completed and conditionally approved.

(F) Upon completion and conditional approval of all subdivision improvements, the subdivider shall provide a **two (2) year** written guarantee of the improvements and shall provide a financial guarantee in a form and substance to be approved by the Village Board in one of the following ways:

- (1) Maintain **ten percent (10%)** of the existing guarantee in force.
- (2) Provide a new guarantee for **ten percent (10%)** of the original amount upon release of the original guarantee.

(Ord. No. 05-08; 11-14-05)

(G) Upon final acceptance of the subdivision improvements by the Village Engineer, the Village Board shall release the guarantee.

35-3-7 CONSTRUCTION AND INSPECTION.

(A) After approval of the construction plans, the subdivider shall submit copies of all required State and local permits to the Plat Officer. He shall also submit where appropriate:

- (1) Proof of application for an access permit from the County Highway Department when access to County Highway is involved.
- (2) Proof of application for a 404 and/or required State rivers, lakes and streams permit if any dredging, riprapping, fill work or similar activities will be conducted in or around streams, the 100-year floodway or jurisdictional water.
- (3) Other specific additional information as may be requested by the Village.

(B) Upon receipt and approval of all required permits, the Plat Officer shall give written approval to the subdivider to proceed with construction.

(C) The subdivider shall be ultimately responsible for the final location, elevation, quality and condition of all improvements and it shall be his responsibility to employ competent contractors and engineers for this requirement. The condition of the improvements at the time of inspection shall be the basis upon which the improvements are rejected or conditionally accepted. The subdivider's engineer shall request shop drawings from the contractor for all the materials and equipment to be installed. Shop drawings shall consist of complete descriptive literature on the equipment including all pertinent dimensions, material specifications, operation and maintenance data and performance curves and data. Prior to submittal to the Village Engineer, both the contractor and subdivider's engineer will have reviewed the shop drawings and stamped them with the name and signature of the contractor and/or the engineer as proof of review. Copies of all shop drawings shall be provided to the Village Engineer. **(Ord. No. 05-08; 11-14-05)**

(D) The subdivider shall provide sufficient engineering inspection so that the subdivider's engineer can certify that all construction was completed substantially in accordance with the approved plans.

(E) The subdivider or his engineer or contractor shall notify the Village Engineer at least **twenty-four (24) hours** in advance of the following construction operations. Failure to notify the Village Engineer will be considered a violation of this Code, subject to the penalties prescribed herein:

- (1) Grading.
- (2) Sanitary sewer construction.
- (3) Storm sewer construction.
- (4) Curb and gutter construction.
- (5) Base course construction.
- (6) Water main construction.
- (7) Street light construction.
- (8) Surface course construction.

Whenever construction stops for **twenty-four (24) hours** or longer, the Village Engineer shall be notified **twenty-four (24) hours** before construction begins again.

(F) The Village Engineer shall periodically inspect the various stages of construction at his discretion and bring to the attention of the owner/developer (or on-site representative thereof) any dissatisfaction with materials or methods used in construction for remedial action. Testing will be required during construction in accordance with the applicable specifications with additional testing as may be required at the direction of the Village Engineer. Testing shall include, but not limited to:

- (1) Grading - compaction tests, as requested by the Village Engineer for approval of subgrade prior to paving, moisture content, infiltration and deflection tests.
- (2) Sanitary sewer - air test, lamping, TV test, visual. For purposes of this paragraph, Owner/Developer is to provide a televised (TV), internal pipe inspection of the entire sanitary sewer system using a color, closed circuit TV inspection system specifically designed for use in sewer lines, the camera for which shall be equipped with a continuous display of the date, line section and distance counter to the nearest foot, and all such TV inspections shall be recorded on 2-hour VHS video tapes or digital video discs (DVDs) and shall be of such quality that joints, tees, pipe wall, sanitary sewer services and other appurtenances can be viewed easily. **(Ord. No. 98-9; 10-10-98)**
- (3) Storm sewer - lamping, visual.
- (4) Portland Cement Concrete (PCC) curb, gutter, pavements and sidewalks – for each day in which **ten (10) cubic yards** or more of concrete is poured, one set of four standard cylinders shall be cast. As a minimum, one slump test shall be made from the first load of concrete delivered to the site per day or each time compressive test cylinders are made and as often thereafter as the Village Engineer determines necessary. As a minimum, one air content test shall be made from the first load of concrete delivered to the site per day or each time compressive test cylinders are made and as often thereafter as the Village Engineer determines necessary. For miscellaneous concrete pours of less than **ten (10) cubic yards**, certification shall be provided documenting that Class SI concrete has been supplied from an Illinois Department of Transportation certified source. Slump and air content tests are not required for miscellaneous concrete pours of less than **ten (10) cubic yards. (Ord. No. 07-11; 08-13-07)**
- (5) Base course - gradation, compaction test, cores, thickness.

- (6) Water main - pressure test, visual, bacteriological tests.
- (7) **Bituminous Pavement.**
 - (a) IDOT approved mix design including density, Marshall stability, flow, bitumen content, gradation, thickness and mix proportions.
 - (b) A preliminary pavement testing plan showing the approximate locations for performing density tests shall be submitted to the Village Engineer prior to initiating paving activities.
 - (c) For binder or base course and surface course, **one (1)** density test shall be performed for every **five hundred (500) feet** of lane width paved and every fraction thereof, with a minimum of **two (2)** tests per lane per day.
 - (d) Extraction reports detailing the properties noted in (a) above, for each day of paving activity.

(Ord. No. 06-04; 07-10-06)

- (8) Concrete pavement - thickness cores, flexural strength, mix proportions, air content.
- (G) All testing required by the Village Engineer shall be done by the subdivider at the direction of the Village Engineer.
- (H) Upon completion of construction and correction of defects, the subdivider shall submit a written request for approval of all subdivision improvements, along with a certification by his engineer that all improvements were completed in accordance with the approved plans.
- (I) The subdivider shall have its engineer prepare record drawing plans and submit **two (2)** paper sets and **two (2)** electronic sets each to the Village of Rochester and Village Engineer for their records. The electronic record drawings shall be provided in the form of AutoCAD (latest version) drawing files. The subdivider shall also have its engineer provide a copy of the construction field notes to the Village of Rochester and Village Engineer. **(Ord. No. 05-08; 11-14-05)**
- (J) Upon the completion of the infrastructure improvements by the developer, and prior to conditional acceptance of the improvements by the Village, the developer shall arrange with the Village to pay for the expenses incurred by the Village for street name signs that meet current requirements of the Village. The Village will perform the installation of the signs at the Village's expense. The expense for the signs shall be the actual cost of the signs, including posts, and other such materials required for a complete installation. **(Ord. No. 97-6; 04-14-97)**

35-3-8 **CONDITIONAL ACCEPTANCE OF IMPROVEMENTS.** Upon satisfactory correction and/or completion of all subdivision improvements and recommendations by the Village Engineer, the Village shall conditionally accept said improvements subject to a **two (2) year** guarantee period. The purpose of the conditional acceptance is to allow the Village to begin maintenance and operational duties; however, the subdivider is still responsible to provide all the required improvements free of any defects, other than ordinary wear and tear and naturally occurring obsolescence, at the end of the **two (2) year** guarantee period. The conditional acceptance shall not be deemed to be a release by the Village of the subdivider's obligations hereunder. The Plat Officer shall notify the subdivider in writing, when the improvements have been conditionally accepted, and said date shall be the beginning of the **two (2) year** guarantee period. **(Ord. No. 97-6; 04-14-97)**

35-3-9 IMPROVEMENTS GUARANTEE. Upon conditional acceptance of the subdivision improvements by the Village, the subdivider shall provide the Village with a **two (2) year** guarantee against defects in the subdivision improvements. The subdivider shall provide a financial guarantee equal to **ten percent (10%)** of the construction cost of subdivision improvements for this guarantee. Defects shall be as determined by the Village Engineer, and shall include as examples and without limitation such items as settlement, damaged sidewalks, streets or streetlights, inoperable valves, siltation, and erosion. At the end of the **two (2) year** period, the Village Engineer shall inspect the subdivision and inform the subdivider of any defects that must be corrected. If the subdivider does not correct the defects, the Village may declare a forfeiture of the guarantee. **(Ord. No. 97-6; 04-14-97)**

35-3-10 FINAL ACCEPTANCE. Upon completion and acceptance of any corrections by the Village Engineer, the subdivider's guarantee shall be released by the Village Board.

35-3-11 SUMMARY OF PROCEDURES. The following summary of procedures indicates the normal process for the development of subdivision and the party responsible for the completion of each step:

| <u>Function</u> | <u>Responsibility</u> |
|---|-----------------------|
| 1. Optional preapplication location map meeting with the Plan Commission. | Subdivider |
| 2. Submit preliminary plat to Plat Officer for distribution. | Subdivider |
| 3. Submit preliminary plat to Plan Commission with review comments of Village Engineer, Plat Officer, Director of Building and Zoning, and County and Township Highway Officials, District Superintendent of Schools, Soil Conservation District. | Plat Officer |
| 4. Review preliminary plat. | Plan Commission |
| 5. Submit preliminary plat and recommendation to Village Board. | Plan Commission |
| 6. Review preliminary plat and approve or reject. | Village Board |
| 7. Submit construction plans, specifications and estimates of cost to the Plan Officer for delivery to the Village Engineer. | Subdivider |
| 8. Review construction plans and submit recommendations to Village Board. | Village Engineer |
| 9. Approve construction plans. Construction authorized. | Village Board |
| 10. Submit final plat to Plat Officer along with financial guarantee for Improvements. | Subdivider |
| 11. Submit final plat to Plan Commission. | Plat Officer |
| 12. Plan Commission review of final plat. | Plan Commission |
| 13. Submit final plat and recommendation to Village Board. | Plan Commission |

| <u>Function</u> | <u>Responsibility</u> |
|--|---|
| 14. Review and approve final plat, financial guarantee. | Village Board and Attorney |
| 15. Pay all required fees to the Village. | Subdivider |
| 16. Record final plat with permission of subdivider. | Village Clerk |
| 17. Certify completed construction to Village. | Subdivider |
| 18. Submit as-built plans to the Village Engineer. | Subdivider |
| 19. Recommendation for Board to conditionally accept improvements. | Village Engineer |
| 20. Provide two year guarantee of improvements. | Subdivider (Ord. No. 05-08; 11-14-05) |
| 21. Correct defects at end of two years. | Subdivider |
| 22. Recommendation for final acceptance of improvements. | Village Engineer |
| 23. Final acceptance of improvements. | Village Board |
| 24. Release guarantee | Village Board |

35-3-12 TRACT SURVEY.

(A) **Tract Survey Requirements.** In addition to the requirements of this Chapter, a tract survey shall be required for any conveyance, division or subdivision of real property for which no plat is required under this Chapter when such conveyance, division or subdivision:

- (1) is described in meets-and-bounds;
- (2) results in the remaining parcel or tract being less than **five (5) acres**; or
- (3) is a conveyance of real property as provided for the in Condominium Act.

(B) **Contents of Tract Survey.** When a tract survey is required, the following shall be submitted:

- (1) A Land Survey showing right-of-way dedication or dedication of an easement for roadway purposes in conformance with the comprehensive plan of the Village of Rochester, Illinois, adopted by Ordinance No. 91-2, May 6, 1991.
- (2) Certification by an Illinois Professional Land Surveyor together with the surveyor's seal, attesting to the accuracy of the survey.

(C) **Review Process.**

- (1) **Five (5) copies** of the tract survey shall be submitted to the Tract Survey Officer, accompanied by the appropriate fee as established by the Tract Survey Officer from time to time.
- (2) The Tract Survey Officer shall review the survey to ensure that it conforms to the pertinent requirements of the

ARTICLE IV - DESIGN STANDARDS

35-4-1 GENERAL.

(A) The design of the subdivision shall be in harmony with and shall conform with the Comprehensive Plan (including the overall goals of the Village) and the Official Map and shall be in accordance with good subdivision design principles not otherwise set forth herein.

(B) Natural features, such as distinctive trees or vegetation, streams, ponds, hilltops, bluffs, creek bottoms and outlook views, shall be preserved and enhanced wherever possible. In laying out a subdivision due consideration shall be given to such aesthetic features existing within the tract being subdivided and which may add to the aesthetic quality of existing nearby subdivisions.

35-4-2 EROSION AND SEDIMENTATION CONTROL PRINCIPLES AND STANDARDS. In all subdivision development measures are required to be taken to assure that sediment is not transported from the site by a storm event of **ten (10) year** frequency or less and that the following principles will be applicable in the area to be subdivided:

(A) Development should be related to the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required should be avoided wherever possible and natural contours should be followed as closely as possible.

(B) Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to natural watercourses should be left undisturbed wherever possible.

(C) The smallest practical area of land should be exposed for the shortest practical time during development.

(D) Sediment basins, debris basins, desilting basins or silt traps or filters should be installed and maintained to remove sediment from run-off waters from land undergoing development.

(E) The selection of erosion and sedimentation control measures should be based on assessment of the probable frequency of climatic and other events likely to contribute to erosion, and on evaluation of the risks, costs and benefits involved.

(F) In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance should be considered.

(G) Provision shall be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development. Drainageways should be designed so that their final gradients and the resultant velocities of discharges will not create additional erosion, and should be protected against erosion and sedimentation during development.

(H) Permanent vegetation and structures should be installed as soon as practical during development.

(I) During construction of public improvements, measures shall be taken to control erosion and sedimentation to insure that sediment will not be transported from the site by a storm event of **ten (10) year** frequency or less. The erosion and sediment control plan shall include measures to stabilize and protect disturbed areas, keep run-off velocities low, retain sediment on site and protect disturbed areas from runoff. The location, type and configuration of controls such as swales, berms, dams, sediment basins and release mechanisms shall be included with the construction plans.

(J) Temporary or permanent soil stabilization measures, whichever is applicable, shall be applied within **fourteen (14) days** after final grading to all areas where the soil has been disturbed or the vegetative cover removed. Seeding mixtures and rates, types of sod, method of seed bed preparation, expected seeding dates, type and rate of lime and fertilizer application and kind and quantity of mulch for temporary and permanent vegetative control measures shall be included with the construction plans.

35-4-3 STREETS. All streets are to be designed in accordance with the Illinois Department of Transportation Bureau of Design and Environment (BDE) and/or Local Roads Manual, or any replacement or substitute therefore, as such may be in effect from time to time. **(Ord. No. 05-08; 11-14-05)**

(A) The course, general location, pavement and right-of-way width and grade of all streets shall conform to the Comprehensive Plan, Official Map and standards contained herein. The location of streets in the proposed subdivision shall be considered in their relation to existing and planned streets, to topographic conditions, to flood plains and wetlands, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

(B) Where not shown on the Comprehensive Plan or the Official Map, the arrangement of street in a subdivision shall either:

- (1) Provide for the continuation or projection of existing streets in surrounding areas; or
- (2) Conform to topographic or other conditions where continuance or projection of existing streets is impractical or undesirable from the community viewpoint.

(C) Minor residential streets shall be so laid out that their use by through traffic will be discouraged.

(D) Access to an existing or proposed major street shall be limited to a minimum number of intersections and be determined with due regard for sight distance, distance between intersection and approach grades.

(E) No street grade as measured along the centerline shall be less than **one-half of one percent (.50%)** or more than **seven percent (7%)**. The maximum grade on arterial streets shall not exceed **five percent (5%)**.

- (F) **Street Intersections.**
- (1) Streets shall be laid out to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than **sixty degrees (60°)**.
 - (2) Street intersections with centerline offsets of less than **one hundred twenty-five (125) feet** are prohibited.
 - (3) Curb corners at street intersections shall have a minimum radius of **twenty-five (25) feet**.

- (G) **Horizontal Deflection of Street Lines.**
- (1) Where connecting street lines deflect from each other more than **ten degrees (10°)**, they shall be connected with a curve with a radius adequate to assure sight distance.
 - (2) A tangent at least **one hundred (100) feet** long shall be introduced between curves on collector streets where the curve radius is less than **five hundred (500) feet**.

(H) Alleys shall not be permitted in proposed residential districts.

(I) **Right of Way.** Street right-of-way widths for streets shown on the Comprehensive Plan or the Official Map shall not be less than as follows:

| | |
|---------------------------|------|
| Arterial streets (State) | IDOT |
| Arterial streets (other)* | 100 |
| Collector streets | 60 |
| Minor streets | 50 |
| Cul-de-sac | 50 |
| Marginal access | 40 |
| Alleys | 20 |
| Pedestrianways | 10 |

*Right-of-way width of streets and roads should be in accord with the more restrictive requirements of county, township or village having jurisdiction over right-of-way width. Extensions of collector streets and arterial streets, indicated on the official map, will, for the purpose of determining required right of way, carry the same classification.

(J) In a subdivision that adjoins or includes an existing street that does not conform to the right-of-way width required above, **one-half (1/2)** of the additional width shall be provided along each side of such street for the entire frontage included within the land being subdivided.

(K) Dead-end or cul-de-sac streets shall not be longer than **five hundred (500) feet**. They shall be provided with a circular turnaround having an outside surface diameter of the paved surface of at least **eighty (80) feet** and right-of-way line diameter of at least **one hundred (100) feet**. The center of the turnaround shall be located on the center line or between the center line of the street and its left right-of-way line, facing into the turnaround.

(L) All streets shall be dedicated to the public.

(M) Reserved strips controlling access to street rights of way shall not be permitted except upon approval of the Plan Commission and when control and disposition of the reserved strip is vested in the Village Board.

(N) **Street Names and Numbers.**

- (1) The continuation of an existing street shall have the same name. The name of a new street shall not duplicate the name of an existing street within the area served by the same post office or fire department.
- (2) If a proposed subdivision is in close proximity to a municipality which has adopted a street numbering system, the lots within the subdivision shall be assigned street numbers in accordance with that Municipal street numbering system, where practicable.

(O) **Vertical Curves.** All grade changes shall be connected by vertical curves. The length of vertical curves shall not be less than **thirty (30) times** the algebraic difference in rates of grade for crest curves and **thirty-five (35) times** the algebraic difference for sag curves. When speed limits are to be posted greater than **thirty (30) miles per hour**, vertical curvature shall be used as contained within the latest revision of A Policy on Geometric Design on Highways and Streets (AASHTO) for urban, local, collector and arterial streets by the respective classification. The minimum length of vertical curves on all types of streets shall be **thirty (30) feet. (Ord. No. 05-08; 11-14-05)**

(P) **Horizontal Curves.** When a center line deflection angle is greater than **one degree (1°)**, the following curves will be required in the street: major and minor arterials and collector streets shall have a minimum center line radius of **three hundred (300) feet** and a minimum length of curve of **one hundred (100) feet**; arterials and collectors having a design speed and/or expected posted speed greater than **thirty (30) miles per hour** shall be consistent with the latest revision of the horizontal curvature requirements of AASHTO, A Policy on Geometric Design of Highways and Streets for the appropriate roadway classification; all other types of streets shall have a minimum center line radius of **one hundred (100) feet**. The pavement in all cases shall be wide enough to allow the movement of an 84 Passenger School Bus (S-Bus) Design Vehicle, as described in the State of Illinois Department of Transportation Bureau of Design and Environment Manual, latest version. **(Ord. No. 06-04; 07-10-06)**

(Q) Pavement design calculations and supporting information as described in the IDOT - Bureau of Local Roads and Streets Manual, latest edition, shall be submitted with the subdivision construction plans for review.

35-4-4 EASEMENTS. Easements across lots for utilities, cable television, watercourse, drainageway, channel or stream shall not be less than **twelve (12) feet** wide and shall be adjacent to or centered on lot lines. All above ground utility service boxes are to be located on rear lot lines.

35-4-5 BLOCKS.

(A) The length, width and shape of blocks shall be determined with regard to:

- (1) Provision of adequate building sites for the type of use contemplated.

- (2) Requirements as to lot size and dimensions.
 - (3) Needs for convenience access circulation, control and safety of street traffic.
 - (4) Limitations and opportunities for topography.
- (B) Block lengths shall be not less than **four hundred (400) feet** and shall not exceed **one thousand four hundred (1,400) feet**.
- (C) In cases where the block length exceeds **eight hundred (800) feet** and where deemed essential by the Plan Commission to provide pedestrian circulation to schools, playgrounds, shopping centers and other community facilities, an easement dedicated to the public for a pedestrian crosswalk not less than **ten (10) feet** wide shall be provided and a **six (6) feet** wide sidewalk constructed.

35-4-6 LOTS.

- (A) All provisions of the Village Zoning Code concerning lots shall apply including lot area, width and depth. No parcel, remainder, outlot or remnant of land which is part of the tract being subdivided shall be created which, by reason of lot width, depth, area, frontage, topography or lack of access thereto, cannot be used as a zoning lot, or be subject to further subdivision in accordance with the terms of this Code. Any remaining parcel or outlot which cannot be made to comply with the foregoing shall be eliminated by combining the area thereof with **one (1)** or more adjoining lots which do comply or by conveying same for the appropriate public use to a public body, subject to its acceptance of same.
- (B) The lot shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- (C) Double frontage lots shall be avoided except where essential to provide separation of residential development from major streets or to overcome specific disadvantages of topography and orientation.
- (D) Side lot lines shall be substantially at right angles or radial to street lines.

35-4-7 PUBLIC SITES AND OPEN SPACES. When a proposed park, playground or school site is shown on the Comprehensive Plan or Official Map, or in the opinion of the Plan Commission is necessary for the public welfare, the Plan Commission shall require the reservation of the appropriate areas as specified in **Section 35-1-11** of this Code.

35-4-8 FLOOD PLAINS, WETLANDS AND ENVIRONMENTALLY SENSITIVE AREAS. Disturbance of and encroachment into flood plains, wetlands and environmentally sensitive areas shall be avoided or minimized in the planning and development of subdivision. Protection of these areas shall not be secondary to the subdivider's desire to maximize developed spaces or minimize cost. **(Ord. No. 91-4; 05-06-91)**

ARTICLE V - REQUIRED IMPROVEMENTS

35-5-1 GENERAL.

(A) The improvements outlined in this Article are required in the development of all subdivisions.

(B) Any proposed improvement which deviates from or is not defined by these specifications shall be submitted to the Plan Commission for review and consideration.

(C) Critical infrastructure items as defined herein shall be tied to the vertical and horizontal datums as defined in **Section 35-3-3(C)** of this Code:

- (1) sanitary sewer manholes, cleanouts and service sewer terminations
- (2) storm sewer manholes, inlets, grates and flared end sections
- (3) in-line potable water valves and shut-off valves
- (4) fire hydrants
- (5) street light poles
- (6) ground water monitoring wells
- (7) utility conduits crossing the public right-of-way with start and end points
- (8) sewage, storm water and potable water pumping station corners, if constructed
- (9) sump pump discharge line cleanouts and discharge points
- (10) street light poles and exterior/adjacent control panels (**Ord. No. 07-11; 08-13-07**)

Each of these items shall be identified in the construction plans with coordinates and in the record drawings with as-built coordinates. (**Ord. No. 06-04; 07-10-06**)

35-5-2 EROSION CONTROL, EROSION CONTROL PLANS. All grading sitework, throughout the development of the subdivision and the construction of structures on lots, or installation of required improvements shall be done in accordance with an erosion and sedimentation control plan filed as part of the construction documents. Such plan shall provide the following information:

(A) Areas and acreages proposed to be paved, covered, sodded or seeded, vegetatively stabilized or left undisturbed.

(B) All erosion and sedimentation control measures necessary to meet the objectives of this Code throughout all phases of construction and permanently after completion of development of the site.

(C) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application and kind and quality of mulching for both temporary and permanent vegetative control measures.

(D) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

(E) Identification of the person(s) or entity which will have legal responsibility for maintenance of erosion control structures and measures after development is completed.

(F) The proposed phasing of development of the site, including stripping and clearing, rough grading and construction and final grading and landscaping. Phasing should identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas and the sequence of clearing, installation of temporary sediment control measures, installation of storm drainage, paving streets and parking areas and establishment of permanent vegetative cover.

(G) These submissions shall be prepared in accordance with the standards and requirements contained in "the Illinois Urban Manual as prepared by the United States Department of Agriculture – Natural Resource Conservation Service, the latest edition, or such other document used in place thereof" available from the Sangamon County Soil and Water Conservation District, which standards and requirements are hereby incorporated into this Code by reference. **(Ord. No. 05-08; 11-14-05)**

(H) The Plan Commission with advice and recommendations of the Sangamon County Soil and Water Conservation District may waive specific requirements for the content of submissions upon finding that the information submitted is sufficient to show that the work will meet erosion and sedimentation control objectives.

35-5-3 GRADING. Grading within the right of way shall provide a **two percent (2%)** fall from the back of right of way to top of curb. Grading outside the right-of-way lines shall be in accordance with the approved construction plans.

35-5-4 SANITARY SEWER SYSTEM.

(A) The subdivider shall provide the subdivision with a complete sanitary sewer system which shall be connected with the Municipal sanitary sewer system, subject to there being capacity within the Municipal system to accept the proposed load.

(B) When no Municipal sanitary sewer system is available or is not reasonably accessible to the subdivision, the subdivider shall provide the subdivision with a complete sanitary sewer system which shall be connected to a sanitary sewer system approved by the Illinois Department of Public Health and/or the Illinois Environmental Protection Agency.

(C) When no approved sanitary sewer system is available, or is not reasonably accessible to the subdivision, one of the following methods of sewage disposal shall be used:

- (1) When the topography of the subdivision does not allow for connection to the municipal sanitary sewer system with a gravity sewer, the subdivider shall provide the subdivision with a pumping station that pumps the sewage to the nearest available municipal sanitary sewer. The pumping

station shall be designed to accommodate the loading produced by the proposed subdivision and any other upstream areas that are tributary to the subdivision. Sanitary sewer loading produced by the tributary area shall be estimated using the following criteria for residential development based on the zoning classification:

| Zoning District | Loading Estimate |
|-----------------|--|
| R-S | 15 people/acre |
| R-1 | 21 people/acre |
| R-2 | 36 people/acre |
| R-3 | Reserved |
| R-4 | 73 people/acre |
| R-5 | 73 people/acre and 250 gallons/person/day |

Once the sewage loading has been determined, the sanitary sewer system to receive the loading shall be evaluated to determine if it has adequate capacity.

Pumping stations shall be designed in accordance with the State of Illinois Rules and Regulations, Title 35, Subtitle C, Chapter II, Part 370, Illinois Recommended Standards for Sewage Works (latest version). Specific equipment and materials used in the pumping station such as pumps, valves, motors, pipe, control panels, wiring, etc., shall be subject to approval by the Village Engineer. Copies of all mechanical and electrical component testing shall be provided to the Village and Village Engineer. Upon construction completion of the pumping station, a successful start-up operation shall be performed in the presence of a manufacturer's representative, Village representatives and Village Engineer. Any and all manufacturer's warranties shall be transferred to the Village. **(Ord. No. 05-08; 11-14-05)**

- (2) Private sewage disposal systems consisting of septic tanks and tile absorption fields or other approved sewage disposal systems laid out in accordance with the requirements of the Illinois Department of Public Health are permissible only outside the Village limits.

(D) Whenever a private sewage disposal system is to be utilized, the subdivider shall require as a condition of the sale of each lot in the subdivision that the private sewage disposal system is constructed by the owner of the lot before occupation of the lot occurs.

(E) No storm sewers, sump drain lines, footing tile lines, etc. shall be connected to sanitary sewer lines.

(F) Sanitary sewer pipe shall have a minimum diameter of **eight (8) inches** for main line sewers and **four (4) inches** for lateral sewers, and shall be of material, joints and fittings as specified by the Village or as approved by the Village Engineer.

(G) A tee and lateral shall be constructed for each individual lot or parcel in the subdivision and shall be a minimum of **four (4) inches** in diameter. The **four (4) inch** lateral shall extend to **eight (8) feet** beyond the easement. A service riser may be required by the Village Engineer if the depth of the main line sewer is excessive. The material for the lateral pipe shall be as specified above. **(Ord. No. 97-6; 04-14-97)**

(H) Manholes shall be built where sewers change in size, slope, or direction, and at a maximum spacing of **four hundred (400) feet** for sewers **fifteen (15) inches** and less in diameter and **five hundred (500) feet** for sewers **eighteen (18) inches** through **thirty (30) inches** in diameter. Manholes shall be precast concrete and have a minimum of **0.1 feet** of drop across the flowline. Where manholes are constructed in areas susceptible to surface runoff infiltration, the frame and lid of such manholes will be of the bolt down and watertight type. Manhole lids for sanitary sewer shall be completely closed and self sealing. Where sanitary sewers are terminated at the boundary of the current subdivision so as to serve future development, a **six (6) inch** diameter clean-out shall be constructed at the terminus of the sewer pipe, raised to grade and capped with a cast iron plug to provide access to the system. The cleanout shall be acceptable to the Village Engineer **(Ord. No. 91-4; 05-06-91) (Ord. No. 05-08; 11-14-05) (Ord. No. 06-04; 07-10-06)**

(1) The sewer lines shall be located generally on the north and east sides of the streets, within a dedicated Village easement contiguous with the street right-of-way with a minimum cover of **three (3) feet**. **(Ord. No. 97-6; 04-14-97)**

(I) All sanitary sewer construction shall be done in accordance with the **"Standard Specifications for Water and Sewer Main Construction in Illinois"**, latest edition. All sanitary sewer trenches shall be backfilled with approved material select granular backfill as defined by the Illinois Department of Transportation Standard Specifications for Road and Bridge Construction (latest edition) and Supplemental and Recurring Special provisions, gradation FA-6 and compacted by approved methods. **(Ord. No. 05-08; 11-14-05)**

(J) If larger size sewers are required by the Village to serve areas other than the subdivision, the cost difference may be paid by the Village in accordance with any such policies in effect at the time the subdivision is considered.

(K) Upon completion of the sanitary sewer system, the subdivider's engineer shall certify that the sanitary sewer system has been constructed in accordance with the approved plans and specifications and shall furnish the Village with copies of the record drawings, using current technology and, at the discretion of the Village Engineer, a suitable computer disk containing all information as required in **Section 35-3-7(F)** transferred to a database software. The subdivider's engineer

shall submit test results to the Village Engineer and the Springfield Metropolitan Sanitary District for allowable leakage and deflection (where applicable) with the record drawings. **(Ord. No. 98-9; 10-10-98) (Ord. No. 05-08; 11-14-05)**

(L) The sewer lines shall be located generally on the north and east sides of the streets, with a dedicated Village easement contiguous with the street right of way with a minimum cover of **three (3) feet**.

35-5-5 STORM DRAINAGE SYSTEM.

(A) The subdivider, through the subdivider's engineer, shall submit drainage calculations supporting the storm drainage and detention system signed and sealed by a Licensed Professional Engineer in the State of Illinois. Included in the drainage calculations shall be a signed statement by the Licensed Professional Engineer that the construction plans account for changes in the drainage of surface waters in the subdivision, as required in **765 ILCS 205/2** (Plat Act). Language for this statement shall be as follows:

To the best of my knowledge and belief the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof, or, that if such surface water drainage will be changed, reasonable provision has been made for collection and diversion of such surface waters into public areas, or drains which the subdivider has a right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the subdivision.

(Ord. No. 06-04; 07-10-06)

(B) The storm drainage system shall be adequate to properly drain the subdivision and all other upstream areas that are tributary to the subdivision. Runoff from such upstream areas shall be calculated as if they were fully developed according to their existing zoning classifications.

(C) The storm drainage system shall be designed using a minimum **five (5) year** storm at the upstream end of the system and a minimum **ten (10) year** storm for the remainder of the system. Drainage calculations to support the storm sewer and stormwater detention facility design shall be submitted along with the construction plans. Drainage calculations shall include a narrative and summary of the existing and proposed drainage patterns, surface cover types, times of concentration, flow rates, rainfall intensities and pipe and storage capacities. Said calculations shall be signed and sealed by an Illinois Registered Professional Engineer. The subdivider is strongly encouraged to utilize recognized best management practices (BMP's), such as conserving open space, reducing imperviousness, utilizing bio-swales, creating depression storage, installing permeable pavement, etc., for reducing the quantity of stormwater runoff and improving the quality of stormwater runoff to mimic the natural watershed hydrology. **(Ord. No. 05-08; 11-14-05)**

(D) The storm drainage system discharge onto adjacent downstream properties shall be designed so as not to increase the rate of runoff in conformance with the drainage laws of the State.

(E) The storm drainage system discharge points shall be provided with erosion control and velocity dissipation structures adequate to prevent damage to downstream properties.

(F) Drainage structures shall be as specified by the Village or as approved by the Village Engineer. Storm drain structures shall utilize resilient connectors between storm sewer pipes and laterals as specified in ASTM C 1478. **(Ord. No. 05-08; 11-14-05)**

(G) All storm sewer construction shall be performed in accordance with the "**Illinois Department of Transportation Standard Specifications for Road and Bridge Construction (latest edition) and Supplemental and Recurring Special Provisions**", or such other document used in place thereof. All storm sewer pipe shall be gasketed pipe in accordance with the respective ASTM Standards for the pipe being proposed. All storm sewers shall be backfilled with approved trench backfill material and compacted by approved methods. **(Ord. No. 05-08; 11-14-05)**

(H) All field tiles encountered during construction shall be repaired as directed by the Village, with the size, pipe material, location, and depth indicated on the record drawings. Where field tiles are damaged and it is determined by the Village Engineer that it cannot be repaired, provisions shall be made to reroute the field tile to the nearest available storm sewer. **(Ord. No. 05-08; 11-14-05)**

(I) Sump pump discharge lines shall connect to a storm sewer, where available. When a storm sewer is not available, a sump pump collector line shall be provided by the subdivider. All sump pump discharge lines are to discharge groundwater only. The desired location of the sump pump collector line is the rear yard drainage easement. The subdivider's engineer shall be responsible for sizing the sump pump collector line so that it maintains a minimum velocity of **two (2) feet/second**. Collector pipe material shall be a minimum **four (4) inch** diameter PVC Schedule 40. Sump pump collector lines shall be a minimum depth of **thirty (30) inches**. Clean outs shall be provided at dead ends, bends greater than 11 ¼ degrees and lengths longer than **three hundred (300) feet**. Sump pump discharge line taps that disturb the street pavement are prohibited. Sump pump discharge line details, dimensions and locations shall be provided on the record drawings. **(Ord. No. 05-08; 11-14-05)**

(J) Rear yard drainage swales shall be provided, as needed and as determined by the Village Engineer, to convey storm water runoff from individual lots to the storm drainage structures provided by the subdivider. The rear yard drainage swales shall have a minimum **two (2) feet** bottom width, **four to one (4:1)** side slopes and laid at a minimum slope of **one-half percent (0.5%)**. Permanent elevation monuments shall be established by the subdivider at the summit of each swale for the purposes of recording the swale starting point and elevation, prior to certification of completed construction of the subdivision by the Village of Rochester. Any modification of rear yard drainage swales and resulting conflicts, after conditional acceptance by the Village of Rochester shall be addressed by the entity that caused the modification. **(Ord. No. 05-08; 11-14-05)**

(K) All storm sewer grates, catch basin grates, curb and gutter grates shall be stenciled with "DUMP NO WASTE! DRAINS TO WATERWAYS" message.

Variations in the wording of the message shall be approved by the Village Engineer. **(Ord. No. 06-04; 07-10-06)**

(L) For tributary areas of **five (5) acres** or more, stormwater detention calculations shall utilize a hydrograph method acceptable to the Village Engineer that generates runoff volumes through inflow hydrographs that account for the watershed features being drained. Inflow hydrographs shall be generated by the design formula using a design storm with a range of rainfall durations (1 to 24 hours) associated with a recurrence interval of **one hundred (100) years** (1% chance of occurrence in any given year) and the post development watershed runoff conditions. The critical rainfall duration shall be used to size the detention basin. Rainfall depths and durations shall be as provided by the Illinois State Water Survey Bulletin 70 – *Frequency Distributions and Hydroclimatic Characteristics of Heavy Rainstorms in Illinois*, latest edition. Rainfall distribution shall be as provided for in the Illinois State Water Survey Circular 173 – *Time Distributions of Heavy Rainstorms in Illinois*, latest edition. The allowable release rate from the detention facility shall be calculated using a recurrence interval of **one hundred (100) years** (1% chance of occurrence in any given year) for the storm period calculated by the Time of Concentration and the pre-developed watershed runoff conditions. The Village Engineer shall have the discretion to require the use of a recurrence interval less than 100 years (1% chance) to protect inadequate downstream infrastructure or sensitive downstream areas. **(Ord. No. 14-02; 04-14-14)**

(M) For tributary areas of less than **five (5) acres**, the Rational Method may be used to calculate runoff volumes and allowable release rates as outlined in the latest version of the Illinois Department of Transportation – Drainage Manual. The allowable release rate from the detention facility shall be calculated using a recurrence interval of **one hundred (100) years** (1% chance of occurrence in any given year) for the storm period calculated by the Time of Concentration and the pre-developed watershed runoff conditions. The Village Engineer shall have the discretion to require the use of a recurrence interval less than 100 years to protect inadequate downstream infrastructure or sensitive downstream areas. **(Ord. No. 14-02; 04-14-14)**

(N) Detention ponds serving tributary areas greater than **five (5) acres** shall include a forebay (sediment trap) to capture sediment and pollutants contained in the storm water runoff. The forebay shall be sized for a range of **fifteen percent (15%) to twenty-five percent (25%)** of the design capture runoff volume and designed to reduce the incoming channel velocity to less than **four (4) feet/second**. Where a sediment trap is not practical or feasible as determined in concert with the Village Engineer, other means shall be utilized to control sediment. **(Ord. No. 14-02; 04-14-14)**

(O) Detention ponds shall include an emergency spillway that is designed to safely pass the 100 year critical duration storm event to protect the integrity of the pond embankment. **(Ord. No. 14-02; 04-14-14)**

(P) Subdivision covenants shall provide Village officials or their representative's access to the detention pond for inspection immediately after completion of construction and annual inspections as required by their National Pollutant Discharge Elimination System (NPDES) Permit issued by the Illinois Environmental Protection Agency (IEPA). **(Ord. No. 14-02; 04-14-14)**

35-5-6 WATER MAIN SUPPLY SYSTEM.

(A) For all proposed subdivisions within the Village or to be annexed to the Village, the subdivider shall provide the subdivision with a complete water main supply system which shall be connected to the Municipal water supply subject to there being capacity within the Municipal system to serve that subdivision.

(B) If connection to the Village system is not reasonable or feasible, the subdivider shall provide a complete water main supply system connected to a community water supply system approved by the Illinois Department of Public Health with satisfactory provision for the operation and maintenance thereof.

(C) If connection to an approved community water supply system is not reasonable or feasible, the subdivider shall provide an individual water supply on each lot in the subdivision in accordance with minimum standards of Illinois Department of Public Health or Sangamon County Health Department as appropriate.

(D) If the subdivider is to provide an individual water supply for each lot, it shall be provided as a condition of the sale of the lot, that the occupation of the lot by the owner cannot occur until the water supply is constructed.

(E) Water mains shall be of a type as specified by the Village or as approved by the Village Engineer. When PVC water main pipe is used, tracer wire (thin, soft drawn, solid No. 12 copper) shall be installed, as a minimum, directly on the water main every **twenty (20) feet** and brought to the surface at valves and hydrants. Deflections of the water main greater than 11 ¼ degrees shall be thrust protected with either thrust restrains or restrained joint pipe. When water main connections are required that involve two different pipe materials, the connection shall be made with a Model 3501 Transition Coupling by PowerSeal Engineering or approved equal, as determined by the Village Engineer and Village of Rochester Superintendent of Public Works. **(Ord. No. 05-08; 11-14-05)**

(F) Water mains shall be a minimum of **six (6) inches** in diameter. Larger size water mains shall be provided if required to adequately serve the proposed subdivision. If larger mains are required by the Village to serve areas other than the proposed subdivision, the cost difference may be paid by the Village in accordance with any such policies in effect at the time the subdivision is considered.

(G) Village standard fire hydrants shall be provided at a maximum spacing of **six hundred (600) feet**. The location of the hydrants shall be at lot lines and at block corners. Village standard fire hydrants shall be Mueller Co. Centurion steamer type with **two (2) two and one-half (2 ½) inch** standard nozzles, **one (1) four and one-half (4 ½) inch** pumper nozzle, **five and one-fourth (5 ¼) inch** barrel and painted yellow. **(Ord. No. 05-08; 11-14-05)**

(H) Gate valves and boxes shall be provided to adequately valve the water system. Gate valves shall be Mueller Co. resilient wedge gate valves, model No. 2360. Boxes shall be by Tyler with a **five and one-fourth (5 ¼) inch** inside diameter, model No. 564S. **(Ord. No. 05-08; 11-14-05)**

(I) The water mains shall be located generally on the south and west sides of streets, between the sidewalk and curb with a minimum cover of **four (4) feet zero (0) inches**. **(Ord. No. 05-08; 11-14-05)**

(J) All street crossings shall be backfilled with CA-6 gravel and mechanically compacted in **eight (8) inch** lifts to a point **five (5) feet** behind the curb.

(K) All water main construction shall be performed in accordance with the **"Standard Specifications for Water and Sewer Main Construction in Illinois"**, latest edition.

(L) An individual water service shall be installed for each lot or parcel in the subdivision. The meter pit shall be installed **three (3) feet** from the sidewalk, on the residential property side. Single service water meter pits shall be **eighteen (18) inch** diameter PVC and **twenty-four (24) inch** diameter PVC for double service meter pits. Each meter box shall have a cover labeled "WATER METER" on the lid and shall be Model No. H-10810 by Mueller Co. Meter connections shall be Mueller Co. B-2404 R2-583415 Yoke with H-14227 compression connections at each end. Service saddles shall be bronze, Model No. H-13441-6 by Mueller Co. Ball corporation valves shall be Model B-25008 by Mueller Co. "U" branch connections shall be Model H-15363 by Mueller Co. Meters are to be provided and installed by the Village. **(Ord. No. 05-08; 11-14-05)**

35-5-7 **STREET CLASSIFICATION AND DESIGN STANDARDS.** The right-of-way width for all streets (residential collector streets, minor commercial/industrial streets, and minor residential streets), shall be **sixty (60) feet** in width. **(Ord. No. 96-6; 05-13-96)**

(A) Streets shall be constructed in accordance with requirements of this Code and other construction standards of the Village. If streets larger than that required for the subdivision are necessary and appropriate, the Village may participate in accordance with any such policies in effect at the time the subdivision is considered.

(B) All street construction shall be done in accordance with the "**Standard Specifications for Road and Bridge Construction**" of the State of Illinois, latest edition, and in accordance with the approved construction plans.

(C) All underground utilities that lie or cross under the proposed pavement shall be constructed prior to any street construction. Trenches shall be backfilled in accordance with the Illinois Department of Transportation Standard Specifications for Road and Bridge Construction (latest edition) and Supplemental and Recurring Special Provisions gradation FA-6 and compacted by approved methods to a point **five (5) feet** behind the curb. All underground utilities that cross under existing pavement shall be backfilled with Illinois Department of Transportation Standard Specifications for Road and Bridge Construction (latest edition) and Supplemental and Recurring Special Provisions gradation FA-6 and the disturbed pavement restored with an equal or greater strength pavement cross section. **(Ord. No. 05-08; 11-14-05)**

(D) Streets with an aggregate base course shall be constructed so that the aggregate base course can be exposed through one winter season prior to being surfaced.

(E) Sidewalks shall be constructed of Portland cement concrete and shall be at least **five (5) feet** wide and **four (4) inches** thick. Sidewalks may be waived by Plan Commission, but only after specific exception as outlined in the table "Street Classification and Design Standards" set forth in subsection (L) of this Section. **(Ord. No. 14-05; 05-12-14)**

(F) The standard curb and gutter required adjacent to flexible pavement shall be a mountable type constructed of Portland cement concrete with the following dimensions: **twenty-four (24) inches** wide, **eight (8) inches** thick on the front face pavement side, **ten (10) inches** thick on the back face, **seven (7) inches** thick at center line (flow line) and a **ten (10) inch** radius in the flow line. The curb and gutter adjacent to concrete pavement, if poured monolithically, may be limited to the thickness of the pavement. When poured separately, D-form, tie bars shall be placed in the pavement in accordance with the State of Illinois "**Standard Specifications for Road and Bridge Construction**" and shall be poured to full thickness as described above.

In subdivisions proposed to have streets with an anticipated daily traffic volume of **two thousand five hundred (2,500)** or more, a barrier-type curb and gutter similar to Type B6.18 as described in the State of Illinois, Department of Transportation, Highway Standards shall be used. Other locations where a barrier-type curb and gutter are required shall be determined by the engineer for the subdivision and Village Engineer.

(G) If the pavement subbase is unstable, as indicated by the proof roll(s), lime stabilized soil mixture shall be utilized. The lime stabilized soil mixture shall be prepared in accordance with the Illinois Department of Transportation Standard Specifications for Road and Bridge Construction, latest version and Supplemental and Recurring Special Provisions. **(Ord. No. 05-08; 11-14-05)**

(H) Street improvements shall be in accordance with the Illinois Department of Transportation Standard Specifications for Road and Bridge Construction, latest version, Supplemental and Recurring Special Provisions and the Street Classification and Design Standards Table. All street construction shall be

subject to final inspection and recommendation for acceptance by the Village Engineer and trustee in charge of streets. **(Ord. No. 05-08; 11-14-05)**

(I) Before pavement construction can begin, the entire subgrade shall be compacted to not less than **ninety-five percent (95%)** of the standard laboratory density. Densities shall be determined as provided in the latest revised edition of the State of Illinois **"Standard Specifications for Road and Bridge Construction"**. The number of density tests required shall be determined by the Village Engineer. Proof rolling may also be required by the Village Engineer.

(J) If it is found that the subgrade cannot be compacted, it shall be removed and replaced with suitable materials. The depth to which this unsuitable material is replaced shall be determined by the Village Engineer.

(K) Portland cement concrete pavement construction shall be completed without delay and shall be closed to traffic for **fourteen (14) days** after placement or **seven (7) days** with a modulus of rupture of **six hundred fifty (650) pounds** per square inch. The density of the compacted bituminous mixture shall be determined as outlined in the State of Illinois **"Standard Specifications for Road and Bridge Construction"**.

(L) The minimum crown used on all pavements shall be **one quarter (1/4) inch** per foot measured from the edge of the pavement to the centerline of the street.

STREET CLASSIFICATION AND DESIGN STANDARDS

| <u>Street Classification</u> | <u>Row Width</u> | <u>Pavement Width</u> | <u>Aggregate Base</u> | <u>HMA Surface</u> | <u>PCC Pavement</u> |
|--|------------------|-----------------------|-----------------------|--------------------|---------------------|
| Residential collector street | 60' | 36' | 8" | 9" | 8" |
| Minor commercial/ Industrial street | 60' | 30' | 8" | 9" | 8" |
| Minor Residential street | 60' | 30' | 8" | 6" | 7" |

Note 1: Curb and gutter required on all streets. Pavement width shown is edge of pavement to edge of pavement.

Note 2: Sidewalks required on both sides of all residential streets unless a specific exception is approved by the Plan Commission, where in its opinion that due to the unusual and unique situation in the proposed subdivision, sidewalks are not required, and the lack of such sidewalks would not compromise the safety of the future residents. Requirements for sidewalks on other than residential streets is dependent on conditions. Sidewalks shall be a minimum width of **five (5) feet**.

Note 3: Standards are for local streets. Street construction of State or County jurisdiction will be to State and County standards, except that streets constructed by other jurisdictions will be expected to provide sidewalks within the Village.

Note 4: Aggregate base course shall be Type A.

Note 5: PCC pavement shall be IDOT Class PV.

Note 6: PCC pavement joint spacing shall be 12.5' maximum for the 7" thickness and 15' maximum for the 8" thickness.

Note 7: Pavement designs not using typical thicknesses may be used, however, an IDOT – Bureau of Local Road (BLR) 20 year pavement design must be submitted for review and approval.

Note 8: All pavement thickness and construction shall conform to the latest version of the IDOT Standard Specifications for Road and Bridge Construction.
(Ord. No. 14-05; 05-12-14)

35-5-8 **STREET LIGHTS.**

(A) The subdivision shall be provided with a complete street lighting system in accordance with the American National Standard Institute Practice for Roadway Lighting – ANSI/IES RP-8 (current edition). **(Ord. No. 05-08; 11-14-05)**

(B) The street lighting system shall provide for a light at each intersection and lights along streets to maintain recommended luminance and illuminance values for roadways, at a maximum spacing of **three hundred fifty (350) feet** between poles. **(Ord. No. 05-08; 11-14-05)**

(C) All street light fixtures shall be as approved by the Ameren – Central Illinois Light Company for complete serviceability. Fixtures shall include lamp, ballast, photocell, socket, lens, reflector and mounting bracket. Each street light shall include luminaire fusing sized as required by the luminaire manufacturer and shall be installed in double pole in-line fuse holder, Buss Hey or equivalent so that each pole can be serviced independently. Fusing shall be located in a handhole at the base of each pole. **(Ord. No. 05-08; 11-14-05)**

(D) Light poles in residential areas shall be either metal, concrete or fiberglass construction, unless otherwise approved by the trustee in charge of streets. **(Ord. No. 05-08; 11-14-05)**

(E) Mounting height shall, in general, be **thirty (30) feet** for residential streets and **forty-five (45) feet** for commercial/industrial streets, as is appropriate for the luminaire.

(F) Luminaires for residential streets shall be a minimum of **one hundred fifty (150) watt** high pressure sodium vapor with a built-in regulator ballast and photocell. A type II or type III pattern shall be used. **(Ord. No. 05-08; 11-14-05)**

(G) Luminaires for commercial/industrial streets shall be a minimum of **one hundred fifty (150) watt** high pressure sodium vapor with a built-in regulator ballast and photocell. Luminaires on major streets shall be **two hundred fifty (250) watt** high pressure sodium vapor. A type II or type III pattern shall be used.

35-5-9 **MONUMENTS.**

(A) Monuments shall be set at all accessible lot corners and at angle points and points of curvature, after the subdivision has been final graded.

(B) Monuments shall be set by or under the direction of an Illinois registered land surveyor and shall be iron pipe, **three-fourths inch by twenty-four inch (3/4" x 24")** or equal.

(C) Subdivider shall install Village right-of-way markers, as directed by the Village Engineer.

- (D)
- (1) At least **one (1)** permanent benchmark shall be set within the subdivision by an Illinois Professional Land Surveyor, regardless of the number of additions, provided the additions are contiguous, in the form of a permanent marker. The permanent marker shall meet the following requirements: **(Ord. No. 06-04; 07-10-06)**
 - (2) The permanent marker shall be located in the public right-of-way, be easily accessible and not impede other surrounding infrastructure. Location of the permanent marker shall be approved by the Village Engineer. **(Ord. No. 06-04; 07-10-06)**
 - (3) The datum of the permanent marker shall be the following: Vertical datum shall be North American Vertical Datum (NAVD) 1988 (U.S. Survey Feet) and Horizontal datum shall be North American Datum (NAD) 1983 (U.S. Survey Feet). **(Ord. No. 06-04; 07-10-06)**
 - (4) The vertical attributes of the permanent marker shall be determined by conventional surveying methods (i.e., level and rod) and utilizing a closed loop level traverse. The vertical attributes for each permanent marker shall be documented by the Illinois Professional Land Surveyor with proof that it is tied to another monument by submission of field notes signed by the Illinois Professional Land Surveyor. The horizontal attributes of the permanent marker may be determined by conventional surveying methods or through the use of global positioning system (GPS) equipment. The horizontal attributes of each permanent marker shall be documented by the Illinois Professional Land Surveyor with proof that it is tied to another monument by submission of field notes signed and sealed by the Illinois Professional Land Surveyor for attributes obtained through the use of conventional surveying methods. For horizontal attributes obtained through the use of GPS equipment, the Illinois Professional Land Surveyor shall provide surveying files that document the number of sites occupied, the respective coordinates of the sites and the length of time the sites were occupied. All vertical and horizontal attribute documentation shall be submitted to the Village Engineer. A minimum of **three (3)** monument ties (to the nearest tenth of a foot), such as street lights, fire hydrants, manholes, valve boxes, etc., shall also be provided by the Illinois Professional Land Surveyor. The permanent marker shall be documented on the final plat and its inclusion shall be a condition for approval of the final plat and recorded with Sangamon County. **(Ord. No. 06-04; 07-10-06)**

- (5) Permanent markers shall be either bronze or aluminum, **four (4) inches** in diameter and suitable for embedment in concrete. Permanent markers shall be item *C4D* or *C4DB* by Berntsen International, Inc. or equivalent approved by the Village Engineer. Permanent markers shall be embedded in concrete that is a minimum of **twelve (12) inches** in diameter and **four (4) feet** in depth. Each permanent marker shall be detectable by standard metal detecting equipment. The permanent marker attributes of marker number, state plane coordinates and NAVD 1988 elevation shall be engraved on the marker. **(Ord. No. 06-04; 07-10-06)**
- (6) The Village Engineer shall assign a unique number to each permanent marker set in concrete and this number shall be included on the monument and on the record drawings and final plat. **(Ord. No. 06-04; 07-10-06)**
- (7) Any person or persons who damage or deface a permanent marker shall be subject to the penalties as outlined in **Section 35-2-10** of the Village Code. **(Ord. No. 06-04; 07-10-06)**

35-5-10 **CERTIFICATION OF IMPROVEMENTS.** Upon completion of all improvements, the subdivider's engineer shall certify, in writing, to the Village that all improvements have been constructed substantially in accordance with the approved construction plans. **(Ord. No. 91-4; 05-06-91)**

ARTICLE VI - PROCEDURE FOR MINOR SUBDIVISIONS

**35-6-1 PURPOSE OF MINOR SUBDIVISION PROCEDURE;P
DEFINITION OF MINOR SUBDIVISION.** The purpose of the minor subdivision procedure is to simplify the requirements and review procedure of a subdivision fronting a public road and not requiring construction of any public improvements for which a guarantee is required. For the purpose of this regulation, a minor subdivision shall be deemed to be a division of a tract of land along an existing street into not more than **five (5)** single-family residential lots including any remainder of the original tract from which the lots were divided and not requiring any street or utility construction.

35-6-2 PREAPPLICATION REQUIREMENT AND PROCEDURES.

(A) **Preapplication Map Requirements.** **Three (3) weeks** prior to the next regularly scheduled Plan Commission meeting the subdivider shall submit as preapplication material to the Plat Officer, a map (**21 copies**) on which is indicated required information. The map can be an existing township map, United States Geological Survey map, or other map at a scale suitable to show the tract to be subdivided and **one (1) mile** radius from the tract. Information required to be indicated on the map is as follows:

(1) **Description.**

- (a) Name of proposed subdivision.
- (b) Outline of total property of owner with approximate boundary dimensions and acreage.
- (c) Name and address of owner and developer.
- (d) Name and address of engineer.
- (e) Scale, north point and date. Scale to be not more than **one hundred feet to the inch (100' = 1")**.

(2) **Existing Conditions.**

- (a) Existing streets and roads expected to serve the area to be subdivided.
- (b) Existing utility lines expected to serve the area to be subdivided.
- (c) Existing zoning classification of land proposed to be subdivided and adjacent surrounding lands.
- (d) Fire protection district.
- (e) School district.

(3) **Proposed Conditions.**

- (a) Method of water supply, sewage disposal.
- (b) Proposed lotting with approximate dimensions and lot area.

(B) **Distribution of Preapplication Material for Review.** Upon receipt of the preapplication map, copies shall be immediately directed by the Plat Officer to the following persons for review and comment:

- (1) **Two (2) copies** to the Village Engineer.
- (2) **One (1) copy** to the Director of Building and Zoning.
- (3) **Two (2) copies** to the Sangamon County Superintendent of Highways for transmittal of **one (1) copy** to the appropriate highway commissioner.
- (4) **One (1) copy** to the Sangamon County Soil and Water Conservation District.
- (5) **One (1) copy** to the District Superintendent of Schools.
- (6) **One (1) copy** to be retained by the Plat Officer for his records.
- (7) **Two (2) copies** to be used for certifying Plan Commission recommendations for approval. After certification, **one (1)** to be retained by Village Clerk and **one (1)** to be returned to subdivider.
- (8) **One (1) copy** each to telephone, gas, electric and cable companies to serve the area.
- (9) **Seven (7) copies** to the Plan Commission members.

(C)

Plan Commission Action.

- (1) The Plat Officer shall distribute to the Plan Commission members at least **seven (7) days** prior to the next scheduled meeting of the Plan Commission, **six (6) copies** of the preapplication map along with any written recommendations or comments of the Plat Officer, Village Engineer, Director of Building and Zoning, Soil and Water Conservation District, County and Township Highway officials and District Superintendent of Schools. If no comments are received within **ten (10) days** of distribution of such maps for comment and review, it shall be deemed to be a favorable comment by that agency or person.
- (2) At its next scheduled meeting, the Plan Commission shall review the suitability of the site for the proposed subdivision based on comments received and upon considerations of **Section 35-1-8** of this Code.
- (3) The Plan Commission shall recommend approval or disapproval of the preapplication map. If recommendation is for approval, the Plan Commission chairman shall so certify affixing his signature to **two (2) copies** of the preapplication map. The certification shall read "Recommendation for Approval of Minor Subdivision Preapplication Map" with appropriate signature and date. **One (1) copy** of the certified map shall be filed with the Village Clerk and **one (1) copy** shall be returned to the subdivider. If the preapplication map is recommended for

disapproval the Plan Commission shall furnish to the subdivider within **thirty (30) days**, a written statement setting forth the reasons for disapproval.

- (4) The Village Board shall accept or reject said preapplication map within **thirty (30) days** after the next regularly scheduled meeting following the action of the Plan Commission provided the Plan Commission action is at least **fifteen (15) days** prior to the next Village Board meeting and that **eight (8) copies** of the preapplication map are promptly provided by the subdivider to be distributed to the Village Board. If approved, the Village Clerk shall attach a certified copy of the resolution of approval to **two (2) copies** of the preapplication map, **one (1) copy** to be filed with the Village Clerk and **one (1) copy** to be returned to the subdivider. Approval of the preapplication map constitutes authorization to proceed with the final plat.

(D) **Final Plat Requirements.** The final plat requirements and procedure for a minor subdivision shall be as outlined in **Section 35-3-5** of this Code for the normal subdivision final plat except:

- (1) No construction plans are required;
- (2) No guarantee of improvements is required; and
- (3) No construction inspection is required. **(Ord. No. 91-4; 05-06-91)**

ARTICLE VII - PLANNED UNIT DEVELOPMENT REQUIREMENTS

Planned unit developments provisions repealed and article intentionally left blank.
(Ord. No. 11-13; 10-11-11)

ARTICLE VIII - FEES

35-8-1 PRELIMINARY PLAT FEE. All preliminary plats filed with the Village Clerk and distributed for review by the Plan Commission under the provisions of this Article shall be subject to:

- (A) preliminary plat review by a consulting engineering firm authorized by the Village Board to make such review;
- (B) any other review, study or analysis as may be deemed necessary due to the specific impact of the proposed preliminary plat on the Village by the Plan Commission or the Village Board of Trustees; and
- (C) payment of all expenses incurred by the Village in relation to the requirements for consideration of the preliminary plat. The subdivider shall deposit with the Village Clerk at the time of submission of such preliminary plat, a cash amount of **One Thousand Dollars (\$1,000.00)** toward payment of all expenses to be incurred by the Village related to the preliminary plat.

The consulting engineering firm shall be compensated by the Village for one preliminary plat review cycle as outlined in **Section 35-3-3** of this Chapter, to be provided in accordance with the regular rates charged to the Village by the consulting engineer for such services. Any other expense incurred by the Village shall be charged to the subdivider at the actual amount. If the aggregate of all expenses incurred by the Village in relation to the preliminary plat, including consulting engineering service fees for the one preliminary plat review cycle, are less than **One Thousand Dollars (\$1,000.00)**, the difference shall be refunded to the subdivider upon the Village's approval of the preliminary plat. If the aggregate of all expenses are greater than **One Thousand Dollars (\$1,000.00)**, the difference shall be paid by the subdivider upon the Village's submission of the final invoices for all such expenses. The subdivider shall remit to the Village an amount equal to the difference between the actual total expenses incurred by the Village and the amount deposited with the Village prior to approval of the preliminary plat.

All pre-application maps for Minor Subdivisions filed with the Village Clerk and distributed for review by the Plan Commission under the provisions of this Article shall be subject to:

- (A) pre-application map review by a consulting engineering firm authorized by the Village Board to make such review;
- (B) any other review, study or analysis as may be deemed necessary due to the specific impact of the proposed pre-application map on the Village by the Plan Commission or the Village Board of Trustees; and
- (C) payment of all expenses incurred by the Village in relation to the requirements for consideration of the pre-application map.

The subdivider shall deposit with the Village Clerk at the time of submission of such pre-application map, a cash amount of **Five Hundred Dollars (\$500.00)** toward payment of all expenses to be incurred by the Village related to the pre-application map. The consulting engineering firm shall be compensated by the Village for one pre-application map review cycle as outlined in **Section 35-6-2** of this Chapter, to be

provided in accordance with the regular rates charged by the consulting engineer to the Village for such services. Any other expense incurred by the Village shall be charged to the subdivider at the actual amount. If the aggregate of all expenses incurred by the Village in relation to the pre-application map, including consulting engineering service fees for the one map review cycle, are less than **Five Hundred Dollars (\$500.00)**, the difference shall be refunded to the subdivider upon the Village's final approval of the pre-application map. If the aggregate of all expenses are greater than **Five Hundred Dollars (\$500.00)**, the difference shall be paid by the subdivider upon the Village's submission of the final invoices for all such expenses. The subdivider shall remit to the Village an amount equal to the difference between the actual total expenses incurred by the Village and the amount deposited with the Village prior to approval of the preliminary plat.

Should the subdivider decide to pursue approval of the preliminary plat or pre-application map review from the Plan Commission and additional reviews are necessary, or other issues related to the preliminary plat or pre-application map arise that require review and/or comment, the subdivider shall deposit with the Village Clerk an additional cash amount as determined by the Village Board of Trustees through a proposal by the Village Engineer or any other designated party to provide these review services. **(Ord. No. 08-02; 04-14-08)**

35-8-2 CONSTRUCTION REVIEW AND INSPECTIONS AT SUBDIVIDER'S EXPENSE.

(A) All required improvements to be constructed under the provisions of this Code shall be subject to both construction plan review and inspections during construction on behalf of the Village by a consulting engineering firm authorized by the Village Board to make such reviews and inspections. The subdivider shall deposit with the Village Clerk at the time of submission of construction drawings, a cash amount equal to **six percent (6%)** of the estimated cost of construction. The consulting engineering firm shall be compensated by the Village for construction plan review and inspection services, as outlined in **Section 35-3-7** of this Code, provided in accordance with the regular rates charged by the consulting engineer for such services.

(B) Any fees paid to the consulting engineer by the Village for inspection services shall be deducted from the **six percent (6%)** cash deposit made by the subdivider. If the cost of construction plan review and inspection services exceeds the amount of the deposit, the excess amount shall be paid to the Village by the developer prior to final acceptance of the improvements by the Village. If the cost of inspection services is less the **six percent (6%)** cash deposit, the unused balance shall be refunded to the developer by the Villager when all improvements have been accepted by the Village and final billing rendered by the consulting engineer. **(Ord. No. 91-4; 05-06-91)**

35-8-3 FINAL PLAT FEE. There shall be no additional fee or expense at the time the final plat is submitted for approval unless the subdivider shall request any

amendment or revision to the preliminary plat that has not been previously reviewed or approved by the Village. **(Ord. No. 08-02; 04-14-08)**

35-8-4 RECORDING FEES. The subdivider shall pay the sum of **Twenty-Five Dollars (\$25.00)** plus actual recording fees to the Village Clerk at such time as the final plat is recorded. **(Ord. No. 91-4; 05-06-91)**

35-8-5 MINOR SUBDIVISION FEES. For the pre-application map review, there shall be no additional fee or expense at the time the final plat is submitted for approval unless the subdivider shall request any amendment or revision to the preliminary plat that has not been previously reviewed or approved by the Village. Final plat and recording fees for minor subdivisions are on the same basis as provided in **Sections 35-8-3 and 35-8-4** of this Chapter. **(Ord. No. 08-02; 04-14-08)**

35-8-6 PLANNED UNIT DEVELOPMENT FEES. Intentionally left blank. **(Ord. No. 11-13; 10-11-11)**

35-8-7 FAIR SHARE ASSESSMENT.

(A) Definitions.

"Comprehensive Plan". The Village of Rochester Comprehensive Plan adopted **May 6** and effective **May 31, 1991**. It contains information on household and population projections to the year 2010. The numbers are relevant to planning for and meeting new growth demands.

"Facilities Plan Second Amendment". The Village of Rochester report dated **May 1990** on the existing Municipal sanitary sewer system and needed capital improvements to meet new growth.

"Fair Share Assessment". A monetary charge imposed on developers by the Village through the subdivision process. It is designed to permit the Village to provide for and to cover the proportional costs of utility improvements that are specifically and uniquely attributable to the development activity. The developer being assessed pays only a proportional share of the cost of capital improvements to permit development activity.

"Households". The number of residential units of any type in the Village of Rochester as identified by the U.S. Bureau of Census in 1990. The census totaled **nine hundred twenty-two (922) households**.

"Interior Plumbed Fixture". Devices located within a building structure that have the capability of regularly receiving water and discharging it into the sewer system. This shall include, but not be limited to, sinks, toilets, washing machines and stub end plumbing installations. A "stub end plumbing installation" is a device designed to take water or waste water and discharge it into the sewer system, but is not yet in service and may be capable of use in the future. This shall not include floor drains and fire prevention devices. **(Ord. N. 10-01; 04-12-10)**

"Quantifiable Contribution". A capital improvement, land or other measurable item of value offered to the Village that may be deemed by the Village to be beneficial.

"Quantified Benefit". A quantifiable contribution accepted by the Village. The monetary value of the benefit can be off-set against the per interior plumbed fixture fair share assessment.

"Specifically and Uniquely Attributable". An identifiable portion of the need for additional public facilities or capital improvement projects resulting from proposed subdivision development. The need has been identified as improvements to the water and sewer system to accommodate new growth. The cost is proportionally assessed by use of a fair share formula.

"Subdivision Ordinance". The Village of Rochester Subdivision Code adopted on **May 6** and effective on **May 31, 1991**, as amended from time to time.

"Village". The Village of Rochester or the President and Board of Trustees; depending upon the context.

"Water Distribution Analysis, Report On". The Village of Rochester report dated **March 1990** on the existing Municipal water system and needed capital improvements to meet new growth.

"Zoning Ordinance". The Village of Rochester Zoning Code adopted **May 6** and effective **May 31, 1991**, as amended from time to time. This is the source for the development types referenced in this Section.

(B) **Establish Fair Share Assessment.** As a condition of approval of a final plat of subdivision, each subdivider or developer will be required to compensate the Village in accordance with the criteria and formula stipulated in the following subsections. **(Ord. No. 11-13; 10-11-11)**

(C) **Utility Improvement Cost Factors.**

- (1) The engineering report entitled "Report on Water Distribution Analysis" concerning the water supply and distribution system identified needed capital improvements to serve existing and new growth areas. The engineering report entitled "Facilities Plan Second Amendment" concerns sanitary sewage distribution and treatment identified needed capital improvements to serve existing and new growth areas. The report recommended and the Village selected the treatment destination to be the Springfield, Metropolitan Sanitary District Sugar Creek Plant.
- (2) Phase IA and IB water capital improvements and Phase I and II sanitary sewage capital improvements were approved with a current engineering cost estimate of **Two Million Eight Hundred Ninety-Seven Thousand Dollars (\$2,897,000.00)**. It is estimated that **Six Hundred Sixty-One Thousand Dollars (\$661,000.00)** of that amount can be attributed to meeting Environmental Protection Agency (EPA) mandates to improve the system serving the existing developed areas of the Village. The

remaining **Two Million Two Hundred Thirty-Six Thousand Dollars (\$2,236,000.00)** estimate represents the cost of serving new subdivisions and developments in accordance with EPA standards. The **Two Million Two Hundred Thirty-Six Thousand Dollar (\$2,236,000.00)** figure shall serve as the cost factor base for the formula enumerated in this Section. Appendix A identifies the pertinent engineering studies and updates on capital improvement costs. The figures exclude legal, administrative, or financing costs.

(D) **Formula Factors.** Residential and industrial/business properties are included within the scope of this Section. Appendix A delineates the factors on interior plumbed fixtures for residential, school, and commercial types used as the baseline for the Fair Share Assessment Formula.

(E) **Formula.** The formula is set forth in Appendix B.

(F) **Fees.** The Fair Share Assessment for each interior plumbed fixture is **Two Hundred Thirty-One Dollars (\$231.00)**. See Appendix B for a sampling of fees based upon the number of interior plumbed fixtures.

(G) **Payment.** A Fair Share Assessment imposed pursuant to this Section shall be charged to the developer and collected in full from the developer, as follows:

- (1) **Residential.** Assessments shall be paid in full prior to the issuance of the building permit.
- (2) **Business/Industrial.** Assessments shall be paid in full prior to the issuance of the building permit.
- (3) **Payment at Other Times.** Payment of any assessments may at the sole discretion of the Village Board for good cause shown, be authorized at some time other than as specified in subsections (G)(1) and (2) above. This is permissible provided that the Village receives security ensuring such later payment of Assessment. Security may be in the form of a cash bond, an irrevocable letter of credit, or other acceptable method. Nothing contained in this Section shall preclude the payment of the Fair Share Assessment at the time when the building permit is issued or at an earlier stage of development if agreed to by the Village and the person paying the Assessment.
- (4) In any event, payment of the Fair Share Assessment shall be a written condition of final plat approval.
- (5) Any person desiring to pre-pay the Fair Share Assessment in full for an entire subdivision within the Village shall make the payment as calculated under the formula set forth in Appendix C as a condition of approval of a final plat of subdivision. **(Ord. No. 11-13; 10-11-11)**

(H) **Modified Assessment and Quantifiable Contributions.** The Village Board may consider alternative forms of contribution that may modify the final Assessment. This may occur when a developer offers a quantifiable contribution or cash. After sufficient review of the offer, the Village may determine that it should be accepted. Upon formal acceptance, the quantified benefit may be off-set against the per interior plumbed fixture assessment.

(I) **Water and Sewer Systems Assessment Account.** Assessments collected pursuant to this Section shall be deposited in a special interest bearing account entitled "Water and Sewer Systems Assessment Account". Deposits into that account shall be solely dedicated to pay for, or to retire any loans and bonds issued to facilitate, water and sewer system improvements for new subdivisions/developments.

(J) **Application of the Fair Share Assessment.** The Fair Share Assessment shall be imposed only when improvements are specifically and uniquely attributable to new growth as regulated by the Village through the Subdivision Code and as otherwise defined by the Village Board.

(K) **Annexation.** The Fair Share Assessment shall be required as a condition to the annexation of property to the Village. The Village may, at its sole discretion, require additional quantifiable contributions as it may deem necessary and desirable.

(L) **Evaluation of Fair Share Assessment.** The Assessment factors, formula, and fee payment shall be evaluated in conjunction with an evaluation of the Water System, Sewer System, Comprehensive Plan, and Capital Improvement Plan. This shall be done at least once every **four (4) years** following the effective date of this Section. Factors to consider may include, but are not limited to, actual development activity, infrastructure constructed, changing land use, interest rates, debt retirement revisions, and updated cost figures.

(M) **Severability.** In the event that any portion or subsection of this Section is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or subsections of this Section which shall remain in full force and effect.

(N) **Sanctions.**

- (1) The Village President may authorize the Building Code Inspector to withhold the issuance of building permits and certificates of occupancy on a **thirty (30) day** basis for violation of the provisions of this Section.
- (2) The Village President and Board of Trustees may vote to impose a moratorium on the issuance of building permits and certificates of occupancy for persons violating this Section until payment is rendered.
- (3) The Village President and Board of Trustees may authorize the Village Attorney to prosecute violators of this Section to the full extent of the law. This includes, but is not limited to, the general penalty provisions of the Village Code for ordinance violations.

(O) **Appendices.** Appendices A and B attached hereto are hereby made a part of this Section as though full set forth in this Section.

(P) **Subdivision Ordinance and Village Code.** This Section shall be and is hereby made a part of the Subdivision Code and the Village Code of Ordinances. The Village Clerk is authorized to include the provisions of this Section in said documents.

(Q) **Impact of Fair Share Assessment on Zoning and Subdivision Regulations.** This Section shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements. It shall not affect any other aspect of development of land or provision of public improvements subject to Zoning and Subdivision Regulations or other regulations of the Village, which shall be operative and remain in full force and effect without limitation.

(R) **Fair Share Assessment as Additional and Supplemental Requirement.** Fair Share Assessments are additional and supplemental to, and not in substitution of, any other requirements imposed by the Village on the development of land or the issuance of building permits. In no event shall a property owner be obligated to pay to public facilities in an amount in excess of the amount calculated pursuant to this Section.

(S) **Effectiveness.** Upon adoption by the Board of Trustees and execution by the President, this Section shall apply to any subdivision or portion of any subdivision that has not received final plat approval.

(Ord. No. 06-02; 03-13-06)

APPENDIX A

FAIR SHARE ASSESSMENT FACTORS

Total Improvement Costs:

| <u>Infrastructure</u> | <u>Phases</u> | <u>Cost</u> |
|------------------------|---------------|--------------------|
| Water Utility | IA, IB | \$779,000 |
| Sanitary Sewer Utility | I, II | <u>\$2,118,000</u> |
| | | \$2,897,000 |

Existing Developed Areas:

| <u>Infrastructure</u> | <u>Phases</u> | <u>Cost</u> |
|------------------------|---------------|------------------|
| Water Utility | IA, IB | \$461,000 |
| Sanitary Sewer Utility | I, II | <u>\$200,000</u> |
| | | \$661,000 |

New Subdivisions/Developments:

| <u>Infrastructure</u> | <u>Phases</u> | <u>Cost</u> |
|------------------------|---------------|--------------------|
| Water Utility | IA, IB | \$318,000 |
| Sanitary Sewer Utility | I, II | <u>\$1,918,000</u> |
| | | \$2,236,000 |

Sources:

Village of Rochester, Illinois, Report on Water Distribution Analysis, Crawford, Murphy and Tilly, Inc. Consulting Engineers, March 1990.

Village of Rochester, Illinois, Facilities Plan Second Amendment, Crawford, Murphy and Tilly, Inc. Consulting Engineers, May 1990.

Village of Rochester Comprehensive Plan, Comprehensive Plan Committee, Planning Commission, Zoning Board of Appeals, and Scruggs and Hammond, Inc. Planning Consultants, May 1991.

Water Distribution System Analysis Report Cost Update, Letter to Rochester Village President Jim Finley from Engineer Alan Stuemke of CMT, February 22, 1993.

Water and Sewer System Improvements Cost Update, Letter to Rochester Municipal Management Consultant Brad Townsend from Engineer Steven Schroll of CMT, August 2, 1993.

Water and Sewer System Improvements Fair Share Cost Analysis, Letter to Rochester Village Trustee Bryan Martindale from Engineer Steven Schroll of CMT, November 17, 1993. Also, appendix letter dated November 29, 1993.

FORMULA FACTORS:

| <u>Type (A)</u> | <u>Fixtures (B)</u> | <u>Notes</u> |
|-----------------|---------------------|-----------------------------|
| Residential | 9,220 | Estimate 10/Household |
| School | 381 | Per Metro Sanitary District |
| Commercial | <u>66</u> | Per Metro Sanitary District |
| TOTAL | 9,667 | |

- (A) Development types.
- (B) Interior plumbed fixtures.

(Ord. No. 06-02; 03-13-06)

APPENDIX B

FAIR SHARE ASSESSMENT FACTORS

FORMULA:

$$\frac{\# \text{ of Interior Plumbed Fixtures/New Building X Improvement \$}}{\# \text{ of Interior Plumbed Fixtures in Village}}$$

Example:

$$\frac{1 \text{ (fixtures)}}{9668 \text{ (existing plus one)}} \times \$2,236,000 \text{ (Improvement \$)}$$

$$.0001034 \times \$2,236,000$$

\$231.00 Fair Share Assessment per Fixture

Sample Assessments or Fees:

| Fixture # | Assessment | % of Costs |
|-----------|------------|------------|
| 1 | \$231 | 0.01% |
| 8 | \$1,850 | 0.08% |
| 10 | \$2,312 | 0.10% |
| 12 | \$2,775 | 0.12% |
| 15 | \$3,469 | 0.15% |
| 20 | \$4,624 | 0.21% |
| 25 | \$5,782 | 0.26% |
| 50 | \$11,564 | 0.52% |

(Ord. No. 06-02; 03-13-06)

APPENDIX C

PRE-PAYMENT OF FAIR SHARE ASSESSMENT

The formula for calculating the pre-payment of the Fair Share Assessment shall be as follows:

1. The owner and the Village shall establish the number of lots within any subdivision for each zoning area.
2. The aggregate Fair Share Assessment for the subdivision shall be determined based upon the estimated number of interior plumbed fixtures as follows:

| <u>Zoning Area</u> | <u>No. of fixtures</u> |
|-----------------------------------|-------------------------------|
| R-S | 13 |
| R-1 | 11 |
| R-2 | 20 (10 per side) |
| R-5 | As established by the Village |
| Any commercial or Industrial area | As established by the Village |

3. The time for the build out of the subdivision shall be agreed to by the Village and the owner.
4. The Village shall calculate the net present value of the expected Fair Share Assessment payments to be received over the development period using an interest rate of the Prime Rate, as published in a business periodical having a nationwide circulation on the day on which the pre-payment is to be received, less **one percent (1%)**.
5. The Fair Share Assessment shall be paid on the date of approval of the final plat of the subdivision.

(Ord. No. 11-13; 10-11-11)

ARTICLE IX - PLAT OFFICER

35-9-1 ESTABLISHMENT AND APPOINTMENT OF PLAT OFFICER.

The office of Plat Officer is hereby established in which is vested the duty of administration of these regulations as specified herein and such other related regulations as specified herein and such other related regulations as are assigned to that office by the Board.

The Plat Officer to be appointed by the President of the Village with the approval of the Village Board shall be a person who is qualified by professional or practical training and experience to conduct the affairs of that office. **(Ord. No. 91-4; 05-06-91)**

ARTICLE X - OFFICIAL MAP

35-10-1 OFFICIAL MAP ESTABLISHMENT. A Village of Rochester Official Map is hereby established and adopted by reference as part of this regulation, for the Village, which Official Map is on file in the Village Clerk's office.

35-10-2 AMENDMENTS OR ADDITIONS TO OFFICIAL MAP. Subsequent additions or amendments to the Official Map, including the indication of additional public sites to be shown on the map, shall be considered amendments to this regulation and shall be made as specified in **Section 35-2-9** of this Code. Any agency requesting the establishment on the Official Map of a future public site or easement shall indicate to the Plan Commission the need for the site in the precise location specified and identified. The Plan Commission, in making a favorable recommendation for the inclusion on the Official Map of such site by the Board, shall find that the public site location is consistent and not in conflict with the Comprehensive Plan of the community and shall so indicate in its minutes. **(Ord. No. 91-4; 05-06-91)**

ARTICLE XI – EROSION AND SEDIMENT CONTROL

35-11-1 INTRODUCTION/PURPOSE. During the construction process, soil is highly vulnerable to erosion by wind and water. Erosion of soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Sedimentation necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in the Village of Rochester, hereinafter called the Village. This Article will also promote the public welfare by guiding, regulating, and controlling the design, construction, use and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land within the corporate limits of the Village.

35-11-2 DEFINITIONS.

"Contractor in Responsible Charge": Person or persons performing and supervising the development work on behalf of the owner, owner's agent, tenant or owner's tenant's agent.

"Development": Any manmade change to real estate or property, including: (1) The division or subdivision of any duly recorded parcel of property; (2) Construction, reconstruction, demolition or placement of a building or any addition to a building; (3) Installation of a manufactured home on a site or preparing a site for a manufactured home; (4) Construction of roads, bridges or similar projects; (5) Redevelopment of a site; (6) Filling, dredging, grading, stripping, excavating, paving or other non-agricultural alterations of a ground surface; (7) Storage of or deposit of solid or liquid waste; (8) Any other activity that might alter the magnitude, frequency, direction, or velocity of storm water flows from a property.

"Drainage Way": Any channel that conveys surface runoff throughout the site.

"Erosion": The general process whereby soil or earth is moved by rainfall, flowing water, wind or wave action.

"Erosion Control": A measure that prevents erosion.

"Erosion and Sediment Control Plan": A set of plans prepared by or under the direction of a licensed professional engineer in the State of Illinois, indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction, to the maximum extent practicable.

"Excavation": Any act by which organic matter, earth, sand, gravel, rock or any other similar materials is cut into, dug, quarried, uncovered, removed, displaced, re-located, or bulldozed and shall include the conditions resulting from such actions.

"Grading": Excavation or fill of material, including the resulting conditions thereof.

"Perimeter Control": A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

"Phasing": Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

"Person": Any individual, association, organization, partnership, firm, governmental entity, corporation or other entity recognized by law and acting as either the owner, the tenant or as the owner's or tenant's agent.

"Rochester Storm Drainage System": Publicly-owned or privately-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, drainage easements granted to the Village and other drainage structures within the corporate limits of the Village.

"Sedimentation": The process that deposits soils, debris, and other materials either on other ground surfaces or in bodies of water or storm drainage systems.

"Sediment Control": Measures that prevent eroded sediment from leaving the site.

"Site": A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

"Site Development Approval": An approval issued by the Municipality for the construction or alteration of ground, as well as improvements and structures for the control of erosion, runoff, and grading.

"Stabilization": The use of practices that prevent exposed soil from eroding.

"Start of Construction": The first land-disturbing activity associated with a development, including land preparation such as stripping, grading, and filling; installation of streets and walkways; excavation for utilities, basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

"Stripping": Any activity that removes the vegetative surface cover, including tree removal, by spraying or clearing, and storage or removal of topsoil.

"Stormwater": Any surface flow, runoff or drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

"Watercourse": Any body of water, including, but not limited to lakes, ponds, wetlands, rivers, streams, creeks, and bodies of water delineated by the Village.

"Waterway": A channel or swale that directs surface runoff to a watercourse or to the Rochester Storm Drainage System.

35-11-3 PERMITS.

(A) No person shall be granted a site development approval for land-disturbing activity that would require the uncovering of **one (1) acre (43,450 square feet)** or more or any land disturbing activity within **fifty (50) feet**, in any direction, of a watercourse without an Erosion and Sediment Control Plan approved by the Village.

(B) No site development approval is required for the following activities:

- (1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

(2) Existing nursery and agricultural operations conducted as a permitted main or accessory use.

(C) Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting engineering firm retained by the applicant together with the name of the applicant's principal contact at such firm. Construction plans that include an Erosion and Sediment Control Plan with the aforementioned information cited or as included as a part of the storm water pollution prevention plan will satisfy the application requirements.

(D) Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Erosion and Sediment Control Plan and that the contractor in responsible charge or his designated representative shall be on site on all days when construction or grading activity takes place.

(E) The applicant will be required to file with the Village a letter of credit in an amount deemed sufficient by the Village to cover **one hundred twenty-five percent (125%)** of all costs of improvements, landscaping, maintenance of improvements and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site for a period of **two (2) years** after the date of conditional acceptance by the Village or final completion as determined by the Village. If the applicant is going through the residential, business or commercial subdivision development process, the letter of credit approved for the development will satisfy these requirements.

35-11-4 REVIEW AND APPROVAL. The Village will review each application for a site development approval to determine its conformance with the provisions of this regulation. The Rochester Village Board of Trustees shall have final approval of all construction plans as recommended by the Village Engineer.

35-11-5 EROSION AND SEDIMENT CONTROL PLAN.

(A) The Erosion and Sediment Control Plan shall include the following:

(1) A natural resources map identifying soils, forest cover, wetlands and natural resources protected under other sections of this Article. This map should be at a scale no smaller than **1" = 100'**.

(2) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

- (3) All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the preparation of intermediate plans may be required at the close of each season.
- (4) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
- (5) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

(B) Modifications to the plan shall be processed and approved in the same manner as **Section 35-11-4** of this Article, may be authorized by the Village by written authorization to the permittee, and shall include:

- (1) Major amendments of the erosion and sediment control plan submitted to the Village.
- (2) Field modifications of a minor nature.

(C) As required by Federal and State laws, the contractor in responsible charge shall prepare and submit the Notice of Intent and other forms required to the Illinois Environmental Protection Agency for review and comment. Any modifications or revisions made to the Erosion and Sediment Control Plan as required by the Illinois Environmental Protection Agency shall be forwarded to the Village.

35-11-6 DESIGN REQUIREMENTS.

(A) Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the *Illinois Urban Manual: A Technical Manual Designed for Urban Ecosystem Protection and Enhancement* and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Village. Cut and fill slopes shall be no greater than 2:1 (horizontal to vertical), except as approved by the Village to meet other community or environmental objectives.

(B) Stripping and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other Federal, state and local laws, regulations and ordinances. Stripping techniques that retain natural vegetation and drainage patterns, as described in the *Illinois Urban Manual: A Technical Manual Designed for Urban Ecosystem Protection and Enhancement* shall be used to the satisfaction of the Village.

(C) Stripping, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.

(D) Phasing shall be required on all sites disturbing greater than **thirty (30) acres**, with the size of each phase to be established at plan review and as approved by the Village.

(E) Erosion control requirements shall include the following:

- (1) Erosion and sediment control barriers shall be installed within **two (2) calendar days** of stripping activity.
- (2) Soil stabilization shall be completed within **five (5) calendar days** of stripping or inactivity in construction.
- (3) If seeding or another vegetative erosion control method is used, it shall become established within **fourteen (14) calendar days** or the Village may require the site to be reseeded or a non-vegetative option employed.
- (4) Special techniques that meet the design criteria outlined in the Illinois Urban Manual: A Technical Manual Designed for Urban Ecosystem Protection and Enhancement on steep slopes or in drainage ways shall be used to ensure stabilization.
- (5) Soil stockpiles must be stabilized or covered at the end of each workday.
- (6) The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
- (7) Techniques shall be employed to prevent the blowing of dust or sediment from the site.
- (8) Techniques that divert upland runoff past disturbed slopes shall be employed.

(F) Sediment control requirements shall include:

- (1) Settling basins, sediment traps, or tanks and perimeter controls.
- (2) Settling basins that are designed in a manner that allows adaptation to provide long-term stormwater management, as required by the Village.
- (3) Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.

(G) Waterway and watercourse protection requirements shall include:

- (1) A temporary stream crossing installed and approved by the Illinois Environmental Protection Agency, Illinois Department of Natural Resources and/or the United States Army Corps of Engineers if a wet watercourse will be crossed regularly during construction.
- (2) Stabilization of the watercourse channel before, during, and after any in-channel work.
- (3) All on-site stormwater conveyance channels designed according to the criteria outlined in the *Illinois Urban*

Manual: A Technical Manual Designed for Urban Ecosystem Protection and Enhancement.

- (4) Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.
- (H) Construction site access requirements shall include:
 - (1) A temporary access road provided at all sites.
 - (2) Other measures required by the Village in order to ensure that construction vehicles do not track sediment onto public streets or washed into the Rochester Storm Drainage System.

35-11-7 INSPECTION.

(A) The Village or its designated agent shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Erosion and Sediment Control Plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the Village shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify the Village at least **two (2) working days** before the start of the following activities:

- (1) Start of construction
- (2) Installation of sediment and erosion control measures
- (3) Completion of site stripping
- (4) Completion of rough grading
- (5) Completion of final grading
- (6) Close of the construction season
- (7) Completion of final landscaping

(B) The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and submitted to the Village at the time interval specified in the approved permit. The permittee or its designated agent shall inspect the control measures within **twenty-four (24) hours** of a precipitation event equal to or exceeding **one-half (0.5) inch** of rainfall in **twenty-four (24) hours** at the site, as measured by the nearest recording rain gauge.

(C) The Village or its designated agent shall enter the property of the permittee as deemed necessary to make regular inspections to ensure the validity of the reports filed under **Section 35-11-7(B)**.

35-11-8 ENFORCEMENT.

(A) **Stop-Work Order; Revocation of Permit.** In the event that any person holding a site development permit pursuant to this Article violates the terms

of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to private property, public property or improvements in the area, the Village may suspend or revoke the site development permit.

(B) **Violation and Penalties.** No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this Article. Any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this Article is committed, continued, or permitted, shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, corporation or governmental unit shall be punished by a fine in the amount of no less than **One Hundred Dollars (\$100.00)** per violation and no more than **One Thousand Dollars (\$1,000.00)** for each day said violation continues to occur. In addition to any other penalty authorized by this Section, any person, partnership, corporation or governmental unit convicted of violating any of the provisions of this Article shall be required to bear the expense of such restoration, infrastructure cleaning, administrative, legal and engineering costs incurred by the Village.

35-11-9 SEPARABILITY. The provisions and sections of this Article shall be deemed to be separable, and the invalidity of any portion of this Article shall not affect the validity of the remainder.

(Ord. No. 04-07; 06-14-04)