

Chapter 34. Subdivision Code

Article I. Scope and Purpose

§ 34-1-1. Scope and legal authority.

- For the purpose of controlling future development of the County of Monroe and for the promotion of the public health, safety, comfort, morals and welfare of persons living within the territory governed, the provisions and regulations hereafter contained shall govern the subdividing and platting of lands lying within the area of jurisdiction of the County of Monroe.
- The rules and regulations governing plats and subdivision of land contained herein shall apply within the County as permitted by State Statutes. In the event of overlapping jurisdiction within the project area, the extent of jurisdiction shall be determined and agreed upon between the County and the municipality or municipalities concerned and as provided by State Statutes. Except in the case of re-subdivision, this code shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the County Recorder of Deeds prior to the effective date of this code. This code does not intend to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by, or in conflict with this code, or interfere with restrictive covenants running with the land. Where this code imposes a greater restriction upon the land than is imposed or required by such existing provisions of law, ordinance, or restrictive covenants, the provisions of this code shall control.

§ 34-1-2. Title.

- This code shall be known, referred to, and cited as "The Land Subdivision Code of Monroe County, Illinois."

§ 34-1-3. Application of code.

- No lot in a subdivision, as defined herein, may be conveyed unless a final plat of the property has been approved according to the requirements and provisions of this code, and recorded in the office of the Monroe County Recorder of Deeds.

§ 34-1-4. Intent and purpose.

- This code is intended for the purposes of coordinated, efficient and economic development of the County, providing adequate services and utilities, safe convenient access and a desirable and attractive living environment through good subdivision design. In achieving these purposes, the County shall utilize development standards which are directed toward reasonable costs for initial development and continuing maintenance; such standards shall include the following:
 - (A) The proper location and width of streets and the proper location of building setback lines, open spaces, recreational areas and public lands;
 - (B) The avoidance of conditions which would lead to the creation of blighted areas;
 - (C) The avoidance of overcrowding of population and congestion of vehicular traffic;
 - (D) The proper grading and improvement of streets, curbs, gutters, sidewalks and provision of water, sewer, stormwater drainage and erosion control;
 - (E) The provision of adequate space for traffic and utility facilities; for access of emergency apparatus; for the control of the number, spacing, type and design of access points to existing or future streets; for minimum width, depth, and area of lots; for adequate light and air; and for a proper distribution of population; and
 - (F) The provision of adequate right-of-way easements such that extensions are continued within subdivisions and may be continued to adjacent lands.

§ 34-1-5. Interpretation.

- This code is intended as minimum requirements to achieve the above stated purposes, as specified in Section 34-1-4. If any other provision of law relates to any matter covered herein, the regulation providing the higher standard shall apply.

§ 34-1-6. Administration.

- This code shall be administered by the Administrative Officer designated by the County Board of Commissioners, and the Monroe County Planning Commission.

§ 34-1-7. Instances when plats will not be required.

- The provision of these regulations do not apply and no plat is required in any of the following instances:

- (A) The division or subdivision of land into parcels or tracts of five 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 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 sale of a single lot of less than five acres from a larger tract when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract existing as of October 1, 1973.
- (E) The conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipelines which does not involve any new streets or easements of access.
- (F) The conveyance of land for highway or other public purposes or grants or conveyance relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
- (G) The conveyance made to correct description in prior conveyances.
- (H) The sale or exchange of parcels or tracts of land following the division into no more than two parts of a particular parcel of land existing on July 17, 1959, and not involving any new streets or easements of access.
- (I) The division of land for cemetery usage.
- (J) The division and distribution of land pursuant to law or court order.
- (K) Any other instance where the State of Illinois does not require filing of a plat, as per the Plat Act, Illinois Compiled Statutes.

§ 34-1-8. New streets cut-off date.

- A new street is one which was not recorded in the County Recorder's Office or maintained as a County or road district road, as certified to the County Engineer by the respective Road District Commissioner and maintained in a booklet in the County Engineer's office, prior to July 1, 1989.

§ 34-1-9. Easement of access cut-off date.

- A new easement of access is one which was not recorded in the County Recorder's office prior to July 1, 1989.

§ 34-1-10. Suitability of land for subdivision development.

- Land unsuitable for subdivision development due to drainage, flood hazard area, hillside area, rock formation, Karst topography or any other conditions constituting a danger to health, life or property shall not be approved for subdivision development unless the subdivider presents evidence or data to the Administrative Officer establishing that the methods proposed to meet any such conditions are adequate to avoid any danger to health, life or property. Plats for development in Karst topography shall contain a disclosure statement indicating that it is in a Karst area and suitable precautions must be taken to avoid future problems. This statement shall also act as a disclaimer notice on behalf of the County, stating the County does not represent these lots are safe for construction.

§ 34-1-11. Disclaimer of liability.

- Except as may be provided by statute or code, no officer, board member, agent, or employee of the County shall render himself/herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of duties under this code.

Article II. Definitions

§ 34-2-1. Definitions.

- For the purpose of this code, the terms used herein are defined as follows:

ADMINISTRATIVE OFFICER

The official appointed by the Monroe County Board of Commissioners to administer the provisions of this code, or his duly appointed representative(s).

ALLEY

A minor way used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

AREA, GROSS

The entire area within the boundary lines of the territory proposed for subdivision, including the area to be dedicated for street and alley rights-of-way and public use.

AREA, NET

The entire area within the boundary lines of the territory proposed for subdivision, less the area to be dedicated for street and alley rights-of-way and public use.

BLOCK

An area of land entirely bounded by streets, highways, or physical barriers (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street or highway), or a combination of streets, public parks, cemeteries, railroad rights-of-way, shorelines or waterways, or corporate boundary lines.

BUILDING

Any structure, whether temporary, semi permanent, or permanent, designed or intended for the support, enclosure, shelter or protection of persons or property.

BUILDING LINE

"See setback line."

CLEANING

Any activity which removes the natural vegetative ground cover.

CLUSTER DEVELOPMENT

A subdivision planned and constructed so as to group housing units into relatively dense patterns while providing a unified network of open space and wooded areas, and meeting the requirements of this code and the Zoning Code of Monroe County.

COMPREHENSIVE PLAN

The plan or any portion thereof adopted by the County Board of Commissioners for the coordinated development of the County, including among other things; plans and programs regarding the location, character and extent of highways, transportation routes, bridges, public buildings or uses, utilities, schools, residential, commercial or industrial land uses, parks, forests, dams, drainage facilities and projects affecting the conservation of natural resources of the County.

COUNTY DEVELOPMENT POLICIES MANUAL

That document setting forth the development policies of Monroe County, intended to be used by County agencies in the review of development projects, and endorsed for that purpose by resolution of the County Board.

COUNTY ENGINEER

A licensed professional engineer designated by the County Board to conduct business or perform defined professional engineering services for the County.

CRITICAL STORM EVENT

The critical storm event shall be considered as the one-hundred-year, twenty-four-hour event unless engineering evaluation shows that the rainfall for an event of lesser duration creates more runoff for any specific watershed. The storm event, including, but not limited to, rainfall amount and duration, that the County in consultation with the applicant's Licensed Professional Engineer during the preliminary plat stage, will be required for calculations pertaining to the development of stormwater and erosion control plans.

DENSITY, GROSS

The total number of dwelling units divided by the total project area, expressed as gross dwelling units.

DENSITY, NET

The total number of dwelling units divided by the total project area less area for street rights-of-way.

DESIGN

The arrangement of uses on the land and the arrangement of easements, lots, and rights-of-way, including material, alignment, grade and width of these elements.

DETENTION BASIN

A facility, natural or man-made, that provides temporary storage for surface runoff accompanied by its controlled release.

DRAINAGE PLAN

A plan, including engineering drawings and supporting calculations, which describes the existing stormwater drainage system and environmental features, including grading, as well as proposed alterations or changes to the drainage system and environment of the property.

DRAINAGEWAY

A watercourse, gully, dry stream, creek, or ditch which carries stormwater sewers, or which serves the purpose of draining water from the lands adjacent to such watercourse, gully, dry stream, creek, or ditch.

EASEMENT

A right to use another person's property, but only for a limited and specifically named purpose.

FILING DATE

The beginning or starting date that commences after the applicant has filed the last item of required data or information and has paid the necessary fee(s), for review by the Planning Commission.

FLOODPLAIN

That land adjacent to a body of water with ground surface elevations at or below the base flood or the one-hundred-year frequency flood elevation which is subject to inundation. The floodplain as designated by the

Federal Emergency Management Agency (FEMA) is also known as the Special Flood Hazard Area (SFHA). This area is the collective combination of the regulatory floodway and the flood fringe.

IMPROVEMENT

Refers to site grading, street work and utilities (including water, sewer, electric, gas, and stormwater), to be installed or agreed to be installed by the subdivider on land to be used for public or private streets, and easements or other purposes as are necessary for the general use of lot owners in the subdivision. Improvement includes the furnishing of all materials, equipment, work and services such as engineering, staking and supervision, and construction of all the improvements required in Article **VI** of this code or any other improvements that may be provided by the subdivider. All of such materials, equipment and services shall be provided at the subdivider's cost and expense, although he may enter into a contract with individuals and firms to complete such improvements, and the improvements shall be subject to the final approval of the Administrative Officer.

IMPROVEMENT PLAN

The engineering plans showing types of materials and construction details for the physical structures and facilities to be installed both in or in conjunction with the subdivision.

LOT

A parcel of land intended to be separately owned, rented, developed or otherwise used as a unit.

LOT, BUTT

A lot at the end of a block and located between two corner lots.

LOT, CORNER

A lot abutting upon two or more streets at their intersection.

LOT, DEPTH

The mean horizontal distance between the front and the rear lot lines measured in the general direction of the side lot lines.

LOT, INTERIOR

A lot whose side lines do not abut upon any street.

LOT, THROUGH

A lot having frontage of two parallel or approximately parallel streets.

LOT WIDTH

The mean horizontal width of the lot measured at right angle to the general direction of the side lot lines.

MASTER DEVELOPMENT PLAN

A combination of maps, drawings, site plans, charts and supportive narrative material that portrays total development to be achieved in the overall project area; which provides sufficiently detailed information to both illustrate and describe the intended character and configuration of development to be accomplished.

METES AND BOUNDS DESCRIPTION

A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.

MODIFIED RATIONAL METHOD

As described in the Illinois Department of Transportation's "Drainage Manual" is based on the principal that the maximum rate of runoff from a given drainage area occurs at that point in time when all parts of the watershed are contributing to the flow. The rainfall generating the peak flow is assumed to be of uniform intensity of the entire watershed with a rainfall duration equal to the time of concentration.

ONE-HUNDRED-YEAR EVENT

A rainfall, runoff, or flood event having a one-percent-chance of occurring in any given year. A twenty-four-hour storm duration is assumed unless otherwise noted.

OWNER

A person having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

PARKING LANE

An auxiliary lane of a street and primarily used for vehicular parking.

PERFORMANCE GUARANTEE OR BOND

A surety issued by an insurance company licensed to do business in Illinois and approved by the County Board to guarantee installation of any improvements.

PERSON

Any agent, individual, firm, association, partnership, corporation, syndicate or trust.

PLANNED UNIT DEVELOPMENT (PUD)

A planned unit development is a comprehensively planned development containing residential, commercial, industrial, or other land uses on an area of land under continuing unified control. A planned unit development may contain a single type of land use or combination of land uses provided that such development is reviewed, evaluated and approved by the County Board and satisfies the requirements contained herein.

PLANNING COMMISSION

The Planning Commission of Monroe County, Illinois.

PLAT

The maps, drawings, charts, and other documents complying with all applicable provisions of this code which constitute the plan for subdivision.

PLAT, FINAL or FINAL DEVELOPMENT PLAT

The final engineering and architectural detail maps, drawings, and supporting material on which the developer's plan of the project area is presented and, if approved, will be submitted to the County Recorder of Deeds for recording and to the Office of Mapping and Platting for filing.

PLAT, PRELIMINARY or PRELIMINARY DEVELOPMENT PLAT

Preliminary engineering and architectural maps, drawings, charts and supportive material indicating the proposed layout of the project area.

PROJECT AREA

That territory intended to be subdivided or developed, and portrayed and defined in the preliminary and final plats.

RESUBDIVISION

See "subdivision."

RETENTION

A facility, natural or man-made, that provides permanent or long-term storage of surface runoff accompanied by a low release rate.

RETENTION BASIN

A facility, designed to completely retain a specified amount of stormwater runoff without release except by means of evaporation, infiltration, emergency bypass or pumping.

RIGHT-OF-WAY (ROW)

A strip or parcel of land over which the owner, by dedication or otherwise, has granted or reserved the right use for streets, alleys or other public ways.

ROADBED

The graded portion of a street upon which the base course, surface course, shoulders and median are constructed.

ROADWAY

The entire improved portion of the street, including shoulders, parking lanes, travelways, curbs and gutters which lies between the right-of-way lines.

SETBACK LINE

A line parallel to the front, side or rear lot line establishing the minimum space to be provided as the front, side, or rear yard.

SINKHOLE

Any natural depression formed as a result of subsurface removal of soil or rock materials and causing the formation of a collapse feature that exhibits internal drainage. The existence of a sinkhole shall be indicated by the uppermost closed depression contour lines on the USGS 7 1/2 minute quadrangle topographic maps or as determined by field investigations.

SOIL AND WATER CONSERVATION

The Monroe County Soil and Water Conservation District.

SPECIFICATIONS

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

STREET

A public or private way for the purpose of vehicular travel. The term includes all facilities which normally occur within the right-of-way. It shall also include such other designations for a street as a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court or as otherwise designated, but excluding an alley or a way for pedestrian use only.

STREET, AREA SERVICE HIGHWAY

Area service highways interconnect collectors and land access streets with the principal system and vice versa, bring all developed areas within a reasonable distance of principal streets, connect and provide direct access to major traffic generators, provide secondary service to small communities, may provide access to abutting property, and have a medium volume design capacity and travel speeds.

STREET, BUTT OR STUB

A street that is temporarily terminated, but is planned for future continuations.

STREET, COLLECTOR

Collector streets interconnect the principal street system with land access streets; provide internal circulation within residential, commercial, and industrial areas; provide access to abutting properties; and have a moderate volume design capacity and travel speeds.

STREET, CUL-DE-SAC

A short, land access street, having only one end open for vehicular traffic, and the other permanently terminated by a turnaround for vehicles.

STREET, DEAD-END

Land access streets similar to culs-de-sac, except that they provide no turnaround circle at their closed end, and are not permitted in any proposed subdivision.

STREET, LAND ACCESS

Land access streets provide access to abutting properties, having a relatively short travel distance, and have a low volume design capacity and travel speeds.

STREET, LOOPED

Land access streets having two open ends, each end generally connecting with the same street, no other streets intersecting between its ends, and property fronts on both sides of the street.

STREET, MARGINAL ACCESS or SERVICE ROAD

A land access street parallel and adjacent to area service highways providing access to abutting properties.

STRUCTURE

Anything constructed which requires permanent or temporary location on the ground or is attached to something having a permanent or temporary location on the ground.

SUBDIVIDE

See "subdivision."

SUBDIVIDER

Any person, dividing or proposing to divide land in a manner that constitutes a subdivision as herein defined.

SUBDIVISION

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

(A)

The division of land into two or more lots, sites, or parcels or

(B)

Establishment or dedication of, a road, highway, street or alley through a tract of land regardless of its size.

The term "subdivision" shall also include all re-subdivision of land or lots.

SUBDIVISION, MINOR

A division of land into two, but not more than six lots, all of which front upon an existing street, not involving any new streets or other rights-of-way, easements, improvements, or other provisions for public areas and facilities.

TRAVELWAY

That portion of a street used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

TWO-YEAR EVENT

A runoff, rainfall, or flood event having a fifty-percent chance of occurring in any given year. A twenty-four-hour storm duration is assumed unless otherwise noted.

WATERSHED

All land area drained by, or contributing water to, the same stream, creek, ditch, lake, marsh, stormwater facility, groundwater or depression area.

WET BASIN

A detention basin designed to maintain a permanent pool of water after the temporary storage of stormwater runoff.

WETLANDS

"Wetlands" are defined by regulation as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. For general, but not inclusive locations of designated wetlands, refer to mapping prepared jointly by the U.S. Department of Interior, Fish and Wildlife Service and the Illinois Department of Natural Resources, Office of Resource Conservation; National Wetlands Inventory Mapping, 1987.

ZONING ADMINISTRATOR

The officer, or person, designated by the County Board of Commissioners and charged with the responsibility of administering zoning standards.

ZONING CODE

The Zoning Code of Monroe County, Illinois.

Article III. Procedures for Submission of Plats

§ 34-3-1. Preapplication conference.

- Before submitting a preliminary plat, the applicant is encouraged to confer with the Administrative Officer, Planning Commission, and other official units of government affected thereby as well as those providing services to the area in question to initiate pre-planning activities and obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of detailed plans, surveys and other data.

§ 34-3-2. Preliminary plat procedures.

- A subdivider desiring to subdivide a tract of land shall file 15 copies of the preliminary plat with the Administrative Officer. The applicant shall furnish additional copies for evaluation and comment by other governmental agencies and organizations, as requested by the Planning Commission. The Administrative Officer shall then determine if the zone district classification(s) of the territory are correct and that the proposed subdivision complies with the applicable provisions of the Monroe County Zoning Code. He shall then forward one copy each to the Planning Commission and the Monroe County Soil and Water Conservation District. All fees required for review shall be paid by the applicant.
- A copy of deed to property shall be submitted when filing a preliminary plat. A copy of Deed Restrictions and Covenants shall accompany the preliminary plat. The Deed Restrictions shall be recorded in the County Clerk's Office along with the final plat after final plat has been approved.
- As required by Public Act 87-500, written approval from proper Road Authority regarding entrances onto State, County, or Road District Roads shall be submitted with plat. Also written approval from Local Health Department regarding sewage disposal systems for subdivision shall be submitted. (Subdivision Plat Review Application shall be completed.)
- A drainage report shall be submitted and shown on separate copy of plat and signed by registered professional engineer and subdivider as specified in P.A. 87-500.

§ 34-3-3. Soil and Water Conservation District.

- The Monroe County Soil and Water Conservation District may comment on the preliminary plat within 30 days after receiving the application. The comment shall be noted, in writing, and filed with the Administrative Officer. If comments are not received within 30 days, the Planning Commission shall assume that the Soil and Water Conservation District has no objections to the proposed preliminary plat.

§ 34-3-4. Notice.

- When the preliminary plat is being reviewed, the Planning Commission shall give notice and provide an opportunity to be heard to the following persons or groups at its next regularly scheduled meeting:
 - (A) Any person who requests notification of the meeting;
 - (B) Any property owner whose property is contiguous to the property, including property across the streets, railroads, creeks, and similar barriers. This information shall be provided by the applicant to the Administrative Officer when filing the preliminary plat; and
 - (C) Any governmental district, agency, organization, or taxing body which requests notification of the meetings.

§ 34-3-5. Planning Commission action.

- The Planning Commission shall review the preliminary plat within 60 days from the date of application or the filing of the last item of required supporting data, whichever is later, and shall forward the plat to the County Board with a recommendation that the plat be approved, approved with modifications, or disapproved, and giving the reasons for the recommendations made.

§ 34-3-6. County Board action.

- The County board shall review the preliminary plat and shall either approve or disapprove the plat.

§ 34-3-7. Filing.

- Six copies of the approved preliminary plat shall be filed with the Administrative Officer and a copy signed by the County Board Chairman shall be returned to the subdivider by the Administrative Officer.

§ 34-3-8. Rights and privileges.

- Preliminary plat approval shall confer upon the subdivider the following rights and privileges:
 - (A) That the preliminary plat approval will remain in effect for a one-year period. The applicant may, during this period, submit all or part or parts of the preliminary plat for final approval. In the event that the subdivision is being developed in stages, the applicant may, by written mutual agreement with the County Board, have final approval of the last part of the plat delayed for a period not to exceed three years from the date of the preliminary

plat approval. Any part of a subdivision which is being developed in stages shall contain a tract of land at least one block in area.

- (B) That the general terms and conditions under which the preliminary plat approval was granted will not be changed for final approval, and that
- (C) The applicant may also proceed with any detailed improvement plans required for all facilities or utilities intended to be provided. Actual construction of such facilities and improvements may commence prior to final plat approval if the detailed improvement plans have been accepted by the County Engineer, provided that such facilities and improvements will be inspected throughout their construction, and final plat approval will be contingent in part upon acceptable compliance to County improvement and facilities standards. If the applicant does not submit the improvement plans prior to the submission of the final plat, then he shall submit the improvement plans to the Administrative Officer at the time that the final plat is submitted.

§ 34-3-9. Subdivision near municipality.

[Ord. No. 00-19, 8-7-2000]

- When a proposed subdivision is located within 1 1/2 miles of the corporate limits of any municipality that has adopted and is enforcing subdivision regulations and has filed with the County Recorder of Deeds an official comprehensive plan, which plan has been implemented by code as provided by state statutes, both the preliminary and final plats shall be submitted by the applicant to the municipality for approval.
 - (A) If the subdivision lies within 1 1/2 miles of the corporate limits of two or more municipalities that have adopted and are enforcing subdivision regulations, then the Administrative Officer will determine which municipality the subdivider will submit the preliminary plat to. The procedure and requirements for review of the preliminary plat by the municipality shall be prescribed by the Municipal Subdivision Control Code and in compliance with the provisions of the Illinois Compiled Statutes, 1967, as amended.
 - (1) After the municipality has approved the preliminary plat, or if the subdivision is within an area in which no subdivision control code is exercised, then the preliminary plat shall be submitted to the Administrative Officer for study and action.
 - (2) No plat lying within 1 1/2 miles of a municipality having an official plan shall be entitled to recording unless it conforms with or exceeds the street, alley and public ground requirements of such plan or unless it has been approved by the Plan Commission of that municipality.
 - (B) The Planning Commission and the County Engineer shall determine if the preliminary plat complies with this code and whether the preliminary plat is in substantial compliance with the County's Transportation Plan adopted by the County Board. Whenever the preliminary plat does not comply with the above, the Administrative Officer shall notify the municipality in writing of the specific instances of noncompliance.
 - (C) The County Engineer may refuse to accept any such noncomplying street or road for incorporation into or as part of the County road system.

§ 34-3-10. Improvement plan procedures.

- Improvement plans do not require Planning Commission action, but shall be approved by the County Engineer who shall certify to the Planning Commission that the plan is in conformance with these regulations and requirements. Variance from these requirements shall be permitted only by Planning Commission action pursuant to Article **VII**. No developer, however, shall proceed with any construction work in the project area before obtaining this approval. In minor subdivisions, if the opinion of the County Engineer, this requirement would create an unnecessary hardship, the County Engineer may waive improvement plan requirements, provided he so notifies the Planning Commission in writing. To secure formal action on the improvement plans:
 - (A) The developer shall file three blue line prints of the improvement plans with the Administrative Officer who shall forward them to the County Engineer.
 - (B) The County Engineer shall review the proposed improvement plans and notify the Planning Commission, in writing, of his approval, conditional approval, or denial. The County Engineer shall notify the applicant by making a copy of the report stating the approval, conditional approval, or denial. If the notice is of denial, or conditional approval, the County Engineer shall, as a guideline to applicant, state his reasons therefore; and
 - (1) Approval means the applicant is now authorized to proceed with the physical improvements in the subdivision, provided the County Board of Commissioners accept the improvement plans.
 - (2) Conditional approval means the developer may proceed as outlined in the preceding paragraph, but only after he has submitted three copies of the corrected improvement plans to the Administrative Officer, who shall forward the plans to the County Engineer.
 - (3) Denial means disapproval of improvement plans. For further consideration, the developer should rework his plans to conform to the requirements and then resubmit the reworked plans to the Administrative Officer as though they were a completely new set of plans.

§ 34-3-11. Final plat procedures.

- Fifteen copies of the final plat shall be submitted to the Administrative Officer. He shall then submit one copy each to the Planning Commission and County Engineer. The final plat shall include all plans and specifications as may be necessary to comply with all requirements herein and such information as may be necessary concerning the form of guarantee or performance bond to be used.

§ 34-3-12. Submittal of improvement plans.

- If the applicant has not previously submitted improvement plans, then they shall be submitted along with the final plat to the Administrative Officer, who shall forward the final plat and improvement plans to the County Engineer.

§ 34-3-13. Soil and Water Conservation District.

- The Planning Commission may, if it believes that substantial changes have been made from the preliminary plat, request that the Soil and Water Conservation District review the final plat.

§ 34-3-14. Planning Commission action.

- The Planning Commission shall review the final plat and documentation and transmit their report on findings and recommendations to the County Board within 60 days of the filing date of the final plat.

§ 34-3-15. County Board review.

- The County Board of Commissioners shall review the final plat and shall either approve or disapprove the plat. Approval however, shall not be granted unless the following conditions are met:
 - (A) The final plat conforms to the preliminary plat approved previously;
 - (B) The final plat meets the design standards and engineering specifications set forth herein;
 - (C) The final plat meets all requirements of the laws of the State of Illinois; and
 - (D) The subdivider or applicant posts a performance bond or bonds with the County equal to the estimated cost of all improvements for construction, maintenance and operation, as the case may be.

§ 34-3-16. County Board action.

- If the final plat is approved, the Chairman of the County Board shall affix his signature to the plat and attach thereto a notation that the plat has received final approval of the County Board. The County Clerk shall then attest the signature of the Chairman and affix the County Seal thereto. If the final plat is disapproved, the reasons for such action and specific instances where the plat is not in conformance with the requirements herein shall be noted.

§ 34-3-17. County Clerk action.

- The County Clerk shall attach to a copy of the final plat a certified copy of the County Board of Commissioner's ordinance certifying approval.

§ 34-3-18. Recording procedure.

- No subdivision plat or re-plat shall be filed for record or recorded in the Office of the Recorder of Deeds of Monroe County, Illinois, unless and until the approval of the County Board is endorsed thereon. No lot shall be sold for such subdivision plat or re-plat until it has been approved by the County Board and filed for record in the Office of the Recorder of Deeds of Monroe County, Illinois, as herein provided.

§ 34-3-19. Official filings.

- The subdivider shall file the approved final plat along with the Deed Restrictions and Covenants of the subdivision with the Monroe County Recorder of Deeds within 60 days after the County Board Chairman has affixed his signature thereto. Two copies of the final plat and the Deed Restrictions shall be given to the Administrative Officer by the County Recorder bearing the official stamp of the Monroe County Recorder attesting the recordings within 20 days of such action.

§ 34-3-20. Illegal plats.

- It shall be unlawful for the County Recorder of Monroe County to accept for recording any plat of a subdivision within the unincorporated area of Monroe County until the plat has been approved as required herein and such approval has been endorsed in writing on the plat or as otherwise provided herein.

§ 34-3-21. (Reserved)

[1] Editor's Note: Former § 34-3-21 was repealed 11-7-2005 by Ord. No. 05-17.

§ 34-3-22. Fees.

- The review fee for the preliminary plat shall be \$100 plus \$15 per lot, sub-lot, or tract of land. The fee shall be collected by the Administrative Officer after the last item of required information has been submitted by the applicant.

§ 34-3-23. Final plat.

- The review fee for the final plat shall be \$50, plus \$15 per lot, sub-lot, or tract of land. The fee shall be collected by the Administrative Officer after the last item of required information has been submitted by the applicant.

§ 34-3-24. Improvement plan review and inspection fee.

- All public improvements proposed to be made under the provisions of this code shall be inspected during the course of construction by the County's duly designated representative. The fees and costs connected with such inspections and in reviewing improvement plans and specifications shall be paid by the owner or subdivider. The fee shall be 5% of the total estimated cost for all improvements.

Article IV. Specifications for Plats

§ 34-4-1. Preliminary plat requirements.

- The preliminary plat shall portray or present the following:
 - (A) Name under which the proposed subdivision is to be recorded and location;
 - (B) Small key map showing the relation of the proposed subdivision to section or U.S. Survey lines and to platted subdivisions and dedicated streets within 300 feet of the proposed subdivision. The key map shall show the location of any corporate limits of any municipality lying within 1 1/2 miles or less of the subdivision;
 - (C) North arrow and date;
 - (D) Names and addresses of the owner, subdivider, land planning consultant, and the registered land surveyor who prepared the preliminary plat;
 - (E) Tract boundary lines, showing their lengths and directions according to available information and references to lines of the public land survey and of other major land divisions;
 - (F) All lot lines adjacent to and abutting the subdivision, and identification of adjoining lots;
 - (G) Layout of proposed lots, showing their approximate dimensions, numbers and their approximate minimum area, showing an identifying number for each lot, and stating the zone district classification(s) of the proposed subdivision;
 - (H) Streets or alleys and rights-of-way and adjoining the site of the proposed subdivision and their names; the street roadway and right-of-way widths, approximate gradients, types and widths of pavement, curbs, sidewalks, planting strips and other pertinent data; the classification of all existing or proposed streets as to function as established herein;
 - (I) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes, the use(s) of the area to be subdivided, and on the manner and extent of correspondence of the proposed uses to the Comprehensive Plan, as adopted by the County Board;
 - (J) Easements, existing and proposed, showing locations, widths, and purposes;
 - (K) The gross and net area of the proposed subdivision, the area of street rights-of-way, and the area of any parcels reserved for the common use of the property owners within the subdivision or for public use. The standard road right-of-way shall not be included in the lot acreage.
 - (L) Because the topography has a significant bearing upon the street grades, the plan of public utilities and drainageways or facilities in the proposed subdivision, elevation contour lines at intervals not greater than two feet intervals shall be shown.
 - (M) Location of major watercourses, ponding areas, natural drainageways and flood hazard areas;
 - (N) Location, size and available capacity of existing public utilities and drainageways or facilities within or adjoining the proposed subdivision and the location and size of the nearest water trunk mains, interceptor sewer lines and other pertinent utilities;
 - (O) Location, type and approximate size of utility improvements to be installed;
 - (P) The preliminary plat shall be drawn to scale of not more than 100 feet to one inch; and the resulting plat is at least 8 1/2 inches by 14 inches but not more than 30 inches by 36 inches.
 - (Q) A statement to the effect that "this plat is not for record" shall be printed or stamped upon all copies of the preliminary plat;
 - (R) Tentative approval of the street names and house numbers by the County 9-1-1 Coordinator shall be endorsed upon the preliminary plat. Duplication of street names, within the County's jurisdiction shall be prohibited.
 - (S) Indication on plat whether or not any part of the property shown is located within Special Flood Hazard Area as identified by Federal Emergency Management Agency.

- (T) An approval line for Road Authority shall state that all public road frontages along subdivision boundaries will be improved by the Subdivider, to County standards shown in Figure 3, at the end of this code;^[1]
 - a. [1] Editor's Note: Figure 3 is on file in the County offices.
- (U) The building setback line along all front lot lines shall be shown.
- (V) A preliminary drainage plan prepared by a Licensed Professional Engineer, which when implemented assures that 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, diversion, and release of such surface waters into public areas, or drains which the subdivider has a right to use, and
- (W) County Board approval signature block.

§ 34-4-2. Planning Commission requirements.

- In order to provide for a well informed review of the preliminary plat by the Planning Commission, the following information shall also be required:
 - (A) The final land use plan for all uses in the project or project area phase under consideration;
 - (B) A project or project phase development schedule indicating:
 - (1) The approximate date when construction of the project can be expected to begin;
 - (2) The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
 - (3) The anticipated rate of development;
 - (4) The approximate dates when the development of each of the stages in the development will be substantially completed; and
 - (5) The area and location of common or public open space that will be provided at each stage.
 - (C) A plot for each building site, showing the approximate location of all buildings, structures, and improvements and indicating the open spaces around buildings and structures;
 - (D) The term or the text of agreements, provisions, or covenants which will guarantee the conveyance or governance of use, provide proper maintenance, and continued protection of the proposed development and any of its common open area or facilities. Such covenants shall provide that changes cannot be made to the covenants without County Board approval until at least 51% of the lots have been sold by the developer.
 - (E) The following plans and diagrams, in so far as the Planning Commission finds that the proposed development will create special problems of traffic, parking and landscaping:
 - (1) An off-street parking and loading plan; and
 - (2) A landscaping and tree-planting plan.

§ 34-4-3. Final plat requirements.

- The final plat to be provided by the subdivider shall meet the following specifications:
 - (A) The final plat may include all or only part of the project area portrayed on the preliminary plat which has received approval.
 - (B) The final plat shall be drawn on new linen tracing cloth, mylar or other material of comparable stability with waterproof black ink to a scale of not more than 100 feet to one inch; provided that the resulting drawing is at least 8 1/2 inches by 14 inches but not more than 30 inches by 36 inches. Five black or blue line prints shall be provided by the subdivider, along with the original mylar or linen.
 - (C) All dimensions shall be shown in feet and decimals of a foot.
 - (D) The final plat shall be prepared under the active and personal direction of a registered Illinois Land Surveyor, who shall certify that the plat correctly shows the results of his survey of the boundaries and platting of parcels within the subdivision.

§ 34-4-4. Plat data.

- The final plat shall portray or present the following:
 - (A) Accurate boundary lines, with dimensions and bearings or angles, which provide a survey of the tract, closing with an error of closure of not more than one foot in 5,000 feet;
 - (B) Accurate distances and directions to the nearest established official monument. Reference corners shall be accurately described on the final plat.
 - (C) Reference to known and permanent monuments and bench marks from which future surveys may be made together with elevations of any bench marks; and the Surveyor shall, at the time of making his survey, establish permanent monuments (set in such a manner that they will not be moved by frost) which mark the external boundaries of the tract to be divided or subdivided and must designate upon the plat the locations where they may be found.
 - (D) Accurate metes and bounds descriptions of the boundary and the included area of the subdivision to the nearest 1/100 of an acre;
 - (E) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract;

- (F) Right-of-way line of streets, easements and other rights-of-way and property lines and areas of lots and other tracts, with accurate dimensions, bearings and curve data, including radii, arcs and chords, points of tangency, and central angles;
- (G) Name and right-of-way width for each proposed street or other right-of-way;
- (H) Location and dimensions of any easement and a statement of purpose for each easement;
- (I) Number to identify each lot or site;
- (J) Purpose for which sites, other than residential lots, are dedicated or reserved;
- (K) Lot dimensions and areas of each lot, and building or setback lines and dimensions;
- (L) Location, type, material and size of all monuments and lot markers;
- (M) Certification, before a Notary Public, by the owners in fee of all property embraced within the final plat, acknowledging the plat to be their free and voluntary act, dedicating to the public use forever the streets and drainage easements shown thereon, dedicating the easements shown thereon for the construction and maintenance of municipal and public utility services, and stating that building lines shown thereon will be referenced to in all future conveyances of lots in the subdivision. In addition, the dedication and reservation to the public of any right-of-way lying along any public road adjacent to the boundaries of the plat;
- (N) Reference to recorded subdivision plats within 300 feet of adjoining platted land by record name, date and number;
- (O) Restrictions of all types which will run with the land and become covenants in the deeds for lots. Covenants and restrictions are recorded within the County Recorder's Office as a part of this plat.
- (P) Title or name of subdivision; identification of the portion of the Public Lands Survey in which the subdivision is located; and north arrow, graphic scale and date drawn;
- (Q) Certification by registered land surveyor with registration numbers and seal affixed to all final documents prepared by the surveyor;
- (R) Certification of dedication of all public areas;
- (S) Indication on plat whether or not any part of the property shown is located within a Special Flood Hazard Area as identified by Federal Emergency Management Agency;
- (T) The building setback line along all front lot lines shall be shown.
- (U) Certification from the County Clerk indicating that there are no delinquent or unpaid general or special taxes nor any delinquent or unpaid special assessments upon any part of the subdivided area;
- (V) Approval of the street names and house numbers by the County 9-1-1 Coordinator shall be endorsed upon the plat;
- (W) A drainage plan and statement prepared and signed by a Registered Professional Engineer and developer stating that a drainage plan has been prepared for this subdivision meeting the requirements of the County Subdivision Code; and the "Drainage Disclaimer" as detailed in Attachment 4 of this code shall be included with the appropriate signatures on the final plat.
[Ord. No. 05-17, 11-7-2005]
- (X) County Board approval signature block.
- (Y) Indicate on plat if the property being developed is close to a livestock operation.
[Ord. No. 03-05, 3-17-2003]

§ 34-4-5. Improvement plans.

[Ord. No. 05-17, 11-7-2005]

- After the preliminary plat is approved, improvement plans prepared by an engineer for the subdivision of all or any part of the tract shall be submitted to the County Engineer for review. Improvement plans shall be prepared on an exhibit not to exceed 30 inches by 36 inches and shall contain the following information:
 - (A) Title page, which shall include a key map showing the relationship of the area to be subdivided to the project area and which shall reflect areas of the project area previously subdivided plus adjacent streets;
 - (B) North arrow and graphic scale;
 - (C) Title block showing name and address of developer and engineering firm, as well as the engineer's seal;
 - (D) One or more bench marks, in or near the subdivision, to which the subdivision is referenced. The elevation shall be based on the sea level datum.
 - (E) List of the standards and specifications followed, citing volume, section, page or other references;
 - (F) Paving details conforming to Monroe County standards specifications;
 - (G) Details of streets, existing and proposed sanitary sewers, water lines, drainage channels, swales, and storm sewers as required by Article **VI**.
 - (H) Plans and profiles of streets, storm and sanitary sewers, water lines and other improvements required by Article **VI**. The plans and profiles shall be drawn at a scale not greater than 100 feet to one inch horizontal; and one inch equals 10 feet vertical.
 - (I) Existing and proposed survey monuments on street plans or on the proposed final plat as required by Section 34-6-2;
 - (J) As built drawings shall be submitted to the Administrative Officer after the improvements have been installed.

- (K) Cross sections shall be provided along all roadways at one-hundred foot intervals, this includes existing road frontages.
- (L) The Developer shall obtain an IEPA, National Pollution Discharge Elimination System Permit. Conditions of permit approval shall be incorporated into the improvement plans; and
- (M) Plan of sewerage disposal system showing pipe locations, sizes, force mains, invert elevations, manhole locations, lift stations, etc.
- (N) A stormwater, erosion and sediment control plan meeting the following requirements and in conformance with Section 34-5-19 shall be submitted with the improvement plans:
 - (1) The predominant soil types on the site, their location, and their limitations for the proposed use as defined by the USDA Natural Resources Conservation Service shall be shown;
 - (2) The proposed use of the site, including present and planned development, areas of clearing, stripping, grading, excavation and filling; proposed contours, finished grades, and street profiles; the stormwater plan as required; kinds and locations of utilities; areas and acreages proposed to be paved, sodded or seeded, vegetatively stabilized, or left undisturbed; and the existing and proposed tree line;
 - (3) The erosion and sediment control plan shall show all measures necessary to meet the requirements of this code throughout all phases of construction and those remaining permanently after completion of the development of the site; including:
 - (a) Location and description, including standard details, of all sediment control measures, runoff control measures, including diversions, waterways and outlets, and design specifics of sediment basins and traps including outlet details;
 - (b) Location and description of all soil stabilization and erosion control measures, including seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, kind and quantity of mulching for both temporary and permanent vegetative control measures, and types of non-vegetative stabilization measures;
 - (c) Location and description of methods to prevent tracking of sediment off site including construction entrance details, as appropriate;
 - (d) Description of dust and traffic control measures;
 - (e) Locations of stockpiles and description of stabilization methods;
 - (f) Provisions for maintenance of control measures, including type and frequency of maintenance, easements, and estimates of the cost of maintenance;
 - (g) The proposed phasing of development of the site, including stripping and clearing, rough grading and construction, and final grading and landscaping. Phasing should identify the expected date on which clearing will begin, the estimated duration of exposure of cleared area, and the sequence of installation of temporary sediment control measures (including perimeter controls), installation of stormwater drainage, paving streets and parking areas, final grading and the establishment of permanent vegetative cover, and the removal of temporary measures. It shall be the responsibility of the applicant to notify the County Engineer of any significant changes which occur in the site development schedule after the initial erosion and sediment control plan has been approved;
 - (h) The location of shoreline of lakes, ponds, and detention basins with normal water level elevation;
 - (i) The location of farm drains and tile;
 - (j) Location, size, and slope of stormwater conduits and drainage swales;
 - (k) The location of depressed storage areas;
 - (l) Proposed detention facilities with storage volumes and release rates;
 - (m) Direction of storm flows;
 - (n) Both existing and proposed flow rates and velocities at critical points in the drainage system;
 - (o) Cross section data for open channel flow paths and designated overland flow paths;
 - (p) A statement as to the basis of design for the final drainage network components, giving any applicable engineering assumptions and calculations; and
 - (q) A statement by the design engineer of the drainage system's provisions for handling critical storm event. A drainage statement should be signed by a Registered Professional Engineer, and the owner of the land or a duly authorized attorney, to the effect that 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.

- (O) The drainage system design and erosion control provision contained in Attachment 5 of this code "Supplementary Drainage Design and Erosion Control Provisions" shall be incorporated into the site plans.
- (P) Plan submittals.
 - Preliminary review and prefinal review: one full size; one eleven-inch by seventeen-inch reduction.
 - Final approval: two full size; one eleven-inch by seventeen-inch reduction.

§ 34-4-6. Variance from the preliminary plat.

- If the improvement plans require substantial alteration of the approved preliminary plat, then a new preliminary plat must be submitted to the Administrative Officer before the improvement plans can be approved.

Article V. Minimum Standards of Design

§ 34-5-1. General statement.

- The subdivider shall conform to the following principles and standards of land subdivision in the design of each subdivision or portion thereof. No preliminary plat shall be approved unless it conforms to the following minimum standards of design. The Planning Commission, in its review of the preliminary plat, will take into consideration the requirements of the County and the best use of the land being subdivided.

§ 34-5-2. Street planning.

[Ord. No. 05-17, 11-7-2005]

- The arrangement, character, extent, width and location of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of stormwater, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Wherever possible and necessary, the arrangement of streets in new subdivisions shall provide for the continuation of existing streets in adjoining areas. Where adjoining unsubdivided areas may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations. No building shall be allowed in areas within a projected street continuation. In no case shall land be subdivided in such a manner that adjoining property be denied access.
- When reviewing subdivision development adjacent to State Highways consideration shall be given to the use of frontage roads and the use of existing indirect access streets for elimination of multiple highway entrances.
- Where subdivision streets or rights-of-way are continuations or extensions of existing streets or rights-of-way, the width thereof shall be of the same or greater width as the existing street or right-of-way except that in no case shall the street or right-of-way in the subdivision be of less width than the minimum as provided herein. Dedication of half or portions of a street shall be discouraged, but may be permitted whenever there is no other logical method of platting. Reserve strips, of any type, shall not be allowed.

§ 34-5-3. Street design requirements.

[Ord. No. 00-19, 8-7-2000]

- The following requirements shall also be met when planning the street network:
 - (A) Streets shall intersect, as nearly as possible, at right angles.
 - (B) Land access street curb intersections shall be rounded by radii of at least 15 feet; intersections involving collector streets shall have radii of not less than 50 feet; land access streets in business and industrial zones shall be rounded by a radii of at least 30 feet.
[Ord. No. 05-17, 11-7-2005]
 - (C) Street jogs with center line offsets of less than 125 feet are prohibited.
 - (D) Unless topography indicates a need for a greater length, dead-end streets, designed to be so permanently, shall be no longer than 500 feet and shall terminate with a turnaround having radius at the outside of the pavement of at least 50 feet and a diameter at the outside of the right-of-way of at least 120 feet. This length may be increased where topography or existing conditions, such as, existing platted lots prevent future extension, but may not exceed 1,000 feet in length, provided, however, that this length can be modified in areas of excessive grade that prohibit a reasonable connection.
 - (E) When reviewing a subdivision plat, if the Monroe County Planning Commission determines that access to adjoining property is necessary to meet the intent and purpose of this ordinance as defined in Section 34-1-4, then the Planning Commission may require that an access street(s) be constructed to the property line. (Note: Temporary 15 feet "T" turnarounds at the end may be required.)
 - (F) No land access street shall be in excess of 15% grade and no collector street grade shall be in excess of 9% grade, except as otherwise approved by the Planning Commission due to adverse topographic conditions.

Minimum vertical curve transitions at intersections shall be 100 feet in length for slopes in excess of 8%. For adequate drainage, the minimum grade of any new street shall not be less than 1/2 of 1%.

- (G) The Planning Commission shall not approve streets which will be subject to frequent inundation or flooding.
- (H) Alleys shall be avoided in single-family and two-family districts; however, alleys may be required in multiple-family districts and commercial or industrial districts unless other definite and assured provision is made for service access, such as off-street loading, unloading and parking, consistent and adequate for the use proposed.
- (I) Dead-end alleys shall not be permitted, except where provided with adequate turnaround facilities at the dead-end, or where such dead-end alleys provide the only access to off-street parking or loading spaces.
- (J) Alleys, where provided, shall have a right-of-way of not less than 20 feet.
- (K) Intersection of more than two streets at one point shall be prohibited.
- (L) Where a subdivision abuts on or contains an existing or proposed area service highway, the Planning Commission may require that marginal access streets be provided in order that no lots front on such existing or proposed area service highway and said area service highways shall be those roads and streets classified as collectors by the County of Monroe as certified by the Illinois Department of Transportation on the five-year Highway Classification Map.
[Amended 10-2-2006 by Ord. No. 06-08]
- (M) Wherever the Illinois Department of Transportation or the County of Monroe has gone on record as desiring the relocation and/or the construction of a new highway or whenever a municipality has duly recorded with the County a comprehensive plan and/or adopted an official map defining the location of streets, the subdivider shall reserve rights-of-way for the construction of such streets or highways with rights-of-way alignments and widths as prescribed by the appropriate jurisdictional agency.
- (N) Whenever a subdivision, as determined by this ordinance, abuts a highway constructed and maintained by the Illinois Department of Transportation, then all access off of said highway must be reviewed by the Monroe County Planning Commission and approved by the Monroe County Board.
 - (1) On all limited access State Highways, access shall be limited to those points identified on the recorded highway plat. Additional access streets shall be permitted only following review by the Monroe County Board.
 - (2) On all other State Highways, access streets closer than 2,600 feet from each other shall be prohibited. The Planning Commission may vary from this criteria when it is determined that topographic limitations, public safety factors or unique site conditions exist. All variances from the standards must receive final approval from the Monroe County Board.
- (O) Entrance islands location and adjacent pavement width shall be in accordance with the following minimum standards.
 - (1) Minimum pavement width on each side to be 20 feet.
 - (2) Minimum setback from edge of adjoining pavement to be 20 feet.

§ 34-5-4. Rights-of-way and surface width requirements.

- The following shall be the minimum rights-of-way and surface width requirements provided under the terms of this code; however, the Planning Commission may increase street rights-of-way because of limitations imposed by topography and/or other physical factors and specific design requirements.

Street Classification	Width of Surface (A) (feet)	Width of Right-of-Way (feet)
Area service highway	(B)	(B)
Collector	(B)	(B)
Land access street:		
Parking one side	32	42 (C)
Parking both sides	40	50 (C)
No parking (D)	24	40 (C)

- (A) Width of surface shall be measured from face of curb to face of curb.
[Ord. No. 00-19, 8-7-2000]
- (B) Design and construction of area service highways and collector streets shall conform to the Illinois Department of Transportation Design and Construction Policies, Standards and Specifications.
- (C) If sidewalks are required on one side, add four feet and if sidewalks are required on both sides, add eight feet to right-of-way requirements.
- (D) This pavement and right-of-way width will only be allowed in areas having a density less than two dwelling units per net acre and providing at least four off-street parking spaces per dwelling unit.
- (E) Curb and gutter land access streets within any R District shall be a minimum 32 feet wide, except as noted in Paragraph (F) below.

[Ord. No. 00-19, 8-7-2000]

- (F) In any R District, streets meeting the dead end requirements of the Code [Section 34-5-2(D)] may be built 24 feet wide with approval of the Planning Commission.

[Ord. No. 00-19, 8-7-2000]

- (G) Street within Commercial and Industrial zoned districts shall be considered as collector streets. Design to land access street standard can be allowed only by approval of the Planning Commission.

[Ord. No. 00-19, 8-7-2000]

§ 34-5-5. Additional right-of-way requirements.

- Whenever the subdivision adjoins a non-access highway constructed by the Illinois Department of Transportation or the County of Monroe, which is the maintenance responsibility of the Illinois Department of Transportation, the Planning Commission, upon the recommendation of the Illinois Department of Transportation, may require the reservation of a service road with a minimum right-of-way of not less than 60 feet which road shall parallel the highway and may have connections thereto at locations that are jointly approved by the Planning Commission and the Illinois Department of Transportation.
 - (A) Wherever any highway, constructed by the Illinois Department of Transportation, which is the maintenance responsibility of the Illinois Department of Transportation, traverses or adjoins the subdivision, the subdivider shall reserve a right-of-way having a width of not less than 60 feet from the center line of such highway.
 - (B) If any tract of land proposed to be subdivided (or any part thereof) lies adjacent to any highway over which the Illinois Department of Transportation has jurisdiction with respect to maintenance and upkeep, and an access is desired from such highway to any lot, street, roadway, alley or otherwise in such proposed subdivision, then the subdivider shall be required to obtain and submit to the Administrative Officer a written permit from the Illinois Department of Transportation granting him permission to construct such access way.

§ 34-5-6. County highways.

[Ord. No. 05-17, 11-7-2005]

- Wherever any highway, constructed by the County of Monroe, which is the maintenance responsibility of the County of Monroe, and traverses or adjoins the subdivision, the subdivider shall reserve a right-of-way having a width of not less than 50 feet from the center line of any County highway and 35 feet from the center line of any road district highway in Monroe County.

§ 34-5-7. Collector locations.

- In order to provide adequate traffic circulation and to insure adequate access to developed areas, collector streets shall be provided at approximately 1/2 mile intervals with the exact right-of-way location determined by the Planning Commission. Consideration shall be given by the Planning Commission to the topography, density of development, and established streets.

§ 34-5-8. Noise abatement.

- If the project or subdivision is to be developed within 1,000 feet of the center line of an existing or planned highway, with a fifteen-year projected Average Daily Volume in excess of 2,000 vehicles, consideration must be given to the relationship between highway traffic noise and the proposed development. In order to alleviate excessive highway noise impacts, the Planning Commission, in consultation with the Illinois Department of Transportation, may require the developer to conform with additional setback requirements or provide adequate buffering.

§ 34-5-9. Easements.

- Easements of not less than 10 feet in width shall be provided on each side of all rear lot lines, and alongside lot lines where necessary for storm and sanitary sewers, gas, water and other mains, and for electric and telephone lines or for other public utilities. Easements of greater width may be required along or across lots when necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement. A two-foot easement shall be required on one side of and adjacent to an alley to accommodate pole lines.
- Adequate easements for stormwater drainage shall be established along any natural drainage channel and in such other locations as may be necessary to provide satisfactory disposal of stormwater from streets, alleys and all other portions of the subdivision. The location and minimum widths of such easements shall be approved by the County Engineer.

§ 34-5-10. Blocks.

- No block shall be longer than 1,200 feet or less than 500 feet in length.
 - (A) All blocks, whenever it is deemed essential by the Planning Commission to provide access to schools, playgrounds, shopping centers and other community facilities, shall have a crosswalk with a right-of-way of at least 10 feet in width near the center of the block.

- (B) The length, width and shapes of blocks shall be determined with due regard to building sites, land use, zoning requirements, access, safety and convenience.
- (C) Where a subdivision adjoins an area service higher type roadway, the greater dimension of the block shall generally front or back upon such highway to avoid unnecessary multiplicity of points of ingress or egress.

§ 34-5-11. (Reserved)

§ 34-5-12. Lots.

- Lot area and dimensions shall conform to the requirements of the applicable district of the County Zoning Code. Also the following requirements shall be met:
 - (A) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.
 - (B) All side lines of lots shall be at right angles to straight street right-of-way lines and radial to curved street right-of-way lines, except where a variation of this rule will provide a better street and lot design.
 - (C) All remnants of lots below minimum lot area size left over after subdividing a larger tract shall be added to adjacent lots, rather than allowing to remain as unusable land.
 - (D) Lots which cannot be served by either a public or private sanitary sewer or a public water system, shall comply with the applicable provisions of the County Zoning Code.
 - (E) Lots with double frontage should be avoided, where possible. Corner lots and lots with double frontage shall have extra dimension sufficient to permit the establishment of front building or setback lines on the adjoining streets.
 - (F) Lots shall be graded by the developer so as to provide each lot with satisfactory access to a public street.
 - (G) The subdividing of the land shall be such as to provide drainage away from building locations.
 - (H) In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, wetlands, steep slopes, watercourses, historic spots, or similar conditions, and plans adjusted to preserve those which will add attractiveness, safety and stability to the proposed development; and
 - (I) One new lot resulting from the division of a tract of land containing 20 acres or more may have access to a public street by an easement of not less than 25 feet nor more than 30 feet in width, provided that such lot contains one permanent dwelling which existed at such location on the effective date of the code and provided that no boundary of said new lot shall be nearer than 200 feet to the right-of-way line of any public street.

§ 34-5-13. Lot conveyance.

- The owner(s) may convey title to lots in the improved portions of the subdivision, provided that streets, storm and sanitary sewers, and sewage treatment plants be designed and built to serve the entire area or be initially developed in such a manner that they can easily be expanded or extended, as the case may be to serve the entire development.

§ 34-5-14. Public reservations.

- When a school board, park board or governing body of a County or municipality goes on record as desiring to purchase ground in the subdivision for a school, park or other public purpose, such area shall be reserved for acquisition within a twelve-month period. If within this twelve-month period, an acquisition price cannot be agreed upon or condemnation proceedings have not been instituted, the owner or subdivider may subdivide, sell, or dispose of the ground.

§ 34-5-15. Sewage disposal.

[Ord. No. 05-17, 11-7-2005]

- In areas where on-site sewage disposal systems will be installed, the size and relative location shall be governed by the Illinois Department of Public Health and Monroe County Health Code regulations in effect at the time. In addition, the following requirements shall also apply:
 - (A) On each lot, there shall be an area preserved for the construction of an additional drain field system should the original drain field fail. The area set aside for a second drain field shall be of a size and so located that a drain field can be constructed that will meet all standards on size and setbacks recommended by the Illinois Department of Public Health.
 - (B) Subdivisions with 10 or more lots with density of 2 1/2 acre lots or less are required to install a central sewage collection system with an approved form of secondary treatment and effluent discharge. A community shared maintenance program to insure the system and components are continuously maintained and functioning is required. Private sanitation systems such as septic tanks or aeration units may be allowed in subdivisions of more than 10 lots through variance procedures as per Article VII. The Developer shall demonstrate, by furnishing a soil survey, that such systems would function properly at the location proposed to be developed and meets with the approval of the Bi-County Health Department.

- (C) Subdivisions with 10 or more lots and having lot sizes greater than 2 1/2 acres have the option to provide private sewage treatment systems that have been approved by the Bi-County Health Department for use in those areas, provided that soil conditions, runoff factors and other site conditions are suitable for such systems.

§ 34-5-16. Individual sewage disposal systems.

- All individual sewage systems shall be designed and installed in accordance with the current regulations of the Illinois Department of Public Health and the Bi-County Health Department. Subdivider shall at time of submitting the preliminary plat make application to the Bi-County Health Department for approval of the method proposed for sewage disposal on each individual lot.
 - (A) For subsurface seepage systems the developer must demonstrate, by furnishing percolation tests and soil survey data that the proposed system would function properly at the locations proposed as per Monroe County Health Code.
 - (B) For surface discharge systems, the developer shall submit as part of the site drainage study report, a discharge location proposal for each lot. Copy of the drainage study report is to be submitted to the Bi-County Health Department at the time the application for approval of sewage disposal system(s) is made.
 - (C) Any subdivision allowing use of aerobic disposal systems, shall, as part of the protective covenants for the subdivision, require that a maintenance agreement contract on the system be mandatory. The maintenance agreement must comply with regulations set forth in the Illinois Department of Public Health Private Sewage Disposal Code and provide for a minimum of one documented inspection every 12 months by a qualified company.
 - (D) The preliminary plat shall not be approved by the Board of County Commissioners until the Health Department's written approval of the developers sewage disposal proposal is obtained from the Health Department Administrator.

§ 34-5-17. Streets.

- All streets proposed for either public or private maintenance shall be constructed to the minimum standards of this code and be subject to the improvement plan review procedures.

§ 34-5-18. Drainage.

- No plat shall be approved for any subdivision which is subject to flooding as defined in the County Zoning Code, unless the plat conforms to the applicable requirements of the code. An acceptable drainage plan which meets the criterion presented herein is required for plat approval:
 - (A) Minimization of increases in runoff volumes and rates. In the selection of a drainage plan for a new development the developer shall evaluate the implement site design features which minimize the increase of runoff volumes and rates from the site. The developers drainage plan submittal shall use site design features which are consistent with the following hierarchy:
 - (1) Preservation of regulatory floodplains, flood prone and wetland areas;
 - (2) Minimize impervious surfaces on the property, consistent with the needs of the project;
 - (3) Attenuate flows by use of open vegetated swales and natural depressions to preserve the existing natural stream channel;
 - (4) Infiltration of runoff on site;
 - (5) Provide stormwater retention structures;
 - (6) Provide wet or wetland detention structures;
 - (7) Provide dry detention structures; and
 - (8) Construct storm sewers.
 - (B) The drainage system should be designed to minimize adverse surface and groundwater quality impacts off site and on the property itself. Detention basins shall incorporate design features to capture stormwater runoff and sediment. In particular, designers shall give preference to wet bottom and wetland type designs and all flows from the development shall be routed through the basin (i.e., low flows shall not be bypassed). Detention of stormwater shall be promoted throughout the property's drainage system utilizing channels and impervious surface reduction to reduce the volume of stormwater runoff and erosion.

The drainage system should incorporate multiple uses where practicable. Uses considered compatible with stormwater management include open space, aesthetics, aquatic habitat, recreation (boating, fishing, trails, playing fields), wetlands and water quality mitigation.
 - (C) Drainage plan design criteria, standards, and methods are as follows:
 - (1) Release rates. The drainage system for new developments or redevelopments shall be designed to control the peak rate of discharge from the property for the critical storm event to levels which will not cause an increase in flooding or channel instability downstream when considered in aggregate with other developed properties and downstream drainage capacities. For new developments or redevelopments the Illinois Department of Transportation (IDOT) "Drainage Manual" will be used to calculate release rates.

- (2) Detention storage requirements. The design maximum storage to be provided in the detention basin shall be based on the runoff from the runoff difference before and after development from the critical storm event. All detention basin storage shall be computed using Hydrographic Methods utilizing reservoir routing (also called modified pools or level pool) or equivalent method.
- (3) Drainage system design and evaluation. The following criteria should be used in evaluating and designing the drainage system:
 - (a) The design will provide capacity to pass the critical storm event flow in the minor drainage system and an overload flow path for flows in excess of the design capacity.
 - (b) Whenever practicable, the stormwater systems shall not result in the interbasin transfer of drainage unless no other alternative exists.
 - (c) Design methodologies. Major and minor conveyance systems as well as detention basins shall be designed as specified in Section 34-5-18, Paragraph (C)(1).
 - (d) Positive drainage. Whenever practicable, all developments should be provided an overland flow path that will pass the critical storm event flow at a stage at least one-foot below the lowest foundation grade in the vicinity of the flow path. Overland flow paths designed to handle flows in excess of the minor drainage system capacity shall be provided drainage easements. Street ponding and flow depths shall not exceed curb heights.
- (4) Rainfall. Unless a continuous simulation approach to drainage system hydrology is used, all design rainfall events shall be based on the Illinois State Water Survey's Bulletin 70. The first quartile point rainfall distribution shall be used for the design and analysis of conveyance systems with critical durations less than or equal to 12 hours. The third quartile point rainfall distribution shall be used for the design and analysis of detention basins and conveyance system with critical durations greater than 12 hours and less than or equal to 24 hours. The fourth quartile distribution shall be used in the design and analysis of systems with durations greater than 24 hours. The first, third, and fourth quartile distributions described by Huff are presented in Table 37 of Bulletin 70. Refer to Table 13 of Bulletin 70 for rainfall depth, duration, and frequency.
- (5) Antecedent moisture. Computations of runoff hydrographs which do not rely on a continuous accounting of antecedent moisture conditions shall use wet antecedent moisture condition as a minimum.
- (6) Wet detention basin design. Wet detention basins shall be designed to remove stormwater sediment, to be safe, to be aesthetically pleasing, and as much as feasible to be available for recreational use. The following requirements should also be met:
 - (a) Wet basin depths. Wet basins shall be at least three feet deep, excluding nearshore banks and safety ledges. If fish habitat is to be provided they should be at least eight feet deep over 25% of the bottom area to prevent winterkill.
 - (b) Wet basin shoreline slopes. The side slopes of wet basins at the normal pool elevation shall not be steeper than 3:1 horizontal to vertical. It is recommended that aquatic vegetation be established around the perimeter to provide protection from shoreline erosion.
 - (c) Permanent pool volume. The permanent pool volume in a wet basin at normal depth shall be equal to the runoff volume from its watershed for the critical storm event as a minimum.
 - (d) Wet basin inlet and outlet orientation. The distance between detention inlets and outlets shall be maximized. Inlets and outlets should be at opposite ends of the basin providing that the orientation does not create undue hardship based on topography or other natural constraints. Designers are encouraged to use baffles or berms in the basin bottom to prevent short circuiting. There shall be no low flow bypass between the inlet and outlet. Paved low flow channels shall not be used. The minimum flow length shall be 10 feet with a recommended minimum ratio of 2:1 for width.
- (7) Dry detention basin design. In addition to the other requirements of this code, dry basins shall be designed to remove stormwater pollutants, to be safe, to be aesthetically pleasing and as much as feasible to be available for multiple uses. The following requirements should also be met:
 - (a) Dry basin drainage. Dry basins shall be designed so that 80% of their bottom area shall have standing water no longer than 72 hours for any runoff event less than the critical storm event. Grading plans shall clearly distinguish the wet portion of the basin bottom. Underdrains directed to the outlet may be used to accomplish this requirement.
 - (b) Velocity dissipation. Velocity dissipation measures shall be incorporated into dry basin designs to minimize erosion at inlets and outlets and to minimize resuspension of pollutants.
 - (c) Dry Basin Inlet and Outlet Orientation shall be the same as Paragraph (6)(d) of Section 34-5-18(C).

- (d) Temporary stilling/sedimentation basin. A stilling/sedimentation basin should be constructed at each major inlet to a dry basin during construction. The volume of the basin shall be a minimum of 500 cubic feet per acre of impervious surface in the drainage area. Side slopes shall be no steeper than three feet to one-foot and basin depths shall be a minimum of three feet to minimize resuspension.
- (8) Existing depressional areas. Existing depressional storage volume will be maintained and the volume of detention storage provided to meet the requirements of this code shall be in addition to existing storage.
- (9) Minimum detention outlet size. Where a single pipe outlet or orifice plate is to be used to control discharge, it shall have a minimum diameter of 12 inches. If this minimum orifice size permits release rates greater than those specified in this section, and regional detention is not a practical alternative, outlets, structures such as perforated risers, or flow control orifices shall be used.
- (10) Detention in floodplains. The developer shall be responsible for obtaining all required State and Federal permits. The placement of detention basins within the Special Flood Hazard Area is strongly discouraged because of questions about their reliable operation during flood events. However, the stormwater detention requirements of this code may be fulfilled by providing detention storage within flood fringe areas on the project site provided the following provisions are met:
 - (a) Detention in flood fringe areas. The placement of a detention basin in a flood fringe area shall require compensatory storage for 1 1/2 times the volume below the base flood elevation occupied by the detention basin including any berms. The release from the detention storage provided shall still be controlled consistent with the requirements of this section. The applicant shall demonstrate its operation for all streamflow and floodplain backwater conditions. Excavations for compensatory storage along watercourses shall be opposite or adjacent to the area occupied by detention. All floodplain storage lost below the existing ten-year flood elevation shall be replaced below the existing ten-year elevation. All floodplain storage lost above the existing ten-year flood elevation shall be replaced above the existing ten-year flood elevation. All compensatory storage excavations shall be constructed to drain freely and openly to the watercourse.
 - (b) On-stream detention. On-stream detention basins are discouraged but allowable if they provide regional public benefits and if they meet the other provisions of this code with respect to water quality and control of the two-year and one-hundred-year, twenty-four-hour events from the property. Further criteria are presented in Section 34-5-18, Paragraph (11)(d). If on-stream detention is used in watersheds larger than one square mile, the applicant will use hydrographic modeling to demonstrate that the design will not increase the water level for any properties upstream or downstream of the property. Also, impoundment of the stream as part of on-stream detention:
 - 1. Shall not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning;
 - 2. Shall not cause or contribute to the degradation of water quality or stream aquatic habitat;
 - 3. Shall include a design calling for gradual bank slopes, appropriate bank stabilization measures, and a presedimentation basin;
 - 4. Shall not involve any stream channelization or the filling of wetlands;
 - 5. Shall require the implementation of an effective non-point source management program throughout the upstream watershed which shall include as a minimum: runoff reduction "Best Management Practices" (BMP's) consistent with Section (A) and critical storm event detention/sedimentation basins for all developments;
 - 6. Shall not occur downstream of a wastewater discharge; and
 - 7. Shall not contribute to the duration of flood frequency of any adjacent land.
 - (c) Detention in floodways. Detention basins shall be placed in the floodway only in accordance with Section 34-5-18, Paragraph (10)(b) on-stream detention.
- (11) Drainage into wetlands, rivers, streams, lakes, ponds, and depressional storage areas. Wetlands, rivers, streams, lakes, ponds and depressional storage areas shall be protected from damaging modifications and adverse changes in runoff quality and quantity associated with land developments. In addition to the other requirements of this code, the following requirements shall be met for all developments whose drainage flows into wetlands, rivers, streams, lakes, ponds or depressional storage areas:
 - (a) Detention in wetlands, rivers, streams, lakes, ponds or depressional storage areas. Existing wetlands, rivers, streams, lakes, ponds or depressional storage areas shall not be modified for the purposes of stormwater detention unless it is demonstrated that the proposed modifications will maintain or improve its habitat and ability to perform

beneficial functions. Existing storage and release rate characteristics of wetlands, rivers, streams, lakes, ponds or depressional storage areas shall be maintained and the volume of detention storage provided to meet the requirements of this section shall be in addition to this existing storage.

- (b) Sediment control. The existing wetlands, rivers, streams, lakes, ponds, or depressional storage areas shall be protected during construction and shall not be filled.
- (c) Alteration of drainage patterns. Site drainage patterns shall not be altered to substantially decrease or increase the existing area tributary to the wetlands, rivers, streams, lakes, ponds or depressional storage areas.
- (d) Detention/sedimentation. If a detention/sedimentation basin is required, it shall be designed to capture the critical storm event and hold it for a minimum of 24 hours. This basin shall be maintained throughout the construction process.
- (e) Vegetated buffer strip. A buffer strip of at least 25 feet in width, preferably vegetated with native plant species, shall be maintained or restored around the periphery of a wetland, river, stream, lake, pond or depressional storage area.
- (f) Loessal soils. Care should be taken to avoid open flow discharges of stormwater over silt (loessal) soils due to high potential for erosion.
- (g) Sinkholes, karst areas. Shall be considered as receiving waterways and all pre-detention and erosion requirements shall apply. The filling, grading, and excavation of sinkholes is prohibited unless the plan for work is submitted by the owner or subdivider to the County Soil and Water Conservation District who will make recommendations to the County Engineer.

If, after the review of the stormwater drainage plan, the County Engineer determines that more detailed information is required, a sinkhole evaluation may be required. A sinkhole evaluation which addresses the geologic, engineering and environmental factors resulting from a new development or redevelopment is to be performed by a professional with expertise in karst topography, who shall certify the results of the evaluation. This evaluation shall be the responsibility of the applicant and performed at no cost to the County. After a review of this evaluation and with the consultation of the County Soil and Water Conservation District, the County Engineer may either approve or disapprove the drainage plan as submitted.

(12) Street detention, parking lot detention, and culvert drainage:

- (a) Street detention. If streets are to be used as part of the minor or major drainage system, ponding depths shall not exceed curb heights and shall not remain flooded for more than eight hours for any event less than or equal to the one-hundred-year, twenty-four-hour event.
- (b) Parking lot detention. The maximum stormwater ponding depth in any parking area shall not exceed six inches for more than four hours.
- (c) Culvert, road and driveway crossings. Sizing of culvert crossings shall consider entrance and exit losses as well as tailwater conditions on the culvert.

(13) Infiltration practices. To effectively reduce runoff volumes, infiltration practices including basins, trenches, and porous pavement should be located in hydrologic soil groups "A" and "B" as designated by the USDA Natural Resources Conservation Service. Infiltration basins and trenches designed to recharge groundwater shall not be located within 75 feet of a water supply well or building foundation. A sediment settling basin shall be provided to remove coarse sediment from stormwater flows before they reach infiltration basins or trenches. Stormwater shall not be allowed to stand more than 72 hours over 80% of the dry basin's bottom area for the maximum design event to be ex-filtrated. The bottom of infiltration basins or trenches shall be a minimum of four feet above the seasonally high groundwater and bedrock level. Engineering calculations demonstrating USDA, Natural Resources Conservation Service infiltration rates shall be included with the application.

Vegetated filter strips and swales. To effectively filter stormwater pollutants and promote infiltration of runoff, sites should be designed to maximize the use of vegetated filter strips and swales. Whenever practicable, runoff from impervious surfaces should be directed onto filter strips and swales comprised of native grasses and forbs before being routed to a storm sewer or detention basin.

(14) Safety considerations. The drainage system components, especially all detention basins, shall be designed to protect the safety of any children or adults coming in contact with the system during runoff events.

- (a) Side slopes. The side slopes of all detention basins at critical storm event capacity shall be as level as practicable to prevent accidental falls into the basin and for stability and ease of maintenance. Side slopes of detention basins and open channels shall not be steeper than 3:1 horizontal to vertical.
- (b) Safety ledge. All wet detention basins shall have a level safety ledge at least four feet in width and 2 1/2 to three feet below the normal water depth.
- (c) Velocity. Velocities throughout the surface drainage system shall be controlled to safe levels taking into consideration rates and depths of flow.

- (d) Overflow structures. All stormwater detention basins shall be provided with an overflow structure capable of safely passing excess flows at a stage at least one-foot below the lowest foundation grade in the vicinity of the detention basin. The design flow rate of the overflow structure shall be equivalent to the critical storm event flow rate.
- (15) Maintenance considerations. The stormwater drainage system shall be designed to minimize and facilitate maintenance. Turfed side slopes shall be designed to allow lawn mowing equipment to easily negotiate them. Wet basins should be provided with alternate outflows which can be used to completely drain the pool for sediment removal. Pumping may be considered if drainage by gravity is not feasible. Presedimentation basins shall be included, where feasible, for localizing sediment deposition and removal. Site access for heavy equipment shall be provided.
- (D) Accommodating flows from upstream tributary areas. Stormwater runoff from areas tributary to the property shall be considered in the design of the property's drainage system. Whenever practicable, flows from upstream areas that are not to be detained should be routed around the basin being provided for the site being developed. The following requirements should also be met:
- (1) Upstream areas not meeting code requirements. When there are areas not meeting the storage and release rates of this code, tributary to the applicant's property, regionalized detention on the applicant's property shall be explored by the applicant. The following steps shall be followed:
 - (a) The applicant shall compute the storage volume needed for his property using the release rates of Section 34-5-18 Paragraph (C)(1), the applicant's property area, and the procedures described previously.
 - (b) Areas tributary to the applicant's property, not meeting the storage and release rate requirements of this code, shall be identified.
 - (c) Using the areas determined previously plus the applicant's property area, total storage needed for the combined properties shall be computed.

Allowable release rates shall be computed using the combined property areas. Storage shall be computed as described in Section 34-5-18 Paragraph (C)(2). If tributary areas are not developed, a reasonable fully developed land cover, based on local zoning, shall be used for the purposes of computing storage.

Once the necessary combined storage is computed the County may choose to pay for oversizing the applicant's detention basin to accommodate the regional flows. The applicant's responsibility will be limited to the storage for his property as computed previously. If regional storage is selected by the County then the design produced in Section 34-5-18 Paragraph (C)(3), shall be implemented. If regional storage is rejected by the County the applicant shall bypass all tributary area flows around the applicant's basin whenever practicable. If the applicant should route upstream flows through his basin and the upstream areas exceed one square mile in size, the applicant should meet the provisions of Section 34-5-18, Paragraph (C)(10)(b) for on-stream detention.
 - (2) Upstream areas meeting code requirements. When there are areas which meet the storage and release rate requirements of this code, tributary to the applicant's property, the upstream flows shall be bypassed around the applicant's detention basin if this is the only practicable alternative. Storage needed for the applicant's property shall be computed as described in Section 34-5-18 Paragraph (D)(1)(a). However, if the County decides to route tributary area flows through an applicant's basin, the final design stormwater releases shall be based on the combined total of the applicant's property plus tributary areas. It should be shown that at no time will the runoff rate from the applicant's property exceed the allowable release rate for his/her property alone.
- (E) Early completion of detention facilities. Where detention, retention, or depressional storage areas are to be used as part of the drainage system for a property, they shall be constructed as the first element of the initial earthwork program. Any eroded sediment captured in these facilities shall be removed by the applicant on a regular basis and before project completion in order to maintain the design volume of the facilities.
- (F) Fee in lieu of detention. At the discretion of the County all new development or redevelopment may pay a fee of \$10,000 for each acre foot of detention which would be required under this code rather than installing detention facilities on the property, unless specifically directed to do otherwise by the appropriate local official. In instances where regional benefits and economies of scale can be achieved, it will be permissible for adjacent properties to utilize a common regional detention basin. Applicants shall have the option of paying a fee of \$10,000 for each acre foot of detention required so that the County can build regional facilities or they can jointly build the necessary facilities themselves.

§ 34-5-19. Erosion and sediment control.

- The preparation of soil erosion and sediment control plans shall follow the principles outlined in the "Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control", excepting Chapter Six published by the Urban Committee of the Association of Illinois Soil and Water Conservation Districts. The design criteria, standards, and methods shall be prepared in accordance with the requirements of this code and the standards and specifications contained in "Illinois Urban Manual" prepared for the Illinois Environmental Protection Agency by the USDA, Natural Resources Conservation Service, which standards and methods are hereby incorporated into this code by reference. In the event of conflict between the provisions of said manuals and of this code, this code shall govern. The following requirements should also be met:
 - (A) Erosion and sediment control design requirements. New developments or redevelopments shall comply with and meet the following:

- (1) Control measures shall be constructed to control runoff from the property to such an extent possible that sediment is retained on site.
- (2) Temporary on site control measures required shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on site.
- (3) Disturbed areas shall be stabilized with permanent measures within seven calendar days following the end of active disturbance, or redisturbance consistent with the following criteria:
 - (a) Appropriate permanent stabilization measures shall include seeding, mulching, or sodding, with nonvegetative measures as a last resort.
 - (b) Areas having slopes greater than 3:1 shall be stabilized with sod, mat, or blanket in combination with seeding or equivalent.
- (4) All temporary and permanent erosion and sediment control practices should be maintained and repaired as needed to assure effective performance of their intended function.
- (5) All temporary erosion and sediment control measures shall be disposed in a proper manner within 30 days after final site stabilization is achieved with permanent soil stabilization measures. Trapped sediment and other disturbed soils resulting from the disposition of temporary measures shall be permanently stabilized to prevent further erosion and sedimentation.
- (6) Site development requirements. On site sediment control measures, as specified by the following criteria, shall be constructed as specified in the referenced handbooks, and be functional prior to initiating clearing, grading, stripping, excavating or fill activities on site.
 - (a) For drainage areas less than one acre, filter barriers including filter fences, straw bales, or equivalent control measures shall be constructed to control all on-site runoff. Vegetated filter strips, with a minimum width of 25 feet, may be used as an alternative only where runoff in sheet flow is expected.
 - (b) For drainage areas more than one acre but less than five acres, a sediment trap or equivalent control measure shall be constructed at the downslope point of the disturbed area.
 - (c) For drainage areas greater than five acres, a sediment basin or equivalent control measure shall be constructed at the downslope point of the disturbed area.
 - (d) Sediment basin and sediment trap designs shall provide for both dry detention and wet detention sediment storage. The detention storage shall be composed of equal volumes of wet detention storage and dry detention storage and each shall be sized as specified in Section 34-5-18, Paragraph (C)(6) and (7). The release rate of the basin shall be that rate as specified in Section 34-5-19. The elevation of the outlet structure shall be placed such that it only drains the dry detention storage.
 - (e) The sediment storage shall be sized to store the estimated sediment load generated from the site over the duration of the construction period with a minimum storage equivalent to the volume or sediment generated in one year. For construction periods exceeding one year, the one-year sediment load and a sediment removal schedule may be substituted.
 - (f) For erosion and sediment control measures the alteration of sinkholes by filling, grading or excavation is prohibited.
 - (g) To the extent possible or as otherwise regulated in this code all desirable trees eight inches in diameter and larger shall be protected for their present and future value for erosion protection and other environmental benefits. Trees that have been selected for preservation shall be marked prior to the beginning of any clearing, grading, stripping, excavation, or filling of the site. A "no construction zone" shall be established and marked at the perimeter of the dripline of each tree which is to be preserved.
- (7) Stormwater conveyance channels, including ditches, swales, and diversions, and the outlets of all channels and pipes shall be designed and constructed as specified in Section 34-5-18. All constructed or modified channels shall be stabilized within 48 hours, consistent with the following standards and as required in the referenced handbooks.
 - (a) For grades of 4:1 to 8:1, an erosion blanket or equivalent control measure shall be applied in the channel.
 - (b) For grades greater than 8:1, rock, riprap, or an equivalent control measure shall be applied over filter fabric or other type of soil protection, or the grade shall be effectively reduced using drop structures.
- (8) Land disturbance activities in stream channels shall be avoided, where possible, or as specified in Section 34-5-18, Paragraph (C). If disturbance activities are unavoidable, the following requirements shall be met:
 - (a) Construction vehicles shall be kept out of the stream channel to the maximum extent practicable. Where construction crossings are necessary, temporary crossings shall be constructed of nonerosive material, such as riprap or gravel.

- (b) The time and area of disturbance of stream channels shall be kept to a minimum. The stream channel, including bed and banks, shall be stabilized within 48 hours after channel disturbance is completed, interrupted, or stopped.
- (c) Whenever channel relocation is necessary, the new channel shall be constructed under dry conditions and fully stabilized before flow is diverted, incorporating meanders, pool and riffle sequence, and riparian planting.
- (9) Storm sewer inlets and culverts shall be protected by sediment traps or filter barriers meeting accepted design standards and specifications.
- (10) Soil storage piles containing more than 10 cubic yards of material shall not be located with a downslope drainage length of less than 25 feet to a roadway, drainage channel, or sinkhole. Filter barriers, including straw bales, filter fence, or equivalent, shall be installed immediately on the downslope side of the piles.
- (11) If dewatering devices are used, discharge locations shall be protected from erosion. All pumped discharges shall be routed through appropriately designed sediment traps or basins, or equivalent, and shall not be deposited into a sinkhole.
- (12) Each site shall have graveled or equivalent entrance roads, access drives, and parking areas of sufficient length and width to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by shoveling or street cleaning, not flushing, before the end of each workday and transported to a control sediment disposal area.
- (B) Maintenance of control measures. All soil erosion and sediment control measures necessary to meet the requirements of this code shall be maintained periodically by the applicant or subsequent landowner during the period of land disturbance and development of the site in a satisfactory manner to ensure adequate performance.

§ 34-5-20. Tree removal; conservation of vegetation.

- All subdivisions shall be planned, designed, constructed and maintained so that:
 - (A) Existing healthy trees and native vegetation on the site are preserved to the maximum extent feasible and are protected by adequate means during construction;
 - (B) Existing native vegetation is not disturbed, injured or removed prior to site development, except to the extent necessary for the preparation of the site;
 - (C) Following construction, vegetation suitable to the site is planted. Trees with root structures that are less likely to interfere with utility lines, break up sidewalks and cause other nuisance damage are desirable. Trees should have a trunk diameter (measured 12 inches) above ground level, of not less than 1 3/4 inches and should be planted in not less than one cubic yard of good growing soil with a suitable amount of fertilizer. Multiple varieties should be used alternately. Trees should be planted at intervals of at least one every 60 feet and at a distance of at least six feet outside of the road right-of-way. No tree shall be planted within the road right-of-way.
 - (D) Existing trees are preserved within any right-of-way when such trees are suitably located, healthy, and when approved grading allows; and
 - (E) No slash, dead trees, or uprooted stumps remain after development.

Article VI. Minimum Standards of Improvement

§ 34-6-1. General statement.

- Utility and street improvements shall be provided by the subdivider in each new subdivision in accordance with the standards and requirements described in the following section. The requirements set forth below shall be considered as minimum requirements and nothing contained herein shall be construed to mean that the subdivider cannot construct or provide improvements of a higher type.
- No final plat shall be approved unless:
 - (A) The improvements required in this article have been completed and approved prior to such approval; or
 - (B) The subdivider shall file a performance guarantee or bond as provided in Section 34-6-19.

§ 34-6-2. Reference monuments.

- The surveyor must at the time of making the survey, set in such manner that they will not be moved by frost, good and sufficient monuments marking the external boundaries of the tract to be divided and must designate upon the plat the points where they may be found. These monuments must be placed at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line and at all angle points along a meander line, the points to be not less than 20 feet back from the normal water elevation of a lake or from the bank of a stream, except that when such corners or points fall within a street, or proposed future street, the monuments must be placed in the rights-of-way line of the street.

These monuments, two of which should be of reinforced concrete, shall be set at opposite extremities of the property platted. All lot corners shall be monumented in a like manner with iron pins or pipe.

- Concrete monuments shall be four inches by four inches by 30 inches with 1/2 inch by 30 inches iron pipe cast in center.
- Iron pins or pipes shall be 1/2 inch or larger in diameter, not less than 28 inches in length and driven into the ground not protruding above the surface more than 1/2 inch.
- Existing cornerstones will be accepted in lieu of concrete monuments provided locations are at opposite extremities of the platted parcel.
- The developer may delay installation of lot marker monuments until completion of improvements provided that cost of placing said monuments shall be included in the improvement plan cost estimate and be subject to bonding requirements. The land surveyor shall submit letter stating desire to place monuments after improvements are completed in contract form guaranteeing maximum cost for installation.

§ 34-6-3. Street improvements.

[Ord. No. 02-04, 3-4-2002]

- All streets shall be constructed as hereinafter provided:

- (A) All new streets which are created and dedicated for use within a subdivision shall be graded, drained and surfaced in accordance with the minimum requirements herein below set forth and in a manner which will provide complete and adequate drainage of all the streets, alleys and public grounds in the entire subdivision.

All existing roadways adjacent to the subdivision shall be widened and graded in accordance with the "Standard Widening and Grading Section" detailed in Figure No. 3 at the end of this code.^[1]

In general, all such streets within the subdivision and all work to be undertaken thereon shall be designed and constructed according to the Standard Specifications for Road and Bridge Construction adopted by the Department of Transportation of the State of Illinois, that is in effect at the time the preliminary plat and plans for such improvement work are submitted for approval, except as otherwise provided herein.

[Ord. No. 05-17; 11-7-2005]

[1] Editor's Note: Figure 3 is on file in the County offices.

- (B) Grading roadway and side slope. The roadway shall not be less than the dedicated street width provided in Section 34-5-4 and shall be constructed substantially in accordance with the typical cross section shown in Figures 1 and 2 at the end of this code.^[2] The following requirements should also be met:

- (1) Any roadway shall be seeded in accordance with standard specifications. The developer shall assume responsibility for maintaining the complete roadway, including the seeding, the removal of earth, crushed stone or other debris from the pavement, curb and gutter and other drainage facilities for a period of one year after acceptance by the Road District Highway Commissioner or by the County.
- (2) Alleys shall not be less than twenty-foot in width. Of this twenty-foot area, not less than 18 feet in width shall be paved in accordance with standards and specifications herein provided for local streets, except that such alleys shall not be required to have concrete curb and gutter.
- (3) Culs-de-sac shall provide a one-hundred-foot diameter turnaround or a turnaround acceptable to the County Engineer.

[2] Editor's Note: Figures 1 and 2 are on file in the County offices.

- (C) Grading, excavation and embankment. All excavation and construction embankments shall be in accordance with the specifications. The embankment or fills shall be placed in six inch layers and thoroughly compacted.
- (D) Combination concrete curb and gutter. Combination concrete curb and gutter complete with reinforcing rods shall be built in accordance with the detail shown in Figure 1 at the end of this code.^[3] The minimum distance from face to face of curbs shall not be less than the pavement width provided in Section 34-5-4.

[3] Editor's Note: Figure 1 is on file in the County offices.

- (E) Street construction standards. All streets within the jurisdictional authority of the County other than state highways shall be improved with pavements bounded by integral concrete curbs and gutters, in accordance with the following minimum criteria:

- (1) Area service highways and collectors shall be designed and constructed to conform to Illinois Department of Transportation Design and Construction Policies, Standards and Specifications. Area service highways and collectors shall be surfaced with bituminous concrete, concrete or Portland cement.
- (2) Land access street pavement surfacing shall consist of a six inch lime modified subgrade, a five inch Type B, CA4 gradation subbase, and five-inch Type B, CA6 gradation base course conforming to Illinois Department of Transportation Specifications. Surface shall be bituminous concrete, concrete or Portland cement built in accordance with Figures 1 and 2 at end of this code.^[4]

[4] Editor's Note: Figures 1 and 2 are on file in the County offices.

- (3) Land access streets for large lot subdivisions can be constructed, if approved by the Planning Commission, in accordance with the roadway cross section shown by Figure 2 at the end of this code.^[5] A large lot subdivision shall be defined as having a minimum lot density of one lot per acre based on the total subdivided area with no lot less than 3/4 acre in size. Surfacing for streets in

residential subdivisions will all lots 2 1/2 acre or larger may have bituminous surface treatment, conforming to Illinois Department of Transportation Specifications for Class A, Subclass A-3.

[5] Editor's Note: Figure 2 is on file in the County offices.

- (F) Utility lines. Underground utility lines in utility easements or rights-of-way shall be installed prior to the construction of such streets and alleys.

§ 34-6-4. Storm sewers and other drainage appurtenances.

- In addition to the installation of curbs or gutters along the streets as required by Section 34-6-3(D) of this article, storm sewers shall be required to provide adequate drainage along any street and such storm sewers, manholes, catch basins, inlets and outlets shall be constructed in accordance with the applicable provisions in the specifications. Catch basins are to be constructed in accordance with the Standard Specifications for Road and Bridge Construction, prepared by the Illinois Department of Transportation, as amended. The stormwater drainage system shall be separate and independent of the sanitary sewer system and shall be in accordance with the drainage laws of the State of Illinois. The plans and specifications for the disposing of stormwater shall be approved by the County Engineer.

§ 34-6-5. Flow lines.

- The flow line of any combination curb and gutter section, as well as the flow line of any storm sewer, shall have a fall of at least 1/2 of a foot per 100 lineal feet, except where vertical curves in the grade line of the street make this provision inapplicable with respect to the curb and gutter.

§ 34-6-6. Pipe culverts.

- All across-road culverts and entrance culverts shall comply with the specifications. No such pipe culverts, however, shall be less than 15 inches in diameter unless written approval is given by the County Engineer for a reduced size, with a minimum of 12 inches in diameter. The design, installation and construction of all drainage structures shall be in accordance with the policies and procedures contained in the Illinois Department of Transportation, Drainage Manual.

§ 34-6-7. Trash collection.

[Added 10-2-2006 by Ord. No. 06-08]

- There shall be provided a minimum of one trash collection per week for all properties within the subdivision. Provisions for trash collection shall be made a part of the subdivision declaration of covenants. The homeowner association shall contract with a single contractor for the services, with cost covered by payments to the association by individual lot owners.

§ 34-6-8. Electrical power, telephone and cable antenna television (CATV).

- Electrical, telephone, and CATV service lines shall be placed underground throughout the subdivision. The conduit or cables shall be located within easements or public rights-of-way in a manner which will not conflict with other underground services. All transformers and terminal boxes shall be located so as not to be unsightly or hazardous to the public. The location of such services within any public right-of-way shall be approved by the County Engineer.

§ 34-6-9. Public utility engineering requirements.

- All proposed water and sanitary sewer facilities shall comply with the minimum requirements and recommendations of the Environmental Protection Agency of the State of Illinois. When a proposed subdivision is reasonably accessible to a public sewer system and/or water distribution system, the subdivider shall provide the subdivision with a complete sanitary sewer system and/or water distribution system to be connected to the proper public system(s), when a permit can be secured from the public agency. Utilities, when possible, shall be placed in the back lot easements.
- Whenever the subdivider provides a private system of sanitary sewers and a treatment plant, such system and plant shall conform to all standards, specifications and requirements of the Illinois Environmental Protection Agency and shall be approved by the agency and the County Engineer.
- Whenever septic tanks are utilized, the system shall comply with applicable County regulations or recommendations of the Illinois Department of Public Health, whichever is greater. Any such septic tank need not be constructed until the principal building or residence is erected on the lot.

§ 34-6-10. Sanitary sewers.

- When provided, each lot in the subdivision shall be provided at the property line with a connection to the private or public sanitary sewer system. The construction of the sewer system shall conform to the approved plans and specifications and all work should be properly inspected and approved by the County Engineer. Sewage collection lines shall not be smaller than eight inches in diameter.

§ 34-6-11. Water.

- When provided, each lot in the subdivision shall be provided at the property line with a connection to the private or public water system. The construction of the water system shall conform to the approved plans and specifications and all work shall be properly inspected and approved by the County Engineer. Water distribution lines shall not be smaller than six inches in diameter.

§ 34-6-12. Fire hydrants.

[Ord. No. 05-17, 11-7-2005]

- When a public or private water distribution system is provided, fire hydrants shall be installed by the subdivider as part of the water distribution system. Installation of hydrants shall be accomplished in such manner that each lot is within 400 feet of the fire hydrant when measured along the center line of the right-of-way. No fire hydrant shall be placed on a main smaller than six inches in diameter. Fire hydrants should be located no further than 20 feet from the curb. Hydrants installed shall be of the type approved by the Fire Chief of the district having jurisdiction.
- When there are lakes within the boundaries of a subdivision a dry hydrant shall be installed in each lake. Access to hydrants shall be provided by a twenty-foot wide unobstructable easement to the nearest public roadway or streets. Hydrant type, design and installation shall meet the requirements of the jurisdictional fire protection district.

§ 34-6-13. Sidewalks.

- Sidewalks shall be of Portland cement concrete, with a minimum thickness of four inches and a minimum width of four feet. The following requirements should also be met:
 - (A) Sidewalks shall be required:
 - (1) On at least one side of the street when dwelling unit/net density is from two to four dwelling units per acre;
 - (2) On both sides of a street when dwelling unit density is 4.1 or more dwelling units per net acre;
 - (3) On collector streets, near schools, shopping and similar areas.
 - (B) All walks shall be constructed at a grade no steeper than 10%, unless steps of adequate design with handrails are provided and approved by the County Engineer.
 - (C) Nonresidential sidewalks within the nonresidential site shall be concrete, four inches thick and six feet in width, except at driveways where thickness shall be approved by the County Engineer and shall be adequate for the intended use.
 - (D) Sidewalks shall be provided with number six reinforcing mesh across the entire width and breadth of driveway aprons or the concrete shall be at least six inches in thickness.
 - (E) All sidewalks and curbs shall meet the Americans With Disabilities Act (ADA) of 1990 standards, as amended.

§ 34-6-14. Sidewalk variance.

- A variance may be granted, in the provision of sidewalks, if one or more of the following conditions are met:
 - (A) Where sidewalks are not deemed necessary for public safety or where topographical or other conditions make their installation and use impractical; and/or
 - (B) Where the subdivision designer has submitted for review a proposed pedestrian movement plan that provides for more direct and safer movement of pedestrian traffic.

§ 34-6-15. Bike paths and trails.

- In addition to the sidewalk requirements, developers are encouraged to include other methods of pedestrian movement such as bike paths and nature trails in conjunction with or partially in substitution for sidewalks.

§ 34-6-16. Streetlighting improvements.

- Streetlighting improvements shall be installed to serve all properties within the subdivision. The following requirements must also be met:
 - (A) Location. There shall be at least one light at each intersection and interior of each cul-de-sac, and spacing of standards shall not exceed 300 feet with consideration for minor space adjustments allowing standards to be placed at lot lines.
 - (B) Specifications.
 - (1) Lighting standards shall be of conventional fiberglass, wood, or steel construction with a minimum of 14 feet mounting height.
 - (2) Residential luminaries shall be a minimum of 150 watt sodium lights.
 - (3) Commercial and industrial luminaries shall be a minimum of 250 watt sodium lights.

§ 34-6-16.1. Lighting district.

- The developer shall provide for the formation of a lighting district to cover all costs associated with the operation of the streetlighting within the subdivision covenants and restrictions.

§ 34-6-17. Street markers and traffic signs.

- A street marker shall be placed at each intersection designating the names of the streets entering the intersection. The marker shall be of an approved material sufficient in size to accommodate four inch lettering; they shall be mounted on four-inch by four-inch creosoted wood posts, two inch galvanized pipe posts or standard "U" channel painted or galvanized sign posts (minimum weight two and 2.6 pounds per foot) with at least three feet in the ground and a minimum of seven feet above the ground. All signs shall be reflectorized.
- The developer shall place all traffic control devices required by the latest edition of the State of Illinois Manual of Uniform Traffic Control Devices. The County Engineer will provide written requirements at time of the improvement plan review.

§ 34-6-18. Provisions for maintenance and operation.

- When a subdivision contains sewers, sewage treatment plants, water supply system, park area, or other physical facilities that have not been dedicated to and accepted by an existing public agency, adequate provision shall be made for the continuous maintenance, supervision, operation, and reconstruction of such facilities by the lot owners in the subdivision, subject to the regulations of the Department of Public Health and Commerce Commission of the State of Illinois and the Illinois Environmental Protection Agency, where applicable.

§ 34-6-19. Performance guarantee, bond or escrow agreement.

[Ord. No. 00-19, 8-7-2000]

- Final plat shall be neither approved by the County Board of Commissioners nor recorded by the County Clerk unless the applicable following conditions are met:
 - (A) Prior installation. The capital improvement or facilities intended to be dedicated to the County, Road District, other public body or acceptable private entity have been completed, inspected, and accepted prior to such approval; or
 - (B) Surety bond. A surety bond by an insurance company authorized to do business in the State of Illinois or irrevocable letter of credit shall be posted by the applicant with the County Clerk as approved by the Board of County Commissioners before construction of the improvements or facilities is started. Such surety bond shall be 1 1/2 times the amount determined by the County Engineer as equal to the estimated construction cost of all improvements intended to be dedicated to the County Road District, other public body, or approved private legal entity. Performance of work necessary to complete construction and installation of the required improvements to be dedicated to the County Road District, other public body, or approved private legal entity shall be completed within two years of the date of approval of the final plat, unless such time is extended by written agreement between the applicant and the Board of County Commissioners. If such improvements are not satisfactorily installed within the time period specified or required, then such surety bond or proportion thereof shall be forfeited by the applicant, and the proceeds of the surety bond shall be used to pay for the completion of installing such improvements in accordance with the requirements specified herein or the amount of the bond heretofore released, whichever is less; or
 - (1) Order the County Treasurer to retain all escrowed funds needed to complete all the required improvements, and to return the balance if any of such funds to the developer; or
 - (2) Require the developer to submit a new performance bond/escrow deposit in an amount sufficient to cover any increase in the cost of constructing the required improvements.
If the surety fails to perform on the bond or the escrow agent fails to remit within 30 days after written request, the State's Attorney shall take immediate action to require performance.
 - (C) The Subdivider shall post a surety bond or Irrevocable Letter of Credit equal to 15% of the total value of subdivision public use improvements guaranteeing repairs for 12 months after the capital improvement or facilities intended to be dedicated to the County, Road District, other public body or acceptable private entity have been completed, inspected and accepted.

§ 34-6-20. Surety release.

[Ord. No. 00-19, 8-7-2000]

- The bond or an Irrevocable Letter of Credit shall remain in effect until such time as the County Clerk shall, by written authorization to the County Treasurer, release the surety from the obligation of the bond, which release may be partial and may occur from time to time, as improvements are completed and approved; provided, however:
 - (A) Authorization to release up to 90% of the bond amount or the Irrevocable Letter of Credit may be authorized by the County Clerk upon written notification from the County Engineer. Such authorization by the County Engineer shall only be given as improvements are installed equal in value to funds released.
 - (B) The remaining 10% may only be released when the following conditions have been met:
 - (1) The subdivider has been responsible for repairs of failures to improvements for a period of 12 months after written acceptance by local agency.

- (2) The County Engineer notifies the Administrative Officer, in writing that all improvements have been completed in a satisfactory manner.
 - (3) The Administrative Officer shall then notify the County Clerk that authorization may be given to release all funds.
 - (4) Whenever improvements are to be dedicated to another authority, School District, Road District, park or other government, such improvements shall be accepted or approved before the release of all funds.
- (C) A surety obtained per Section 34-6-19(A) shall expire one year after written acceptance of the improvements by the County, Road District or other authorized public body.

Article VII. Variances

§ 34-7-1. Variations.

- The Planning Commission may grant a variance or special exception from all provisions of Article **V** and Article **VI** of this code, except Section 34-5-12 of Article **V**, provided, in each case, that three of the following provisions, including (A) and (B) are met:
 - (A) The subdivider shall apply in writing for such a variance or exception upon filing of the preliminary plat with the Administrative Officer; and
 - (B) Any variance or exception granted shall comply with the Intent and Purpose declared in Section 34-1-4 of Article **I**; and
 - (C) The subdivider shows that because of topographical or other physical conditions peculiar to the site the provisions of this code would cause an unnecessary hardship if strictly adhered to; or
 - (D) In the opinion of the Planning Commission, the variation or exception will afford better site design and land utilization.

§ 34-7-1.1. Requirements.

- Any variation proposed or contained within a planned unit development shall be governed by the applicable requirements in Article **VII** of the Monroe County Zoning Code, rather than this article. (See Chapter **40**)

§ 34-7-1.2. Terms of variance.

- Any variation granted shall be in writing and clearly state all conditions requiring the variance or special exception and shall set forth the exact terms of the variance; a copy of which shall be attached to the preliminary plats or final plats as the case may be.

§ 34-7-1.3. Filing.

- A copy of any variation shall be part of the public record and shall be filed in the office of the Administrative Officer.

Article VIII. Miscellaneous

§ 34-8-1. Amendments.

- This code may be amended, supplemented or repealed by a majority vote of the County Board of Commissioners.

§ 34-8-2. Validity.

- If any section, subsection, clause, or phase of this code is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of this code.

§ 34-8-3. Repeal of conflicting regulations.

- All regulations in conflict with this code are hereby repealed; the terms and conditions under which preliminary plats were approved prior to the adoption of this code shall be binding and in effect except that the rights and privileges conferred upon the subdivider in Section 34-3-8 herein shall be applicable.

§ 34-8-4. Stop-work order; revocation of permit.

- In the event any person holding a development permit pursuant to this code violates the terms of the permit, or carries on site development in such a manner as to materially adversely affect the health, welfare, environment, or safety of persons residing or working in the neighborhood of the development site or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Administrative Officer may suspend or recommend that the County Board consider revoking the development permit.

§ 34-8-5. Suspension of permit.

- Suspension of a permit shall be by a written stop-work order issued by the Administrative Officer and delivered to the permittee or his agent or the person performing the work. The stop-work order shall be effective immediately, shall state the specific violations cited, and shall state the conditions under which work may be resumed. A stop-work order shall remain in effect until the next regularly scheduled meeting of the County Board of Commissioners or the conditions of resuming work are met.

§ 34-8-6. Hearing before revocation of permit.

- No development permit shall be revoked until a hearing is held by the Planning Commission. Written notice of such hearing shall be served on the permittee, either personally or by registered mail, and shall state:
 - (1) The grounds for complaint or reasons for suspension or revocation, in clear and concise language; and
 - (2) The time when and place where such hearing will be held.

Such notice shall be served on the permittee at least five days prior to the date set for the hearing. At such hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence on his behalf. At the conclusion of the hearing the Planning Commission shall determine whether the permit shall be recommended to the County Board of Commissioners for revocation or that work can proceed.

§ 34-8-7. Penalties.

- Any person, partnership or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this code is committed, continued, or permitted shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than \$500 for each offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this code shall be required to restore the site to the condition existing prior to commission of the violation, or to bear the expense of such restoration. Failure on the part of the subdivider to comply forthwith with any order made under the provisions of this code will result in injunctive action, notwithstanding the penalty provisions of this section.

§ 34-8-8. Penalty for prior sale.

- Any person who shall sell or offer for sale, lease or offer for lease, while this code is in effect, any lot or lots or block or blocks, within the area of jurisdiction of the County or any resubdivision of any block or lot therein, before all of the requirements of this code have been complied with, shall be deemed in violation and be subject to fines specified in Section 34-8-7.