

CHAPTER 41

BUSINESS AND INDUSTRIAL CODE

ARTICLE I - IN GENERAL

**41-1-1**     **TITLE.** This Code shall be known, cited and referred to as the "Village of Rochester Business and Industrial Code". (See Sec. 12-1-1)

**41-1-2**     **PURPOSE.** This Code is adopted to promote, protect, and provide public health, safety, comfort, and general welfare of the residents of the Village, to protect the character and maintain the stability of the incorporated Village territory and its contiguous unincorporated territory, to establish minimum standards and procedures for the design, construction and development of land for the use of business or industrial purposes. (See Sec. 12-1-2)

**41-1-3**     **JURISDICTION.** This Code shall be applicable to all parcels, plats, and properties within the Village corporate limits and contiguous unincorporated territory of not more than **one and one-half (1 ½) miles** beyond the corporate limits of the Village. Where the **one and one-half (1 ½) 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 line of the two communities. (See Sec. 12-1-3)

**41-1-4**     **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.  
(See Sec. 12-1-4)

**41-1-5**     **DEFINITIONS.**

**ADA:** American Disabilities Act.

**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 a public street.

**ASHRAE:** American Society of Heating, Refrigerating and Air Conditioning Engineers.

**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 **one hundred (100) year** flood.

**Bikeway:** A road or path built and reserved for bicycle traffic.

**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.

**Building:** A permanent construction having a floor, walls, and roof used for living, business, manufacturing or special purposes.

**Business Development Plan:** Plans that fulfill the submittal requirements of this Code.

**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.

**Clerk:** The Village Clerk of the Village.

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

**Commerce:** An interchange of goods or services among people.

**Commercial:** Of or characteristic of commerce; done or acting for profit; the principles, practices and spirit of commerce.

**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 marked lane for pedestrians crossing a street.

**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 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 and registered with County authority.

**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 and 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 and/or vertical elevation change 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.

**Industrial:** Of or pertaining to manufacturing, production and/or assembly of goods and/or products.

**Landscaping:** The use of living plants, natural or man-made materials and/or the altering of contours to beautify (land, property, etc.) by designing areas to enhance the natural scenery, to provide transition and screening of areas and to provide "green" areas.

**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 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 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 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.

**Signage:** See Zoning Code for definition.

**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 Width:** The shortest distance between the fronts or faces of parallel curbs or outer 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 top soil.

**Structure:** A building or assembled framework made of material fitted or joined together to provide structural supporting portions (i.e. towers, buildings, bridges, conveyors, etc.) which require a licensed structural engineer.

**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.

**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.

**Title:** Village of Rochester Commercial and Industrial 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. (7-1/2 min. scale).

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

**Village:** The Village of Rochester, Illinois.

**Village Board:** The President and Board of Trustees of the Village of Rochester.

**Village Clerk (Clerk):** The Clerk of the Village of Rochester.

**Village Engineer:** The Engineer for the Village of Rochester as may be designated from time to time by resolution of the President and Board of Trustees of the Village of Rochester.

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

**(See Sec. 12-1-5)**

**41-1-6      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.

**(See Sec. 12-1-6)**

**41-1-7      SEPARABILITY.** It is hereby declared to be the intention of the Village that the several provisions in 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.

**(See Sec. 12-1-7)**

**41-1-8      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) The Commission shall not recommend the approval of the subdivision of land if, in the opinion of the Village Engineer and upon adequate investigation conducted by the Commission, it is determined that subdivision and development of the site as proposed would not be adequately or properly served by public or private utilities and would not readily be served by police and fire protection so that its development would be detrimental to the best interests of the public.

**(See Sec. 12-1-8)**

**41-1-9      CONNECTION TO VILLAGE INFRASTRUCTURE.** Roads, streets,

storm sewers, sanitary sewers, and water mains shall not be connected or tied into Village roads, streets, 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.

**(See Sec. 12-1-9)**

**41-1-10      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 Rochester Ordinance No. 87-1, An 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. **(See Sec. 12-1-10)**

**41-1-11      PUBLIC LANDS.**

(A) Planned public improvement sites indicated on an 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, park, recreational, and conservation area sites, public building sites, storm drainage sites, bikeways, cemeteries, water tower 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 designated 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 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** of the Village Code.

**(See Sec. 12-1-11)**

**41-1-12     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 the amount which, in the judgment of such Board shall be equal to the benefits which will accrue to the owner and 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.

**(See Sec. 12-1-12)**

**(Ord. No. 10-09-01 unless otherwise noted)**

**ARTICLE II - ADMINISTRATION AND ENFORCEMENT**

**41-2-1 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 the duty of said officer to enforce the provision hereof. The Plat Officer may call upon any department or official of the Village to furnish such information and assistance as may be deemed necessary to affect 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 business development plan applications and supporting data.
- (3) Forward copies of the commercial development site plan and construction plans to the Plan Commission and Zoning Commission for their review, recommendations and report to the Village Board.
- (4) Forward copies of the commercial development plan to the Village Board for its consideration.
- (5) Receive and forward commercial construction plans and specifications to the Village Engineer for their review.
- (6) Receive and file all final plans.
- (7) Forward to the Plan Commission and Village Board all final plans for their approval or disapproval.
- (8) Receive and forward to the Plan Commission all review comments from individuals and agencies on preliminary and final plans.
- (9) Receive copies of State and local permits submitted by the contractor prior to construction and shall maintain a file of all received material.
- (10) Give written approval to the developer or owner to proceed with construction.
- (11) Make all other determinations required of the developer by the regulations contained herein.
- (12) Maintain file of driveway/curb cut permits issued by the Village.

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

- (1) Review and recommend, to the Village Board of Trustees, approval or disapproval or necessary modifications of all preliminary and final commercial development site plans, and

provide approval or disapproval for each individual business or commercial property site plan to assure compliance with the ordinances herein.

- (2) Recommend to the Village Board the granting or denial of requests for variances or exceptions subject to the provisions of this Chapter.
- (3) Recommend to the Village Board 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.
- (5) Recommend to the Village Zoning Board such amendment to the Zoning Code applicable to this Code as the Commission may deem necessary or advisable.

(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 commercial development control:

- (1) Recommend approval or disapproval of all engineering plans and specifications as requested by the Village Board relative to commercial improvements, fees for such construction plan reviews to be paid by the developer as provided in this Code.
- (2) Recommend the amount of the guarantee to be provided by the developer.
- (3) Make periodic and final inspections of commercial development 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 developer as provided in this Code. Periodic inspection will be performed by the Village Engineer. The owner/developer shall engage the services of a professional engineer licensed in the State of Illinois and be responsible for full time inspection and certification of required testing. All test results shall be submitted by the contractor to the plat officer prior to final acceptance of commercial development improvements.
- (4) Report his/her findings on all of the above to the Plat Officer.
- (5) Make all other determinations required of him by the regulations contained herein.

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

- (1) Approve or disapprove all preliminary and final plans 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, based on fair market value, received by the Village thereof.
- (6) Act upon variance recommendations referred to it by the Plan Commission.
- (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 commercial development control:

- (1) To collect and keep records of any fees, reports and charges as required by the regulations contained herein.
- (2) To receive and administer performance guarantees.
- (3) To make all other determinations required by the regulations contained herein.
- (4) Meet with the Village Engineer for assistance.

(F) **Village Attorney.** The Village Attorney is vested with the following responsibilities in regard to commercial development control:

- (1) To review and comment as requested by the Village Board.
- (2) To review and recommend approval or disapproval of performance guarantees to the Village Board.
- (3) To assist in legal matters and questions as directed by the Village Board and/or Plan Commission.

**(See Sec. 12-2-1)**

**41-2-2      ENFORCEMENT.**

(A) No building permit shall be issued for the construction of any building located on a lot in violation of the regulations of this Code.

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

(C) No building permits shall be issued for construction of buildings or site development, parking lots, exterior lighting, entrances, etc. without final approval of the Plan Commission.

**(See Sec. 12-2-2)**

**41-2-3      INVALID PLANS.** No plan of any commercial development or individual business site plan shall be valid or entitled to record or receive construction permit unless and until the same has been approved by the Village Board and the Plan Commission in accordance with the procedure hereinafter provided, and no plan of a commercial development or individual business site plan shall be approved without compliance of the standards of design and specifications for improvement required herein.

**(See Sec. 12-2-3)**

**41-2-4 BUILDING WITHIN PROPOSED STREET EXTENSIONS.** No building, structure, recreational equipment or permanent improvement of any type shall be erected within the extension of a 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. **(See Sec. 12-2-4)**

**41-2-5 CONSTRUCTION PLAN REVIEW AND CONSTRUCTION INSPECTION FEES.** 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 developer/owner, and shall be paid in the manner as prescribed in **Article VIII** of this Code. **(See Sec. 12-2-5)**

**41-2-6 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 area in which the property is located.
- (3) The owner/developer circumstances are unique and do not establish a pattern inconsistent with the intent of this Code.
- (4) The granting of the variation or exception will not violate any other local, state or federal permit requirements.
- (5) The act of not obtaining proper permits shall not be considered as a hardship.

(B) **Plan Commission May Attach Conditions to Variations and Exceptions.** In its recommendations on variations and exceptions, the Plan Commission may require certain conditions that will substantially secure the objectives of this Code. **(See Sec. 12-2-6)**

**41-2-7      REVIEW OF ADVERSE PLANNING COMMISSION DECISIONS.**

If the Plan Commission recommends disapproval of a business development plan, the developer or owner 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 developer or owner objects. In such event, a hearing on the sufficiency or propriety of said business development or individual business site plan 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 business development plan 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 recommendation of the Plan Commission, or by **two-thirds (2/3)** majority vote of the total Board modify the recommendation of the Plan Commission to approve the business development plan. If a business development plan is so approved by the Village Board, the developer shall proceed before the Plan Commission with subsequent review steps provided by this Code. **(See Sec. 12-2-7)**

**41-2-8      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 business development 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. **(See Sec. 12-2-8)**

**41-2-9      PENALTIES.** Any person who shall violate any of the provisions of this Code shall be subject to a fine of not less than **One Hundred Dollars (\$100.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each violation, and each day such violation is permitted to exist shall constitute a separate offense. **(See Sec. 12-2-9)**

**(Ord. No. 10-09-01)**

**ARTICLE III - PROCEDURE**

**41-3-1 GENERAL.** A developer and/or owner, before proceeding with the formal procedure outlined in this Article, is urged to ascertain the problems and requirements affecting the development of their property. This may best be accomplished by a meeting with the Plan Commission to determine general compliance and understanding of all related Village requirements. **(See Sec. 12-3-1)**

**41-3-2 PRE-APPLICATION.** Prior to the filing of a preliminary plat, the developer/owner may submit material to the Plat Officer relating to the proposed development or proposed individual property improvements in order to avail oneself 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 information required 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 development proposal, such as number of lots, lot width and depth, proposed protective covenants, utilities, street improvements, existing zoning, surrounding land use, and a general location map showing the development's location to/or in the Village.

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

**(See Sec. 12-3-2)**

**41-3-3 PRELIMINARY PLAT.**

(A) **Filing the Preliminary Plat.** The developer or owner shall file **twenty-two (22) prints** of the preliminary plat of the proposed development and improvements 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 developed, the engineer, the availability of utilities, variances requested, and other information pertinent to the Commission's consideration.

(B) **Special Information Required.**

(1) If the legal owner decides to appoint a duly authorized agent to act on their behalf, he/she 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 the trust during the development process.

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

(1) **Description.**

- (a) Name of proposed development or business (businesses).
- (b) Area of proposed development or business (businesses).
- (c) Name and address of owner and developer.
- (d) Name and address of the Illinois licensed professional engineer and signed stamp/seal.
- (e) Scale and north point. Scale to be not more than **fifty (50) feet** to the inch.
- (f) Location sketch showing location of the development in relation to existing roads and streets.
- (g) All plats and revised plats must be dated.
- (h) Legend.

(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, water courses, utilities, one hundred year designated flood plain, and other pertinent features within and adjacent to the proposed development.
- (c) The existing zoning classification of the proposed development.

(3) **Proposed Conditions.**

- (a) Location, width and name of all streets.
- (b) Location and width of all sidewalks.
- (c) Layout including property line, lot numbers, scaled dimensions, and property area of all lots.
- (d) Location and size of all areas to be conveyed or reserved for walkways, or other similar semi-public or public uses.

(4) **Certificates.** The appropriate forms of certificates are on file at the office of the Village Clerk and the developer shall consult the Village Clerk and provide the appropriate certificates on the preliminary plat drawings.

(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:
- (i) National Geodetic Survey (NGS) control point movement for origin of Illinois State Plane Coordinates.
  - (ii) Elevation in North American Vertical Datum (NAVD) 1988 datum (U.S. Survey Feet).
  - (iii) State Plane Coordinates Zone in North American Datum (NAD) 1983 (U.S. Survey Feet).
  - (iv) Northing.
  - (v) Easting.
  - (vi) Grid Factor. **(Ord. No. 07-10; 08-13-07)**

(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 Trustee of Public Health and Safety.
- (3) **Two (2) prints** to the Sangamon County Engineer 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 developer.
- (8) **One (1) copy** each to telephone, gas, electric, water, sewer and cable companies to serve the area.
- (9) **Seven (7) copies** to the Plan Commission members.

(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 Trustee of the Building and Zoning, Soil and Water Conservation District, and County Engineer 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 plats. The **ninety (90) day** time limit may be extended by mutual consent of the developer and Plan Commission.

- (3) If the recommendation of the Plan Commission on the proposed plan of development is for disapproval, then within said **ninety (90) day** period the Plan Commission shall furnish to the developer 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 Development attached to each. **One (1)** certified copy will be filed with the Village Clerk and **one (1) copy** will be returned to the Developer.

(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 Developer 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 to **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 developer. Additional copies of the preliminary plat shall also be provided by the developer for the Village Engineer and Plat Officer.

**(See Sec. 12-3-3)**

**41-3-4      DEVELOPMENT CONSTRUCTION PLANS.**

(A)      **Construction Plans Submission.** The developer or owner shall submit **four (4)** sets of detailed construction drawings (**five (5)** sets for developments 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. The owner/developer shall submit copies of all permits or permit applications to the Illinois Environmental Protection Agency (IEPA), Illinois Department of Natural Resources (IDNR), Illinois Department of Transportation (IDOT), Illinois Office of the State Fire Marshal (OSFM), United States Army Corps of Engineers (USACOE), etc., as required by law.

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

- (1) All architectural drawings shall be prepared by or under the direct supervision of an Illinois Licensed Architect, and signed and sealed by same.
- (2) All plumbing, mechanical and electrical drawings shall be prepared by or under the direct supervision of an Illinois Licensed Professional Engineer and signed and sealed by same or signed and sealed by a State of Illinois Licensed Professional pursuant to the Illinois Architectural Practice Act, the Illinois Professional Engineering Practice Act or Illinois Structural Engineering Practice Act. **(Ord. No. 05-07; 11-14-05)**
- (3) All structural drawings shall be prepared by or under the direct supervision of an Illinois Licensed Professional Engineer, and signed and sealed by same or signed and sealed by a State of Illinois Licensed Professional pursuant to the Illinois Architectural Practice Act, the Illinois Professional Engineering Practice Act or Illinois Structural Engineering Practice Act. **(Ord. No. 05-07; 11-14-05)**
- (4) All drawings shall be neatly drawn on reproducible **twenty-four by thirty-six inch (24" x 36")** sheets at a scale of not more than **one (1) inch equals fifty (50) feet** 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 drainageways, 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 sub-grade type and thickness; crown; curb and gutters; and sidewalks.
- (e) Plan and profile for sanitary sewers.
- (f) Plan and profile for storm sewer.
- (g) Plan for water mains and appurtenances.
- (h) Plans to include vertical datum and horizontal coordinate system.
- (i) Plans to show soil boring locations.
- (j) Plans to show retention and/or detention basins and cross-section information.
- (k) Plans for street and parking lots, canopies, and all proposed exterior lighting, provide graphic representation of street lighting photometrics clearly showing compliance with **Section 41-5-8** of this Chapter.
- (l) Construction details, with details of manholes, inlets, catch basins, curbs and gutters, drainage structures, other structures, or references to the Highway Standards published by Illinois Department of Transportation.
- (m) Specifications.
- (n) Erosion and sedimentation control plan as outlined in **Section 41-5-2** of this Chapter and consistent with the erosion and sedimentation control principles and standards of **Section 41-4-2** of this Chapter. Description of erosion control measures to be taken during construction.
- (o) Parking lots, parking spaces, traffic flow patterns, proposed traffic control signage, waste and refuse storage areas and design of screening structures to comply with standards.
- (p) Landscape planting plans and estimated dollar amount of landscaping costs.
- (q) All plan views shall include all utilities, utility easements, street lighting and sidewalks, where required, to clearly relate the position of each item in relation to the others.
- (r) Each sheet shall be numbered and contain basic information as to project name, north arrow, scale and date.
- (s) All lots shall be clearly numbered and relate exactly to the final 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 **ninety (90) 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 (within **seven (7) days**) provided by the Developer 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 developer 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 development.
  - (b) General legal description.
  - (c) Area in acreage of the development.
  - (d) Scale, north arrow and date; scale to be not more than **fifty (50) feet** to the inch.
  - (e) All required information as outlined in **Section 41-3-3.**
- (2) **Existing Conditions.**
  - (a) The location of all existing section lines, lot lines, and street lines lying within or adjacent to the development.
  - (b) The location of survey monuments found and used in determining the boundaries of the development.
- (3) **Proposed Conditions.**

- (a) The boundary of the development.
  - (b) Location, width and names of all streets.
  - (c) Location and width of all sidewalks and bikeways.
  - (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 development boundaries, lots, streets, alleys, walkways, easements, setback lines and other areas for public or private use. Linear dimensions shall be given to the nearest hundred 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 developer 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.

**(See Sec. 12-3-5)**

**41-3-6**

**GUARANTEE OF IMPROVEMENTS.**

(A) Prior to approval of the final plat, the developer 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.
- (3) An irrevocable letter of credit from a bank or other financial institution in an amount equal to **one hundred percent (100%)** of the cost of the improvement.

(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 developer necessary to conform to the requirements established by this Code.

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

- (1) The corporate survey 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.

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

- (1) The Village Trustees 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 of Rochester.
- (3) If the developer 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 development improvements, the developer 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.

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

**(See Sec. 12-3-6)**

**41-3-7      CONSTRUCTION AND INSPECTION.**

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

- (1) Proof of application for an access permit from the County Highways Department or Illinois Department of Transportation when access to County or State Highway is involved.
- (2) Proof of application for a section 404 permit and/or required state rivers, lakes, and streams Joint Application Permit (IEPA, IDNR, USACOE) if any dredging, riprapping, fill work or similar activities will be conducted in or around streams, wetlands, the 100 year floodway or jurisdictional waters.

(3) Other specific additional information or permits as required by State, County or 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 developer to proceed with construction.

(C) The developer shall be ultimately responsible for the final location, elevation, quality and condition of all improvements and it shall be their 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 shall have their engineer 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 contractor's/engineer's name and signature as proof of review. Copies of all shop drawings shall be provided to the Village Engineer.

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

(E) The developer or the developer's engineer or contractor shall notify the Village Engineer at least **twenty-four (24) hours** in advance of the following construction operations or as required by the Village Engineer. 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.
- (9) Exterior lighting systems.

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 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.

- (2) Sanitary sewer – air test, T.V. test, lamping, visual, infiltration and deflection tests.
  - (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. 07-10; 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 (7)(a) above, for each day of paving activity. **(Ord. No. 07-10; 08-13-07)**
  - (8) Concrete pavement – thickness cores, flexural strength, mix proportions, air content, slump and cylinder sample testing.
- (G) All testing required by the Village Engineer shall be done by the developer at the direction of the Village Engineer. Copies of all testing media shall be issued to the owner and to the Village Engineer.
- (H) Upon completion of construction and correction of defects, the developer shall submit a written request for approval of all development improvements,

along with a certification by his Engineer that all improvements were completed in accordance with the approved plans.

(I) The developer shall have their engineer prepare as-built record construction plans and submit **one (1)** paper set and one electronic set to the Village and the Village Engineer for their records. The electronic record drawings shall be provided in the form of an AutoCAD (latest version) drawing file. The subdivider shall also have their engineer provide a copy of the construction field notes to the Village and Village Engineer. **(See Sec. 12-3-7)**

**41-3-8 CONDITIONAL ACCEPTANCE OF IMPROVEMENTS.** Upon satisfactory correction and/or completion of all development improvements and recommendations by the Village Engineer, the Village shall conditionally accept said improvements subject to a **two (2) year** guarantee period. The Plat Officer shall notify the developer in writing, when the improvements have been conditionally accepted, and said date shall be the beginning of the **two (2) year** guarantee period. **(See Sec. 12-3-8)**

**41-3-9 IMPROVEMENTS GUARANTEE.** Upon conditional acceptance of the development improvements by the Village, the developer shall provide the Village with a written **two (2) year** guarantee against failure of any of said improvements. The developer shall provide a financial guarantee equal to **ten percent (10%)** of the construction cost of development improvements for this guarantee. Failure shall be as determined by the Village Engineer. At the end of the **two (2) year** period, the Village Engineer shall inspect the development and inform the developer of any defects that must be corrected. If the developer does not correct the defects, the Village may declare a forfeiture of the guarantee. **(See Sec. 12-3-9)**

**41-3-10 FINAL ACCEPTANCE.** Upon completion and acceptance of any corrections by the Village Engineer, the developer's guarantee shall be released by the Village Board. **(See Sec. 12-3-10)**

**41-3-11 SUMMARY OF PROCEDURES.** The following summary of procedures indicates the normal process for the submittal of a proposed development and the party responsible for the completion of each step:

**Business and Industrial Code 41-7-7**

<u>Function</u>	<u>Responsibility by:</u>
1. Optional pre-application location map meeting with the Plan Commission	Developer
2. Submit preliminary plat to Plat Officer for distribution	Developer
3. Submit preliminary plat to Plan Commission with review comments of Village Engineer, Plat Officer, Trustee of Building and Zoning, and County and Township Highway Officials, District Superintendent of Schools, Soil and Water 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 Plat Officer for delivery to the Village Engineer and when requested to the Plan Commission	Developer
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	Developer
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
14. Review and approve final plat, financial guarantee	Village Board and Attorney
15. Pay all required fees to the Village of Rochester	Developer
16. Record final plat with permission of subdivider	Village Clerk
17. Certify completion construction to Village of Rochester	Developer
18. Submit as-built plans to the Village Engineer	Developer
19. Recommendation for Board to conditionally accept improvements	Village Engineer
20. Provide two year guarantee of improvements	Developer
21. Correct defects at end of two (2) years	Developer
22. Recommendations for final acceptance of improvements	Village Engineer
23. Final acceptance of improvements	Village Board
24. Release guarantee	Village Board

**(Ord. No. 10-09-01 unless otherwise noted)**

**ARTICLE IV – DEVELOPMENT DESIGN STANDARDS**

The following standards and principles of design shall guide the laying out of commercial and industrial developments:

**41-4-1      GENERAL.**

(A)            The design of the commercial development 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 commercial development design principles not otherwise set forth herein.

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

**(See Sec. 12-4-1)**

**41-4-2      EROSION AND SEDIMENTATION CONTROL PRINCIPLES AND STANDARDS.**

In all commercial development measures are required to be taken to assure that sediment is not transported from the site by a storm event of twenty-five (25) year frequency or less and that the following principles will be applicable in the area to be developed:

(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, de-silting 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 ensure that sediment will not be transported from the site by a storm event of **twenty-five (25) year** frequency or less. The erosion and sediment control plan shall include measures to stabilize and protect disturbed areas, keep runoff 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 of quantity of mulch of temporary and permanent vegetative control measures shall be included with the construction plans. Removal and re-distribution of sediment/silt shall be done prior to acceptance and final approval.

(K) In accordance with IEPA National Pollutant Discharge Elimination System (NPDES) requirements, the developer/owner shall file a Notice of Intent (NOI) to discharge and submit his pollution prevention plan to the IEPA when he is disturbing **one (1) acre** or more of land.

(L) All waste generated as a result of site development activity shall be properly disposed of and shall be prevented from being carried off the site by either wind or water.

(M) All construction sites shall provide measures to prevent sediment from being tracked onto public or private roadways.

**(See Sec. 12-4-2)**

### **41-4-3 STREETS.**

(A) 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, latest versions.

(B) 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 therein. The location of streets in the proposed development 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.

(C) Where not shown on the "Comprehensive Plan" or the "Official Map", the arrangement of streets in a commercial development 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.

(D) Streets shall be so laid out that their use by through traffic will be encouraged, and design of streets extending into future or existing streets shall be a part of the design.

(E) 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.

(F) No street grade as measured along the centerline shall be less than **one-half of one percent (0.50%)** or more than **seven percent (7%)**. The maximum grade on arterial streets shall not exceed **five percent (5%)**.

(G) **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 (60) degrees**.

(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**.

(H) **Horizontal Deflection of Street Lines.**

(1) Where connecting street lines deflect from each other more than **ten (10) degrees**, 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**.

(I) Alleys shall not be permitted in proposed commercial developments.

(J) **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 Requirements
Arterial Streets (other)*	100 feet
Collector Streets	60 feet
Minor Streets	50 feet
Cul-de-Sac	50 feet
Marginal Access	40 feet
Pedestrian Ways	10 feet

\*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 maps, will, for the purpose of determining required right-of-way, carry the same classification.

(K) In a commercial development 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 developed.

(L) Dead-end or cul-de-sac streets shall not be allowed.

(M) All streets shall be dedicated for public use.

(N) 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.

(O) **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 or 911 system.

(2) If a proposed development is in close proximity to a municipality which has adopted a street numbering system, the lots within the development shall be assigned street numbers in accordance with that municipal street numbering system, where practicable.

(P) **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 for 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 the 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**.

(Q) **Horizontal Curves.** When a center line deflection angle is greater than **one (1) degree**, 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, the Policy on Geometric Design of Highways and Streets for the appropriate roadway classification; 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. 07-10; 08-13-07)**

(R) 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.

**(See Sec. 12-4-3)**

**41-4-4 EASEMENTS.** Easements across lots for utilities, cable television, water course, drainage way, channel or stream shall not be less than **fifteen (15) feet** wide and shall be adjacent to or centered on lot lines. All above ground utility service boxes are to be located on front property line. **(See Sec. 12-4-4)**

**41-4-5**      **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 convenient 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 pedestrian crosswalk not less than **ten (10) feet** wide shall be provided and a **six (6) feet** wide sidewalk constructed.

**(See Sec. 12-4-5)**

**41-4-6**      **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 developed 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 development in accordance with the terms of this Chapter. Any remaining parcel or outlot which cannot be made to comply with the foregoing shall be eliminated by combining the area thereof with one or more adjoining lots which do not 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 development and for the type of development and use contemplated.

(C)            Side lot lines shall be substantially at right angles or radial to street lines.

**(See Sec. 12-4-6)**

**41-4-7**      **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 area as specific in **Section 41-1-11. (See Sec. 12-4-7)**

**41-4-8 FLOODPLAINS, WETLANDS AND ENVIRONMENTALLY SENSITIVE AREAS.** Disturbance of and encroachment into floodplains, wetlands and environmentally sensitive areas shall be avoided in the planning and development of commercial developments. Protection of these areas shall not be secondary to the developer's desire to maximize developed spaces or minimize cost. **(See Chapter 14)**  
**(See Sec. 12-4-8)**

**41-4-9 HISTORICAL OR ARCHAEOLOGICAL SIGNIFICANT AREAS.** Disturbance of and encroachment into registered historical or known archaeological significant areas of land shall not be allowed. **(See Sec. 12-4-9)**

**(Ord. No. 10-09-01 unless otherwise noted)**

**ARTICLE V – REQUIRED IMPROVEMENTS**

**41-5-1 GENERAL.**

(A) The improvements outlined in this Article are required in all commercial developments.

(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 12-3-3(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 and exterior/adjacent control panels
- (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

Each of these items shall be identified in the construction plans with coordinates and in the record drawings with as-built coordinates. **(Ord. No. 07-10; 08-13-07)**  
**(See Sec. 12-5-1)**

**41-5-2 EROSION CONTROL, EROSION CONTROL PLANS.** All grading sitework, throughout the commercial development 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 with the Village of Rochester and IEPA. 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 the commercial 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, latest edition, available from the Sangamon County Soil and Water Conservation District, which standards and requirements are hereby incorporated into this Code by reference.

(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.

(I) Removal and re-distribution of built-up sediment shall be completed prior to acceptance and completion of project.

**(See Sec. 12-5-2)**

**41-5-3      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. **(See Sec. 12-5-3)**

**41-5-4      SANITARY SEWER SYSTEM.**

(A) The developer shall provide the development 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 development, the developer shall provide the development 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 development, 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:

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
B1 General Business	15 people/acre of developed land and 250 gallons/person/day
B2 Highway and Service Business	15 people/acre of developed land and 250 gallons/person/day
I1 Light Industrial	15 people/acre of developed land and 250 gallons/person/day (exclusive of industrial waste)
I2 Heavy Industrial	15 people/acre of developed land (exclusive of industrial waste) 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 representative(s) and Village Engineer. Any and all manufacturer's warranties shall be transferred to the Village.

- (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 not permissible within the Village corporate limits.

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

(E) No storm sewers, sump drain lines, footing tile lines, roof drainage systems, 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 **six (6) inches** for sewer service, and shall be of material, joints, and fittings as specified by the Village, or as approved by the Village Engineer.

(G) A tee and sewer service shall be constructed for each individual lot or parcel in the development and shall be a minimum of **six (6) inches** in diameter. The **six (6) inch** sewer service shall extend to **five (5) feet** beyond the right-of-way line. A service riser may be required by the Village Engineer if the depth of the main line sewer is excessive. The material for the sewer service pipe shall be as specified above.

(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 pre-cast concrete and have a minimum **0.1 feet** of drop across the flowline. 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. 07-10; 08-13-07)**

(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 select granular FA-6 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.

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

(K) Upon completion of the sanitary sewer system, the developer'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. The developer's engineer shall submit test results to the Village Engineer and Springfield Metro Sanitary District for allowable leakage and deflection (where applicable) with the record drawings. When non-complying or improperly installed systems and material is reported, all corrective cost of repairs and replacements shall be the responsibility of the installing contractor and/or all responsible parties.

(L) The Springfield Metro Sanitation District shall inspect service connections prior to backfilling.

**(See Sec. 12-5-4)**

**41-5-5            STORM DRAINAGE SYSTEM.**

(A)            The developer shall provide the development with a storm drainage system that is acceptable to the Village Engineer, which shall include storm water detention. 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 Section 2 of the Illinois Plat Act, **765 ILCS 205/2**. 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.*

(B)            The storm drainage system shall be adequate to properly drain the development and all other upstream areas that are tributary to the development. 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 **twenty-five (25) 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 Licensed 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.

(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 of Illinois.

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

(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.

(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. All storm sewers shall be backfilled with approved trench backfill material and compacted by approved methods. All storm sewer pipe shall be gasketed pipe.

(H)            All field tiles encountered during construction shall be repaired as directed by the Village Engineer, with the size location, pipe material, and depth indicated on the record drawings.

(I)            Where field tiles are damaged and it is determined by the Village Engineer that it cannot be repaired, provisions shall be made to re-route field tile to the nearest available storm sewer.

(J)            All storm sewer grates, catch basin grates, curb and gutter grates shall be stenciled with "DUMP NO WASTE! DRAINS TO WATERWAYS" message. Any variations in the wording of the message shall be approved by the Village Engineer.

(K)            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.

(L) 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. Any modification of rear yard drainage swales and resulting conflicts, after conditional acceptance by the Village shall be addressed by the entity that caused the modification.

**(Ord. No. 07-10; 08-13-07) (See Sec. 12-5-5)**

(M) 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 (one percent (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 computed 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 **one hundred (100) years** (1% chance) to protect inadequate downstream infrastructure or sensitive downstream areas. **(Ord. No. 14-02; 04-14-14)**

(N) 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)**

(O) 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)**

(P) 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)**

(Q) Development 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)**

**41-5-6 WATER MAIN SUPPLY SYSTEM.**

(A) For all proposed developments within the Village of Rochester or to be annexed to the Village, the developer shall provide the development 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 development.

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

(C) No individual or private water supply shall be allowed in commercial developments without approval from the Village and approval from the Village Engineer.

(D) Water mains shall be of a type as specified by the Village or as approved by the Village Engineer.

(E) 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 development. If larger size mains are required by the Village to serve areas other than the proposed development, the cost difference may be paid by the Village in accordance with any such policies in effect at the time the development is considered. When PVC water main pipe is used, tracer wire (thhn, 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 restraints or restrained joint pipe. When the water main connections are required that involve two different pipe materials, the connection shall be made with a Model 3501 Transition Coupling by PowerSal Engineering or approved equal.

(F) 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.

(G) 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.

(H) 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. 07-10; 08-13-07)**

(I) All water main crossings of streets shall be backfilled with FA-6 select granular backfill and mechanically compacted in **eight (8) inch** lifts to a point **five (5) feet** behind the curb.

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

(K) An individual water service shall be installed for each lot or parcel in the development.

(L) The meter pit shall be installed **three (3) feet** from the sidewalk, on the commercial and industrial 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. B2404

R2-583415 Yoke with H-14227 compression connections at each end. Meters are to be provided and installed by the Village. **(Ord. No. 05-07; 11-14-05)**  
**(See Sec. 12-5-6)**

**41-5-7      STREETS, CURBS AND GUTTERS, SIDEWALKS.**

(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 development are necessary and appropriate, the Village may participate in accordance with any such policies in effect at the time the development is considered.

(B) All street construction shall be done in accordance with the "Standard Specifications for Road and Bridge Construction" of the Illinois Department of Transportation, 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 with 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.

(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 and a minimum 4000PSI strength. Sidewalks may be waived by Plan Commission, but only after specific exception as outlined in the table "Street Classification and Design Standards". **(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 accordance with the Illinois Department of Transportation Standard Specifications for Road and Bridge Construction and shall be poured to full thickness as described above.

In developments proposed to have streets with an anticipated average 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 development and the Village Engineer.

(G) If the pavement sub-base 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 edition) and Supplemental and Recurring Special Provisions.

Contractor may have the option of removing unstable soil and replacing with appropriate soil to meet compaction requirements.

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

(I) All street construction shall be subject to final inspection and recommendation for acceptance by the Village Engineer and the trustee in charge of streets.

(J) 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 edition of the Illinois Department of Transportation publication "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.

(K) 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.

(L) 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.

(M) Bituminous pavement shall meet the density and material mixture of the compacted bituminous mixture as outlined in the State of Illinois Department of Transportation publication "Standard Specifications for Road and Bridge Construction".

(N) 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.

(O) All pavements shall be tested with a profilograph and shall meet IDOT publication "Standard Specifications for Road and Bridge Construction".

**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>
Commercial collector street	60'	36'	8"	9"	8"
Minor commercial/ Industrial street	60'	36'	8"	9"	8"
Truck Route	60'	30'	12"	12"	8"

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 commercial and industrial development streets unless a specific requested variance is approved by the Plan Commission, where

in its opinion that due to the unusual and unique situation in the proposed development, sidewalks are not required, and the lack of such sidewalks would not compromise the safety of the future residents or public. Requirements for sidewalks on other than developed 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.

**(See Sec. 12-5-7)**

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 thicknesses 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)**

#### **41-5-8      STREET LIGHTS.**

(A)      The development 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).

(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.

(C)      All street light fixtures shall be as approved by the 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 as manufactured by 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.

(D)      Poles shall be of metal or concrete construction and of a type stocked by CILCO, unless approved otherwise by the Plan Commission and Street Trustee.

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

(F)      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. Provide proper illumination distribution using type II or type III distribution pattern reflectors.

(G) Developer shall provide complete electrical engineering plans and specifications for the design of street lighting. Engineering shall be completed, sealed and signed by a Professional Engineer, licensed in the State of Illinois.

**(See Sec. 12-5-8)**

**41-5-9 MONUMENTS.**

(A) Monuments shall be set at all accessible lot corners and at angle points and points of curvature, after the development 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) Developer shall install Village right-of-way markers, as directed by the Village Engineer.

(D) At least one 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 market shall meet the following requirements:

- (1) 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.
- (2) 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).
- (3) 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 attributed 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.

- (4) 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 Bernsten International, Inc. or the 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.
- (5) 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.
- (6) Any person or persons who damage or deface a permanent marker shall be subject to the penalties as outlined in **Section 41-2-9** of the Village Code.

**(Ord. No. 07-10; 08-13-07) (See Sec. 12-5-9)**

**41-5-10** **CERTIFICATION OF IMPROVEMENTS.** Upon completion of all improvements, the developer's engineer shall certify, in writing, to the Village that all improvements have been constructed substantially in accordance with the approved construction plans. Upon receiving this certificate, the Village Engineer and a Village Representative from the Streets Department shall conduct a punch list review and shall issue a letter to the developer's engineer for corrective work. Once all punch list items are completed to the approval of the Village Engineer and the Village. Only then shall the certificate be accepted.

**(Ord. No. 10-09-01 unless otherwise noted)**

**ARTICLE VI – INDIVIDUAL PROPERTY DESIGN STANDARDS**

The following standards and principles of design shall guide the laying out of the following zoned properties: B1, B2, I1, I2 and R5.

**41-6-1 GENERAL.**

(A) The property owner shall submit to the Plat Officer the following information and additional requested information for review and approval by the Rochester Plan Commission before a building permit will be issued.

- (1) **Seven (7) copies** of the site plan with all information as outlined in this Code shall be submitted to the Plan Commission.
- (2) **Three (3) copies** of construction documents (i.e. drawings, specifications, and addendums) with proper architect/engineer seals and signatures as required by **Sections 41-3-4(B)(1), (B)(2) and (B)(3)**, as applicable, licensed in the State of Illinois, shall be submitted to the Village Clerk for distribution. **(Ord. No. 05-07; 11-14-05)**
- (3) Permit fee value shall be as set by the Village Board of Trustees.
- (4) All new and remodeled structures shall be required to comply with this Code and shall provide all required professional design seals and signatures for buildings that are included in the following zoning classifications:
  - (a) Zoning District B-1
  - (b) Zoning District B-2
  - (c) Zoning District R-5
  - (d) Zoning District I-1
  - (e) Zoning District I-2

Copies of all structural calculations shall be submitted for file purposes to the Village for buildings that meet any of the following criteria: (i) Any structure which has **two (2)** or more floors that are intended for public occupancy and has total square footage per floor of **two thousand (2,000)** or more; and (ii) Any single-story structure that exceeds **thirty (30) feet** in height as measured from the finished first floor to the peak of the roof; or (iii) A copy of the shop drawings for any pre-engineered metal building including the stamp of an architect or engineer licensed in the State of Illinois. **(Ord. No. 05-07; 11-14-05)**

(B) All new construction and remodeling projects shall comply with the latest adopted local and state building codes in the Village corporate limits and the **one and one-half (1 ½) mile** jurisdiction boundaries.

(C) **Procedure.**

- (1) Receipt of the submittal of the **seven (7)** site plans and **three (3) sets** of construction documents to be designated

recipients shall begin the review process. The governing bodies shall have **forty-five (45) days** to review, conduct a Plan Commission meeting, allow contracted review consultants to review and comment and an approval or approval with modifications or a disapproval response will be issued.

- (a) A building permit shall be issued for approved site and construction documents.
  - (b) A building permit may be issued for an approved site and/or construction documents depending on the approval with modifications based on the recommendations of the Plan Commission and/or the contracted review consultant.
  - (c) No building permit shall be issued for a disapproved site and/or construction documents. The property owner shall be required to modify and correct violations on the submitted drawings and re-submit which may require a new **forty-five (45) day** review and comment schedule.
- (D) Fair share assessment fee shall be issued for all structures and buildings.

(E) **Building Codes.** All public, commercial, industrial and business structures shall be designed and constructed in accordance with the following codes adopted by the Village and adopted revised editions:

- (1) All public, commercial, industrial and business structures shall be designed and constructed in accordance with the following codes adopted by the Village and adopted revised editions:
  - (a) International Building Code, 2003 Edition ("IBC")
  - (b) International Residential Code, 2003 Edition ("IRC")
  - (c) Illinois State Plumbing Code, 2004 Edition
  - (d) National Electrical Code, 2005 Edition
  - (e) National Fire Protection Association codes from the edition stated to reference "the most recently published edition" wherever a stated edition occurs
  - (f) International Energy Conservation Code, Supplement 2004 Edition
  - (g) Most recent federal and State of Illinois Americans With Disabilities Act (ADA) Codes and statutes applicable to the Village
  - (h) Other state and Village adopted codes applicable to the structure

**(Ord. No. 07-10; 08-13-07)**

(F) **Setbacks.** Setbacks of permanent structures and/or buildings shall comply with Village zoning ordinances which are pertinent to the appropriation zoning certification.

(G) **Penalties.** Violation of any provisions contained within **Article VI** and which do not contain specific penalty amounts shall be assessed the dollar value amount as written in **Article II (Section 41-2-9)** of this Code.  
**(See Sec. 12-6-1)**

**41-6-2 EROSION AND SEDIMENTATION CONTROL PRINCIPLES AND STANDARDS.** Commercial and industrial properties are required to take measures to assure that sediment is not transported from the site by a storm event of twenty-five (25) year frequency or less and that the following principles will be applicable in the area to be developed:

(A) Site design 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 construction.

(D) Sediment basins, debris basins, de-silting 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 construction.

(I) During construction of public improvements, measures shall be taken to control erosion and sedimentation to ensure that sediment will not be transported from the site by a storm event of **twenty-five (25) year** frequency or less. The erosion and sediment control plan shall include measures to stabilize and protect disturbed areas, keep runoff 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 **fifteen (15) 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 of quantity of mulch of temporary and permanent vegetative control measures shall be included with the construction plans.

**(See Sec. 12-6-2)**

**41-6-3 EASEMENTS.** Easements across lots for utilities, cable television, water course, drainage way, channel or stream shall not be less than **fifteen (15) feet** wide and shall be adjacent to or centered on lot lines. All above ground utility service boxes are to be located on front or street side of the property. **(See Sec. 12-6-3)**

**41-6-4 FLOODPLAINS, WETLANDS AND ENVIRONMENTALLY SENSITIVE AREAS.** Disturbance of and encroachment into floodplains, wetlands, and environmentally sensitive areas shall be avoided or minimized in the planning and design of the property. Protection of these areas shall not be secondary to the developer's desire to maximize developed spaces or minimize cost. **(See Sec. 12-6-4)**

**41-6-5 SUBMITTAL.**

(A)

Drawings shall contain the following:

- (1) Site plan (1" = 50' minimum scale).
- (2) North arrow.
- (3) Symbols list.
- (4) Licensed architect or engineer's name, address, sealed and signed by same.
- (5) Owner's name/address and business name.
- (6) Property lines and easements.
- (7) Utilities and utility easements.
- (8) Entrances and exits.
- (9) Paved surfaces.
- (10) Parking spaces.
- (11) Loading/unloading dedicated areas.
- (12) Traffic flow indications.
- (13) Building(s) outlined with setbacks shown.
- (14) Landscaping design.
- (15) Erosion/sediment control design, details and maintenance requirements.
- (16) Refuse containers and enclosures.
- (17) Exterior storage areas and screening.
- (18) Storm water management.
- (19) Sidewalks.
- (20) Exterior lighting design.
- (21) Fire hydrant location(s).
- (22) Signage location and design.

- (23) Emergency lanes.
- (B) Submit **seven (7) copies** to the Plat Officer for distribution to the Plan Commission.
- (C) The Plan Commission Chairman shall issue a letter to the owner with specified date and time of the Plan Commission review meeting.
- (D) The **forty-five (45) day** review period shall begin on the receipt of drawings by the Plan Commission.
- (See Sec. 12-6-5)**

**41-6-6      PARKING LOTS AND ENTRANCES.**

- (A) Businesses are required to provide off-street parking and parking lots shall be designed to accommodate the required quantity of parking spaces and handicap parking spaces as required by the Village Zoning Code, **Chapter 40**.
- (B) Parking lots and entrances shall be surfaced with concrete or asphalt and shall be designed properly for traffic and weight loads (i.e. cars, tractor trailers, etc.).
- (C) Parking lots and entrances shall have lane and parking spaces striped and clearly marked with traffic direction flow arrows. Handicapped parking spaces shall be striped per ADA and shall have the current regulation signage and fine indicated.
- (D) Businesses that offer shopping carts for customers shall provide exterior holding racks or stalls for carts.
- (E) Provide loading and unloading areas and those areas are to be clearly labeled and marked.
- (F) Entrances shall be designed with locations being selected with relationship to existing and future intersections and entrances, and shall comply with Illinois Department of Transportation and all pertinent regulations and access permits shall be obtained.
- (G) Upon request of the Plan Commission, a traffic impact study shall be required and shall address the following issues:
- (1) Increased traffic burden.
  - (2) Increased exhaust emissions.
  - (3) Parking impact.
  - (4) Traffic counts daily and peak.
  - (5) Pedestrian safety.
  - (6) Vehicular weight design requirements.
  - (7) Fire department access.
  - (8) Hazardous material cargo.
  - (9) Traffic signage or traffic lights warrants.
- (H) The design of the site, parking and entrances shall provide for emergency vehicular access, with access clearances maintained around all structures.
- (I) When determined by the Plan Commission that an emergency lane is required based upon the physical dimensions of the structure an emergency lane shall be indicated with proper signage to indicate "NO PARKING – EMERGENCY LANE" and shall be **twelve (12) inches** wide by **eighteen (18) inches** tall and placed **fifty (50) feet** apart along the required lane at the mounting height of **six and one-half (6 ½) feet**

above the sidewalk. Curbs shall be painted yellow by painting the vertical face of the curb and **six (6) inches** wide across the top.  
**(See Sec. 12-6-6)**

**41-6-7      REFUSE CONTAINERS, STORAGE ENCLOSURES AND SCREENING.**

(A) All exterior trash receptors or storage containers or loose refuse and exterior storage shall be screened from public view with an approved designed screen or enclosure structure.

(B) Design of a proposed screen or enclosure shall be submitted to the Plan Commission for approval and shall contain the following information:

- (1) Drawing format minimum **eleven (11) inches** by **seventeen (17) inches**.
- (2) Minimum scale **one-eighth (1/8) inch** equals **one (1) foot**.
- (3) Plan view and **four (4) elevations**.
- (4) Dimensioned completely.
- (5) List of materials to be used in the construction of the screen or enclosure.

(C) **Design Criteria.**

- (1) The design shall encompass the following design criteria:
  - (a) Height, width and length of enclosure or screen shall be designed to physically screen the view of the receptor and storage area from adjoining sidewalk, street or road, and from residential viewing angles.
  - (b) The material used in construction shall be durable and weather-resistant.
  - (c) Colors of screen or enclosures shall be compatible with the main building and not of color or finish to draw attention.
  - (d) Screen or enclosure shall have a lockable gate or gates to secure from scavengers or public access.
  - (e) Location of trash/refuse enclosure shall be selected for ease of depositing and pickup but shall not be located at front of the business or building or in a location that may be objectionable to adjoining businesses or property owners.

(D) Refuse containers shall be enclosed on **four (4) sides** with required access opening with gates.

(E) Enclosure construction shall be of durable weatherproof materials, with aesthetic design considered with relationship to the main structure.

(F) The location of containers and rubbish areas shall not create visual obstruction for safety.

(G) Maintenance of enclosures is required, and the failure to maintain the enclosures will be considered a violation and a fine of **One Hundred Dollars (\$100.00)** per day may be issued by the Trustee of Public Health and Safety.

(H) Applications where the Plan Commission determines, due to health and/or safety issues, there is a need for screening, a screen shall be provided.  
**(See Sec. 12-6-7)**

**41-6-8      FENCES AND WALLS.**

(A) Fencing and walls shall comply with the **Zoning Code Section 40-3-9.**

(B) Walls for screening and retainage shall be designed and constructed of durable weatherproof material and shall not create visual obstruction for safety.  
**(See Sec. 12-6-8)**

**41-6-9      SIGNAGE.**

(A) Signage for businesses, or promotions shall comply with the Zoning Code.

(B) Illumination of signage shall comply with **Zoning Code Article X** and shall not create hazardous, visual impacting glare, or reveal the lamp source to motorists or pedestrians.

(C) If hazardous, or visual impacting glare, lamp source or reflection is determined, the violation shall be corrected within **five (5) days** upon receipt of notice from the Village and if corrections are not completed or a valid reason not given, a fine of **One Hundred Dollars (\$100.00)** per day shall be issued per violation until the corrections are made.  
**(See Sec. 12-6-9)**

**41-6-10     ADDRESSES.**

(A) Each structure shall provide a numerical street address visible from the street in a location that is illuminated at night time for ease of identification.

(B) The size of the lettering shall be minimum **three-fourths (3/4) inch** wide stroke and **six (6) inches** tall numbering.  
**(See Sec. 12-6-10)**

**41-6-11     UTILITIES.**

(A) Utilities and utility easements shall be provided for all businesses.

(B) All utilities shall be supplied and installed underground.  
**(See Sec. 12-6-11)**

**41-6-12     SANITARY SEWER.**

- (A) Each structure shall be provided with a sanitary sewer service.
- (B) The sewer service size shall be in compliance with the Illinois State Plumbing Code, and Springfield Metro Sanitary District ordinances, with a minimum sewer service size of **six (6) inches** up to and within **five (5) feet** of the building foundation.
- (C) Sewer sizing for the following zoning classifications shall be:
  - (1) Sanitary sewer loading produced by the tributary area shall be estimated using the following criteria for development based on the zoning classification:
    - (a) **B-1 General Business.** Workers: 20 gallons/person/shift/day. Customers 20 gallons/patron/day.
    - (b) **B-2 Highway and Service Business.** Workers: 20 gallons/person/shift/day. Customers 20 gallons/patron/day.
    - (c) **I-1 Light Industrial.** Workers: 50 gallons/person/shift/day (exclusive of industrial waste).
    - (d) **I-2 Heavy Industrial.** Workers: 50 gallons/person/shift/day (exclusive of industrial waste).
    - (e) Industrial waste shall be pre-treated in accordance with the Springfield Metro Sanitary District ordinances.

**(See Sec. 12-6-12)**

**41-6-13     STORM DRAINAGE SYSTEM.**

- (A) The property owner shall provide a storm drainage system that is acceptable to the Village Engineer, which shall include storm water detention.
- (B) The storm drainage system shall be adequate to properly drain the property and all other upstream areas that are tributary to the property. 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 **twenty-five (25) year** storm for the remainder of the system.
- (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 of Illinois.
- (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.
- (G) All storm sewer construction shall be performed in accordance with the "Standard Specifications for Road and Bridge Construction" of the State of Illinois Department of Transportation, latest edition. All storm sewers shall be backfilled with approved trench backfill material and compacted by approved methods in accordance

with the "Standard Specifications for Road and Bridge Construction" of the State of Illinois Department of Transportation", latest edition.

(H) All field tiles encountered during construction shall be repaired, rerouted or connected to the nearest storm drainage pipe as directed by the Village, with the size, location, and depth to be indicated on the as-built plans and protected from further damage.

**(See Sec. 12-6-13)**

**41-6-14 LIGHTING.**

(A) All exterior lighting design shall be provided with the use of sharp cut-off style light fixtures that shall not exceed a distribution angle of light projection of **seventy (70) degrees** from the vertical position of the fixture. This shall apply to pole and/or wall-mounted light fixtures.

For example:

(B) Lamp sources shall be energy efficient and long lamp life type.

(C) Light distribution shall not extend beyond property line.

(D) Source imaging, harsh, glaring or obstructive style light fixtures and/or poor optical control lenses are not acceptable and will not be allowed.

(E) Design footcandles shall comply with recommended footcandle level, as outlined by latest edition of IES for specific level of lighting. Special footcandle levels that exceed IES recommendations shall be submitted in a variance request format for review by the Plan Commission.

(F) Parking lot perimeter and security lighting shall be of the same lamp source. Accent and landscape lighting is to the discrepancy of the land or building owner and shall meet the design intent as outlined in paragraph (A) above. No flashing or strobing lighting shall be allowed.

(G) Flood lighting of vertical surfaces shall not provide lamp source image towards streets, roads, or as determined by Plan Commission or Village Public Health and Safety Trustee.

(H) A complete site lighting design shall be submitted to the Plan Commission for review and approval and shall contain fixture locations, mounting heights, lamp source, fixture submittal, and footcandle photometric information for assurance of compliance with this Code.

(I) Upon completion of the construction and testing of exterior lighting system, a walk-through during darkness shall be conducted by the owner, Public Health and Safety Trustee and members of the Plan Commission to approve the site lighting design and system. If areas are found to be in violation of the ordinances, a written directive to correct the violations shall be issued within **ten (10) working days** and corrective action shall be completed within **forty-five (45) days** or a fine of up to **One Hundred Dollars (\$100.00)** per day per violation shall be issued.  
**(See Sec. 12-6-14)**

**41-6-15 LANDSCAPING IMPROVEMENTS.**

(A) Each property and/or business as it is designed and constructed shall provide greenways, plantings (trees, shrubs), and properly designed landscaping based on the size and value of the building(s) and site construction with the following minimum percentages being followed in providing the required landscape improvements:

<u>Total Value of Construction (New and Remodeling)</u>	<u>Minimum Percentage (value) for Landscape Improvement</u>
\$5,000 - \$100,000	5% (\$250 - \$5,000)
\$100,001 - \$500,000	4% (\$5,000 - \$20,000)
\$500,001 - \$1,000,000	3% (\$15,000 - \$30,000)
\$1,000,001 - \$5,000,000	2% (\$20,000 - \$100,000)
\$5,000,001 - \$20,000,000	Minimum of \$100,000

(B) Design of landscaping in which value requirements exceed **Fifteen Thousand Dollars (\$15,000)** plans shall be submitted for review and comment to the Plan Commission.

(C) Plans shall be prepared by an Illinois Licensed Landscape Architect.  
**(See Sec. 12-6-15)**

**41-6-16 NOISE LIMITS.**

(A) Noise generation on site shall be controlled to minimize sound levels that shall not exceed **sixty (60) decibels** at the property line.

(B) Sound screening or other methods shall be required to control sound levels that exceed the maximum **sixty (60) decibel** level as it is measured at the property line.

**(See Sec. 12-6-16)**

**41-6-17 FIRE DEPARTMENT REQUIREMENTS.**

(A) Design of site and facility shall provide fire department access for all sides of structure for means of access.

(B) Submit to Fire Department the following list of information:

**Eleven (11) inch by seventeen (17) inch** drawing containing:

- (1) floor plan of each floor.
- (2) entrances clearly shown.
- (3) fire alarm enunciator and control panel locations.
- (4) sprinkler system main and Siamese connection locations.
- (5) hazardous material storage locations and list of materials.
- (6) owner name and phone numbers.

(C) Businesses are required to provide updated information as modifications, remodeling, and changes of use occur.

(D) All public buildings shall have an exterior knock-box installed at an agreed upon location between the owner/architect and the Fire Department.

(E) Containment of bulk storage of hazardous material shall be clearly designated through exterior signage in compliance with Illinois EPA.

(F) These regulations shall be subject to any rule or regulation heretofore or hereafter adopted by the State Fire Marshall pursuant to "An Act to Regulate the Storage, Transportation, Sale and Use of Gasoline and Volatile Oils" approved June 28, 1919 as amended.

**(See Sec. 12-6-17)**

**41-6-18 ENERGY CONSERVATION AND VENTILATION DESIGN.**

Buildings and structures shall be designed and comply with ASHRAE 90-1 energy efficiencies and ASHRAE 62-1 ventilation requirements. **(See Sec. 12-6-18)**

**41-6-19 FLOOD PLAIN AREA.** No building or structure shall be erected or no fill placed within the regulatory flood plain. **(See Sec. 12-6-19)**

**41-6-20 CHANGE IN USE.**

(A) A change in use of existing business or property shall require a submittal of drawings clearly indicating a change in the existing site development as it pertains to entrances, parking, exterior lighting, building footprint, exterior storage, landscaping, or as requested by the Plan Commission.

(B) Failure to comply with this Section shall constitute a fine of **Two Hundred Fifty Dollars (\$250.00)** per day until required submittal of information is received.

**(See Sec. 12-6-20)**

**(Ord. No. 10-09-01 unless otherwise noted)**

**ARTICLE VII - FEES**

**41-7-1 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 Five Hundred Dollars (\$1,500.00)** 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 41-3-3** of this Chapter, to be provided in accordance with the regular rates charges 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 Five Hundred Dollars (\$1,500.00)**, 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 Five Hundred Dollars (\$1,500.00)**, 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 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. **(See Sec. 12-7-1) (Ord. No. 16-01; 02-08-16)**

**41-7-2 CONSTRUCTION REVIEW AND INSPECTIONS AT DEVELOPER'S EXPENSE.** 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 developer 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 41-3-7** of this Code, provided in accordance with the regular rates charged by the consulting engineer for such services.

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 developer. 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. **(See Sec. 12-7-2)**

**41-7-3**     **FINAL PLAT FEE.** The developer shall pay a non-refundable final plat fee of **Twenty-Five Dollars (\$25.00)** per lot, with a minimum of **Two Hundred Fifty Dollars (\$250.00)** to the Village Clerk at the time the final plat is submitted for approval. **(See Sec. 12-7-3)**

**41-7-4**     **RECORDING FEES.** The developer shall pay the sum of **Fifty Dollars (\$50.00)** plus actual recording fees to the Village Clerk at such time as the final plat is recorded. **(See Sec. 12-7-4)**

**41-7-5**     **PLANNED UNIT DEVELOPMENT FEES.** Fees for processing Planned Unit Developments are stipulated in **Chapter 40** of this Code. **(See Sec. 12-7-5)**

**41-7-6**     **FAIR SHARE ASSESSMENT FEE.** The developer and/or individual property owner shall pay the required fair share assessment fee at the time of permit application. **(See Sec. 12-7-6)**

**41-7-7**     **INDIVIDUAL PROPERTY SITE PLAN REVIEW FEE.** All individual property site plans filed with the Village Clerk and distributed for review by the Plan Commission under the provisions of this Article shall be subject to:

- (A) individual property site plan 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 individual property site plan 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 individual property site plan. Business and Industrial Code 41-5-7 page 41-47 [September 26, 2008]

The property owner shall deposit with the Village Clerk at the time of submission of such site plan, a cash amount of **One Thousand Five Hundred Dollars (\$1,500.00)** toward payment of all expenses to be incurred by the Village related to the site plan. The consulting engineering firm shall be compensated by the Village for one individual property site plan review cycle as outlined in **Section 41-6-1** of this Chapter, to be provided in accordance with the regular rates charges to the Village by the consulting engineer for such services. Any other expense incurred by the Village shall be charged to the property owner at the actual amount. If the aggregate of all expenses incurred by the Village in relation to the site plan, including consulting engineering service fees for the one individual property site plan review cycle, are less than **One Thousand Five Hundred Dollars (\$1,500.00)**, the difference shall be refunded to the property owner upon the Village's approval of the site plan. If the aggregate of all expenses are greater than **One Thousand Five Hundred Dollars (\$1,500.00)**, the difference shall be paid by the property owner upon the Village's submission of the final invoices for all such expenses. The property owner 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 individual property site plan. **(Ord. No. 16-01; 02-08-16)**

**(Ord. No. 10-09-01 unless otherwise noted)**