

CHAPTER 34

SUBDIVISION CODE

ARTICLE I - GENERAL PROVISIONS

34-1-1 **TITLE CITATION.** This Chapter may be cited as "The Subdivision Code of the Village of New Berlin, Illinois".

34-1-2 **JURISDICTION.**

(A) The subdivision jurisdiction of the Village shall include all land within the corporate limits of the Village. Should the Village adopt a Comprehensive Plan, the jurisdiction shall extend to all unincorporated land within **one and one-half (1 ½) miles** of the corporate limits of the Village.

(B) When the **one and one-half (1 ½) miles** subdivision jurisdiction of the Village and that of another municipality overlap, a contractual agreement between the village and the other municipality may be established which designates subdivision jurisdiction boundaries in the overlap area. In the absence of such an agreement, the jurisdiction shall extend to a median line equidistant from the Village's boundary and the boundary of the other municipality nearest to the boundary of the Village at any given point on the line.

34-1-3 **PURPOSE.** It is the purpose of this Chapter to promote growth and development and to regulate and control the division of land within the subdivision approval jurisdiction of the Village in order (1) to provide for the legal and orderly division of land by requiring proper description, monumentation and recording of subdivided land and (2) to promote growth of the community which protects the public health and safety and provides essential public services to existing and future residents. The goals of this Chapter shall be to promote:

(A) Conformance with the New Berlin Comprehensive Plan, if such a Plan is adopted.

(B) Provision of adequate public services including public water and sewer, electricity, and police and fire protection to land to be developed.

(C) Prevention of leap frog and scattered development.

(D) Prevention of development on unsuitable land.

(E) Provision of safe and efficient street network.

(F) Prevention of agricultural/residential conflicts.

(G) Conservation and protection of natural resources.

(H) Prevention of inappropriate development in or filling of the 100 year floodplain.

(I) Establishment of lots that are of a practical size and shape.

(J) Enhancement and preservation of aesthetic qualities.

34-1-4 SEVERABILITY. If any section, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Chapter shall not be affected by that decision.

34-1-5 PLAT; WHEN REQUIRED. It shall be unlawful for a subdivider of land within the subdivision jurisdiction of the Village to subdivide land into lots, blocks, streets, alleys, or public open space unless by plat in accordance with the laws of the State of Illinois and the provisions of this Chapter. It shall be unlawful to divide land without obtaining tract survey approval, when required.

(A) The provisions of this Chapter shall not apply, except as noted with respect to tract surveys, and no plat is required in any of the following instances (Plats Act, **765 ILCS 205/0.01 et seq.**):

- (1) The division or subdivision of land into parcels or tracts of **five (5) acres** or more in size which does not involve any new streets or easements of access;
- (2) The division of lots or blocks of less than **one (1) acre** in any recorded subdivision which does not involve any new streets or easements of access;
- (3) The sale or exchange of parcels of land between owners of adjoining and contiguous land except where the transfer results in the creation of another buildable lot;
- (4) The conveyance of parcels of land or interests therein for the use as a right-of-way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
- (5) The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
- (6) The conveyance of land owned for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
- (7) Conveyances made to correct descriptions in prior conveyances;
- (8) The sale or exchange of parcels or tracts of land following the division into no more than **two (2)** parts of a particular parcel or tract of land existing on **July 17, 1959** and not involving any new streets or easements of access. If a division is made prior to **October 1, 1973** for which an exemption is claimed pursuant to this paragraph, and the division results in one part being greater than **five (5) acres** and the other part being less than **five (5) acres**, then the subsequent division of the part greater than **five (5) acres** shall qualify for the

exemption set forth in paragraph (9) of this Section. If a division is made on or after **October 1, 1973** for which an exemption is claimed pursuant to this paragraph, and the division results in one part being greater than **five (5) acres** and the other part being less than **five (5) acres** then the subsequent division of the part greater than **five (5) acres** shall not qualify for the exemption set forth in paragraph (9).

(9) The sale of a single lot less than **five (5) acres** from a tract of **five (5) acres** or larger 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 on **October 1, 1973**, and provided that this exemption does not invalidate any other local requirements applicable to the subdivision of the land.

(10) The division of a lot of record as of the date of this Chapter, if the new lots created by such division, together with any structures existing as of the date of the division, meet all requirements of the Zoning Code for the Village with respect to the Zoning District in which such new lots are located, and not involving any new streets or easements of access. Provided, however, that this exemption shall not apply to the further division of any lots created thereby.

(B) A tract survey shall be required for a division or subdivision of land for which no plat is required under subsection (A) of this Section. All tract surveys shall be approved and recorded in accordance with **Sections 34-10-1 through 34-11-1** of this Chapter.

34-1-6 **DEFINITIONS.** For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Alley: A public way used primarily as a service access to the rear or side of a property which abuts on a street.

Arterial Roadway Network Plan: The portion of the Official Village Plan providing and planning for the present and future system of streets for the Village.

As Built Plans: Final plans showing any changes from the construction plans, indicating in detail how the project was constructed. Such plans show all public facilities as built on the surface and underground, both on public property and on easements and also indicate all private utility locations that are known. Details shown include: sanitary and storm sewers, manholes, invert grades, bench marks, location of sanitary sewer laterals,

street inlets, hydrants, general flow of surface water, and grades for drainage swales on the lot. The "as built plans" carry the seal of a registered professional engineer certifying that construction was completed in conformance with the plans and specifications.

Block: A tract of land bounded by streets, or by a combination of streets, parks, railroad rights-of-way or bodies of water.

Collector Street: Streets penetrating neighborhoods collecting traffic from local streets and channeling it into the arterial street system. A minor amount of through traffic may be expected, but collector streets primarily provide land access service and carry local traffic movements within residential neighborhoods and commercial and industrial areas.

Construction Plans: The drawings prepared in the manner and containing the data, documents and information required by **Article IV - Construction Plans**.

Covenants: A private agreement written into the deed in which property owners of the development promise to do or refrain from doing certain acts.

Cul-de-Sac: A permanent street with a single access point that ends in a turnaround and cannot be further extended without taking property not dedicated as a street. A cul-de-sac begins at its point of intersection with a street with multiple access.

Dedicate: To transfer ownership of land, either fee simple or a partial interest, for a public use, and for a public body to accept it for that public use.

Drainage Course: A natural watercourse, swale, depression or ditch for the drainage of surface waters and storm waters.

Easement: A liberty, privilege or advantage which a party or the general public may have regarding the land of another. The remainder of the rights in the land remain in the hands of the owner who retains the legal title.

Existing Township Highway: Any public road in the township which is owned and maintained by the township.

Final Plat: The drawing of a subdivision prepared in the manner and containing the data, documents and information required by this Chapter showing lots of record and which is to be recorded.

Flag Lot: A lot located behind another lot or parcel with access to a public street only by a narrow strip of land extending from the buildable area of the lot to the street.

Large Scale Development: A form of land subdivision which involves the construction of a multi-family or commercial building on a lot or parcel of land **one (1) acre** or more

in size or **two (2)** or more principal multi-family or commercial buildings on a lot or parcel of land of any size served by an internal street and utility distribution.

Local Streets: Streets not classified in a higher system which primarily provide direct access to abutting land and access to higher types of roadways. They offer the lowest level of mobility being the narrowest and shortest streets in the street system. Service to through traffic is deliberately discouraged.

Location Map: A preliminary drawing or map of a proposed subdivision containing the data and information as required by this Chapter.

Lot: The tract within a subdivision marked by the subdivider as a numbered tract to be offered as a unit of land for sale or transfer of ownership.

Major Arterial Streets and Roadways: The highest traffic volume corridors serving major activity centers and the longest trip desires. Service to abutting land is subordinate to the provision of travel service to major traffic movements. They are normally spaced on a **one (1) mile** grid pattern and may include expressways.

Minor Arterial Streets and Highways: Streets and roadways which interconnect with and augment the major arterial street system and provide service trips of moderate length at a somewhat lower level of travel mobility than major arterials. Minor arterials place more emphasis on land access and distribute travel to geographic areas smaller than those identified with major arterials.

Minor Subdivision: The creation of a total of up to **four (4) lots** (counting the original tract from which the lots are created) which front along a public road.

Official Plan or Comprehensive Plan: The New Berlin, Illinois, Comprehensive Plan, if such is adopted at a future date.

Owner: Any and all persons, entities, trusts, or corporation holding legal title to the land to be subdivided. If the owner is a trust, all beneficiaries shall be listed as owners. If the owner is a corporation, all principals and officers shall be listed as owners.

Pavement Width: The distance from the edge of the pavement to the edge of the pavement but not including curb and gutter.

Planned Unit Development: A form of land subdivision that allows the development of **ten (10)** or more acres of land with variations of some of the restrictions of standard zoning and subdivision regulations.

Plan Commission: The Village of New Berlin Plan Commission, as defined in **Chapter 4** of the Revised Code.

Plat: The action of officially subdividing land or the final plat which is approved by the Village and recorded.

Plats Officer: The Executive Director of the Springfield-Sangamon County Regional Plan Commission or duly authorized representative.

Preliminary Plan: A plan of proposed subdivision or greater area prepared in the manner and containing the data, documents and information required by this Chapter.

Principal Building: A building in which the principal use of the lot on which it is located is conducted.

Private Street: A purported street, way or strip of land reserved for the use of a limited number of persons or purposes and which is not a publicly dedicated street.

Public Crosswalk: A **ten (10) foot** right-of-way through the interior of a block in which a sidewalk meeting the construction standards of this Chapter is built.

Public Improvement: Any street, sanitary sewer, storm sewer, drainage way, water main, sidewalk, parkway or other facility for which the Village or other governmental unit owns, maintains or operates.

Public Street: A street owned and maintained by a governmental body.

Record: To file a final plat approved by the Village with the Sangamon County Recorder of Deeds.

Right-of-Way: A strip of land which has been dedicated in fee simple to a public body for streets, alleys and other public improvements as determined by the public body.

Sanitary Sewer: A constructed conduit connected with the sewer system that is designed to carry liquids and solids other than storm water to a sanitary sewer treatment plant.

Service Access Street: A street parallel to and adjacent to a major arterial which provides access from the arterial to abutting properties.

Setback: The minimum horizontal distance required between the building and the lot line adjoining the street right-of-way.

Shall: Means something is mandatory; **"may"** means something is discretionary.

Sketch Plan: A general layout of a proposed subdivision prepared in the manner and containing the information required by this Chapter.

Storm Sewer: A constructed conduit for carrying storm waters to a drainage course.

Storm Water: Water from roof downspouts, basement footing perimeter drains and yard drains as well as surface runoff.

Stub Street: A street which is intended to be extended but which temporarily ends.

Subdivider: Any or all owners, agents or persons controlling land who commence proceedings under this Chapter by submitting location and sketch maps to the Plan Commission office or by making land improvements in the form of buildings, drives, and utilities, but not necessarily involving the actual division of land.

Subdivision of Land: The (1) division of land into **two (2)** or more parts, any of which is less than **five (5) acres** in size (**See Section 31-1-5(A) for exemptions**), (2) dedication of streets or easements of access, or (3) creation of a Planned Unit Development. In the event a subdivision is a Planned Unit Development, the standards and regulations of this Chapter shall govern.

Superintendent of Highways: The Sangamon County Superintendent of Highways.

Surety: A bonding agency that is financially qualified to do business in the State of Illinois.

Through Lot: Any lot which is not a corner lot and which adjoins **two (2) streets** that are parallel or within **forty-five (45) degrees** of being parallel to each other.

Township Highway Commissioner: The Township Highway Commissioner for the township in which the subdivision is located.

Tract Survey: A land survey, made by an Illinois Professional Land Surveyor, complying with the requirements of Section 1 of "An Act to revise the law in relation to plats." (**765 ILCS 205/0.01**) as now or hereafter amended, and Section 35 of the "Revenue Act of 1939" (**35 ILCS 205/35**) as now or hereafter amended.

Traffic Control Device: Any sign, signal marking or device placed on or adjacent to a street or highway by authority of the Village of New Berlin, the State of Illinois Department of Transportation or the Sangamon County Superintendent of Highways.

Village: The Village of New Berlin, Illinois.

Village Clerk: The Village Clerk of the Village of New Berlin, Illinois.

Village Engineer: The professional engineer appointed or designated by the Village Board of Trustees.

Water Department: The Water Department of the Village of New Berlin.

Zoning Administrator: The Zoning Administrator of the Village of New Berlin.

34-1-7 DUTIES OF ZONING ADMINISTRATOR. The Zoning Administrator of the Village shall be the staff person primarily responsible for administering this Chapter. He or she may be a trustee designated by the Village Board to perform such functions, or may be an officer of the Village appointed by the Village President with the advice and consent of the Village Board. The Zoning Administrator shall:

- (A) accept all plats and other documents for filing with the Village;
- (B) insure that the proper number of plats and other documents as required by this Chapter are filed by the subdivider;
- (C) insure the timely and proper dissemination of all plats and other documents to interested parties;
- (D) perform whatever staff work is required by the Plan Commission;
- (E) assure collection of all fees required by this Chapter;
- (F) pay all such fees over to the General Fund of the Village; and
- (G) insure, prior to the approval and signing of any final plat, that all necessary fees have been paid by the subdivider.

In addition to these general duties, the Zoning Administrator shall have all other duties required by this Chapter.

ARTICLE II - LOCATION AND SKETCH MAPS

34-2-1 PURPOSE. The purpose of the location and sketch maps is to determine the suitability of the site for subdividing and subsequent development. Suitability shall be measured by the conformance with the comprehensive plan, effect on natural resources and natural systems, ability to provide adequate essential services to the site and conformance with the goals of this Chapter set forth in **Section 34-1-3**.

34-2-2 SUBMISSION REQUIREMENTS. Information filed with the Plan Commission shall be of sufficient detail so that the Committee can determine whether and how essential services will be provided and if the site is suitable.

(A) **Location Map.** The location map shall consist of data added to an existing base map of a suitable scale, covering an area of at least **one (1) mile** radius from the tract proposed for development. The location map shall show the following information:

- (1) North point, scale and date.
- (2) Outline of the entire area owned or controlled by the subdivider with approximate boundary dimensions and total acreage.
- (3) Existing streets and roads expected to serve the area to be subdivided.
- (4) Existing utility lines expected to serve the area to be subdivided.

(B) **Sketch Map.** The sketch map shall show the general layout and character of the proposed development. The scale shall be no more than **one hundred (100) feet** to the inch. Exact dimensions or engineering plans are not required. The sketch map shall show the following information:

- (1) North point, scale and date.
- (2) Area to be subdivided with general dimensions.
- (3) Proposed street network and alignments with existing streets.
- (4) General lot layout.
- (5) Potential open space - public parks, existing waterways, drainage or retention areas, etc.
- (6) Outstanding or unusual natural features and vegetation.

(C) **Additional Information.** In addition to the information required below, any other information necessary for the Plan Commission to determine site suitability or adequacy of mitigating factors as outlined in **Section 34-2-3** shall be submitted:

- (1) Title of the proposed subdivision.
- (2) Names, addresses and phone numbers of the owner, subdivider, engineer and land surveyor. A contact person should be designated.

- (3) Proposed use and approximate number of housing units.
- (4) Existing and proposed zoning.
- (5) Method of sewage disposal.
- (6) Method of water supply.
- (7) Electric service provider.
- (8) Fire protection district.
- (9) School district.

34-2-3 SUBDIVISION SITE SUITABILITY.

(A) **Essential Utilities and Public Services.** Land proposed to be subdivided shall have essential utilities and public services available within a reasonable distance and time period. Land to which these essential utilities and services will not be so provided shall be deemed unsuitable for subdividing. Essential utilities and services and criteria for determining if they can adequately be provided shall include the following:

- (1) **Sewage Disposal.** Land shall be considered unsuitable for subdividing unless it can be shown that adequate private sewage systems can be provided, which will comply with the technical requirements in **Section 34-7-10.**
- (2) **Water Supply.**
 - (a) An Illinois Environmental Protection Agency approved public water supply shall be the preferred method of water supply.
 - (b) Private wells may be permitted for developments outside the Village if the developer can demonstrate that it is not feasible to extend water mains to the land proposed to be subdivided. As a minimum guideline, the extension of **one hundred twenty (120) feet** ± of water main per lot of the preliminary plan shall be deemed feasible. This distance shall be measured between the nearest suitable public water main and the proposed development. Mains within the development shall not count toward this extension footage.
- (3) **Fire Protection.** Land proposed to be subdivided shall meet the following conditions in order to be deemed suitable for subdividing:
 - (a) Land shall be within a fire protection district, if possible, or the subdivider shall make arrangements to have the land served by a fire protection district under contract, if it is not within a fire protection district.
 - (b) There shall be a public road providing adequate access for emergency vehicles to the site. Roadways shall have an all weather driving surface (minimum oil and chip) with **twenty (20) feet** of unobstructed width.

Where a bridge is required to be used as a part of the most direct fire truck access route, it shall have a minimum vertical clearance of **thirteen (13) feet six (6) inches** and be constructed and maintained to carry the live loads imposed by fire trucks; and

- (c) There shall be a system of water mains or other source of water adequate for fire fighting purposes. Specific fire flows shall be determined by the New Berlin/Island Grove Fire Protection District using a standard published by the Insurance Service Office entitled "Guide for Determination of Required Fire Flow".
A full sprinkler system installed with adequate water available as determined by the National Fire Protection Association Standards 13 or 13D depending on the occupancy of the building shall also satisfy this requirement.

- (4) **Streets.** The suitability of existing streets for access to the proposed subdivision and/or for incorporation into the proposed subdivision's street system shall also be considered. A street shall be considered suitable if:

- (a) The street is constructed of all weather material (concrete, asphalt, oil mat);
- (b) The paved area is at least **twenty (20) feet** wide with a road bed **twenty-four (24) feet** wide; and
- (c) The street has good drainage.

If only a portion of the criteria set forth in paragraph (A)(4) is met, the Village Engineer, a representative of the New Berlin/Island Grove Fire Protection District, and a representative of the Plan Commission shall make the recommendations as to whether the street is suitable for the proposed development or what improvements must be undertaken to make it suitable.

- (5) **Police Protection.** In determining the suitability of land for subdivision purposes, the distance that police would have to travel to respond to a call for service shall be considered.

(B) **Other Requirements.** Land proposed to be subdivided shall meet the following requirements:

- (1) Site must be in conformance with the New Berlin Comprehensive Plan, if one is adopted;
- (2) Development must not be located in a one hundred year floodplain or flood prone area.
- (3) Development must not be located in any environmentally sensitive area including sites adjacent to Lake Springfield and

- its tributaries unless the subdivider can show that environmental concerns can be mitigated.
- (4) Site must be of a shape, size and terrain so that usable lots and streets in conformance with this Chapter can and will be created.
 - (5) Development must not have a major conflict with existing use of adjacent property (waste water treatment plans, power plans, major industrial plants, landfills, certain agricultural uses, etc.) unless it is shown that factors which cause the conflict can and will be mitigated.
 - (6) Development must not cause major off-site impacts and problems relating to, but not limited to, streets, drainage water systems, parks. If it is determined by the Plan Commission that major off-site impacts will result, the subdivider must agree to mitigate the portion of the impact caused by the subdivision.
 - (7) When soils in the area to be developed have severe limitations for building site development or sanitary facilities as determined by the USDA Soil Conservation Service, the subdivider shall submit information indicating how these limitations will be addressed.

34-2-4 LOCATION AND SKETCH MAPS REVIEW PROCESS.

(A) The subdivider shall submit **thirteen (13) prints** of the location and sketch maps and support data to the Zoning Administrator. The subdivision will be reviewed according to the filing deadline and review schedule established by the Plan Commission.

(B) The Zoning Administrator shall retain **one (1) print** on file and distribute the location map and sketch maps and support data as follows:

- Two (2) prints** to the Plan Commission;
- Two (2) prints** to the Water Department;
- One (1) print** to the Village Engineer;
- One (1) print** to the Village Clerk;
- One (1) print** to the New Berlin/Island Grove Fire Protection District;
- One (1) print** to the Sangamon County Superintendent of Highways, if applicable;
- One (1) print** to the Sangamon County Soil and Water Conservation District, if applicable;
- One (1) print** to the appropriate Township Highway Commissioner, if applicable;
- One (1) print** to the appropriate school district;
- One (1) print** to the electric utility serving the area to be subdivided; and
- One (1) print** to the gas company serving the area to be subdivided.

(C) The entities listed in (B) above shall transmit any comments on suitability of the site in writing to the Plan Commission within **seven (7) calendar days** of receipt.

(D) The Plan Commission shall make a recommendation to the Village Board with respect to the suitability of the site and the proposed layout no later than **thirty (30) days** after the plan was filed with the Zoning Administrator. Lack of action within the allotted time period shall constitute a negative recommendation to the Village Board.

(E) After receiving the Plan Commission's recommendation, the Village Board shall, at its next regularly scheduled board meeting, approve or disapprove the location and sketch maps based on the suitability criteria outlined in **Section 34-2-3**.

34-2-5 VALIDITY OF LOCATION AND SKETCH MAPS APPROVAL.

The location and sketch maps shall be valid for a period of **one (1) year** after Village Board approval. If a preliminary plan has not been submitted within the **one (1) year** period, approval of the location and sketch maps shall expire. If interest is renewed in subdividing the site at a later time, the entire location and sketch maps review process and submission requirements shall be repeated.

ARTICLE III - PRELIMINARY PLAN

34-3-1 **PURPOSE.** The preliminary plan is intended to provide a detailed layout of the proposed subdivision showing the location of public improvements, lots, drainage and open space areas.

34-3-2 **SUBMISSION REQUIREMENTS.**

(A) The preliminary plan shall show the information required by paragraph (B) on plan sheets no larger than **twenty-four (24) inches by thirty-six (36) inches** with matching lines if **two (2)** or more sheets are necessary. The scale shall be no more than **one hundred (100) feet** to the inch. All dimensions shall be to the nearest foot.

The preliminary plan shall be consistent with the current zoning district classification of the property.

(B) Information to be shown on the plan sheets shall include:

- (1) The title under which the proposed subdivision is to be recorded; the names and addresses of the engineer, registered land surveyor, subdivider and owner of the tract with the name and address of the contact person with whom any notice is to be sent.
- (2) North point, scale and date of preparation and any revisions.
- (3) A notation stating "Preliminary Plan - Not to be recorded by Recorder of Deeds".
- (4) Total acreage.
- (5) Location of all present property lines and section lines.
- (6) The location of all streets, watercourses, and other existing features within the area to be subdivided and within **two hundred (200) feet** of the site.
- (7) Location and dimensions of existing buildings and their proposed disposition.
- (8) The existing utilities, drainage courses and culverts including the location and size of water mains and sewer outlets within the area to be subdivided and on the adjacent land.
- (9) Contours referring to the United States Geological Survey datum with intervals of **two (2) feet** or less unless a greater interval is required because of terrain.
- (10) The elevation of the 100 year floodplain if any portion of the land to be subdivided would be submerged by the flood. Adequate buildable area must be provided above the elevation of the 100 year floodplain.
- (11) Lot numbers.

- (12) Proposed location of sewer mains (may be shown on a supplemental sheet).
- (13) The proposed storm drainage system including preliminary drainage computations when detention or retention is likely to be needed (may be shown on a supplemental sheet). An assessment of long term erosion, sedimentation and runoff changes caused by the subdivision should be included.
- (14) Proposed location of water mains and fire hydrants.
- (15) Location and width to the nearest foot of all proposed streets, alleys and their associated rights-of-way.
- (16) Location and width to the nearest foot of lots.
- (17) Location and width to the nearest foot of all utility easements. The subdivider shall determine the correct location of all easements to be shown on the preliminary plan from the utility companies.
- (18) The location of areas to be reserved for public use.
- (19) The minimum setback requirements for the appropriate zoning district.
- (20) Proposed staging of final plats if more than one final plat will be submitted based on traffic, utilities and other factors which would determine the sequence of development with the least impact on existing residents of the Village.
- (21) Draft of subdivision covenants relating to the requirements of this Chapter.
- (22) If subdivision road access is to a state, county, or township road, written approval of the access by the Illinois Department of Transportation, County Highway Department or Township Road Commissioner.

(C) The subdivider shall submit the results of percolation tests for planned septic systems for each and every lot shown on the preliminary plan. No preliminary plan shall be approved unless the feasibility of septic systems for each lot is demonstrated to the satisfaction of the Village Engineer.

34-3-3 PRELIMINARY PLAN REVIEW PROCESS.

(A) The subdivider shall file **eleven (11) prints** of the preliminary plan of the proposed subdivision in the office of the Zoning Administrator with a filing fee of **One Hundred Dollars (\$100.00)** to be deposited in the Village General Fund. The subdivision will be reviewed according to the filing deadline and review schedule established by the Plan Commission, and then by the Village Board.

(B) The Zoning Administrator shall retain **one (1) print** on file and distribute the prints as follows:

Two (2) prints to the Water Department;

One (1) print to the Village Engineer;

- One (1) print** to the Sangamon County Superintendent of Highways, if applicable;
- One (1) print** to the appropriate Township Highway Commissioner, if applicable;
- One (1) print** to the Village Clerk;
- One (1) print** to the New Berlin/Island Grove Fire Protection District;
- One (1) print** to the electric utility serving the area; and
- One (1) print** to the gas company serving the area.

The reviewing entities shall transmit any comments or requirements in writing to the Plan Commission within **one (1) week** of receipt.

(C) The Plan Commission shall recommend to the Village Board that it approve or disapprove the preliminary plan no later than **thirty (30) days** after the plan was filed with the Zoning Administrator. However, no review will take place and no recommendation will be made by the Plan Commission until the Village Board has approved the location and sketch maps. Failure by the Plan Commission to act by the end of said second regularly scheduled meeting shall constitute a recommendation of disapproval of the plan.

34-3-4 COMMITTEE ACTION.

(A) **Recommendation of Approval.** If the Plan Commission finds that the preliminary plan meets the requirements of this Chapter, the Plan Commission shall forward two prints of the preliminary plan to the Village Board, together with minutes of all meetings at which the preliminary plan was considered. The Chairman shall indicate its recommendation of approval on the plan in substantially the following language:

“The Plan Commission of the Village of New Berlin recommends that this preliminary plan of subdivision be approved. This is not an approval of the final plat and is not to be recorded.”

By: _____

Date: _____

(B) **Recommendation of Disapproval.** If the Plan Commission finds that the preliminary plan does not comply with the requirements of this Chapter, it shall inform the subdivider of its recommendation of disapproval at the meeting when a vote is taken, followed within **seven (7) calendar days** by a written recommendation of disapproval stating the noncompliance found. Unless the subdivider indicates its desire to amend the preliminary plan in accordance with subsection (C), either verbally at the Plan Committee meeting (which shall be reflected in the minutes) or in writing within **seven (7) calendar days** of receipt of the written recommendation, then **three (3) prints** of the proposed preliminary plan with the written findings of the Plan Commission recommending disapproval shall be submitted to the Village Board, together with minutes

of all meetings at which the preliminary plan was considered. The Chairman shall indicate the Plan Commission's recommendation of disapproval on the plan in substantially the following language.

"The Plan Commission of the Village of New Berlin recommends that this preliminary plan of subdivision be disapproved.

By: _____

Date: _____

(C) If the subdivider desires to amend the preliminary plan prior to its being considered by the Village Board, the subdivider shall submit **eleven (11) prints** of the amended plan to the Zoning Administrator, which shall be reviewed according to the filing deadline and review schedule established by the Plan Commission. No filing fee shall be necessary if the amended preliminary plan is filed within **two (2) calendar months** of the date the Plan Commission recommends disapproval. The Village Clerk shall transmit copies of the amended plan as described in **Section 34-3-3**, and review or proceed as indicated in that Section.

34-3-5 VILLAGE BOARD ACTION. Not later than the second regularly scheduled meeting after its receipt of the prints of the preliminary plan recommending approval or disapproval by the Plan Commission and of the minutes of the Plan Commission meetings considering the preliminary plan, the Village Board shall consider approval or disapproval of the preliminary plan. At such meeting, the subdivider may appear and be heard by the Village Board if it so desires. The Village Board shall by resolution approve or disapprove the preliminary plat, and shall appropriately endorse the prints of the preliminary plan, and if the preliminary plan is approved, the original of the preliminary plan, as follows:

Approved by resolution of the President and Board of Trustees of the Village of New Berlin this _____ day of _____, 20__.

Village President

Attest:

Village Clerk

34-3-6 VALIDITY OF PRELIMINARY PLAN; REAFFIRMATION OF PRELIMINARY PLAN.

(A) The preliminary plan shall be valid for a period of **three (3) years** after Village Board approval. If the final plat has not been submitted to the Plan Commission within said **three (3) year** period, or if submitted, no final plat is approved, the preliminary plan shall expire.

(B) If the subdivider will not have submitted a final plat within **three (3) years** after preliminary plan approval, but wishes to avoid expiration of the plan, the subdivider shall seek reaffirmation of the plan by submitting **eleven (11) prints** to the Village Clerk for review according to the review schedule established by the Plan Commission in accordance with **Sections 34-3-3, 34-3-4, 34-3-5** no later than **thirty-five (35) months** after the initial Village Board approval. If the subdivider has submitted a final plat within said **three (3) year** period, but it is not approved during or after said **three (3) year** period, the subdivider may avoid expiration of the preliminary plan by making the same preliminary plan reaffirmation submission described above, provided that if the disapproval of the final plat occurs during or after the **thirty-fifth (35th) month**, the submission required shall be made within **one (1) month** of such disapproval. In such event, the review process in **Section 34-3-3, 34-3-4, and 34-3-5** shall be followed.

(C) Where reaffirmation of the preliminary plan is sought the Plan Commission shall recommend, and the Village Board shall require, any changes in the plan it deems necessary to meet the requirements of this Chapter. If the subdivider has not resubmitted the preliminary plan with the required changes to the Village Board within **thirty (30) days** after the Village Board meeting requiring changes, or if the resubmitted plan is disapproved, the plan shall expire at that time or at the end of any appeal process provided for in this Chapter, whichever is later.

(D) A preliminary plan may be reaffirmed **one (1) time**. If a final plat has not been submitted to the Plan Commission within **three (3) years** from the date of the reaffirmation, or if submitted, is not approved, the plan shall expire.

(E) Final plat approval shall extend the validity of the preliminary plan for **three (3) years** from the date of final plat approval, provided that the Plan Commission may require any changes necessary to meet the requirements of this Chapter, and in such an event, the provisions of paragraph (C) of this Section with respect to resubmission shall apply. The preliminary plan may be reaffirmed **one (1) time** after each final plat approval. If another final plat has not been resubmitted within **three (3) years** from the date of the reaffirmation, the preliminary plan shall expire. In the event a preliminary plan expires, a subdivider wishing to proceed with subdivision of the land involved must resubmit a location and sketch map for review and proceed as in the case of an original submittal.

ARTICLE IV - CONSTRUCTION PLANS

34-4-1 **PURPOSE.** Construction plans are intended to show the design of public improvements for the subdivision so that a determination can be made as to whether Village standards are met and whether the improvements are compatible with existing public improvements.

34-4-2 **SUBMISSION REQUIREMENTS.** Construction plans shall be submitted on sheets not larger than **twenty-four (24) by thirty-six (36) inches** and to a scale of not more than **one hundred (100) feet** to the inch. Construction plans shall include the following information:

(A) Cover sheet showing the location of the development; scales and symbols that are used; index to sheets; summary of quantities; appropriate place for approval of the Village Engineer; and the signature and seal of a registered professional engineer.

(B) North arrow and bench marks with their elevations noted. Bench marks shall be referenced to mean sea level datum as determined by the United States Geological Survey.

(C) Plan sheets showing the locations of all existing streets, right-of-way lines, sanitary sewers, storm sewers, sidewalks, drainage ditches, easements, rear lot drainage, direction of storm drainage flow, survey monuments, water mains, fire hydrants, and any other appurtenance or structure that might influence design considerations.

(D) Profile sheets indicating the existing ground line and proposed grades and elevations for all proposed streets, sanitary sewers, drainage structures, drainage ditches, and rear lot drainage. Elevations shall be referenced to the United States Geological Survey datum.

(E) Typical sections showing the right-of-way lines, proposed pavement widths, pavement thickness, base thickness, sub-base thickness, subgrade, crown, curbs and gutters, sidewalks and design data when required.

(F) Detail sheets showing the details of manholes, inlets, catch basins, curbs and gutters, drainage structures and any other structure or appurtenance to be constructed, or reference made to the Standard Specifications for Road and Bridge Construction in Illinois or Highway Standards published by the Illinois Department of Transportation.

(G) Design computations for storm sewer design, for special structures and pavement designs when required and for anticipated fire flow.

(H) Detailed description of erosion control measures to be taken during construction.

(I) Proof of application for an access permit from the County Highway Department when access to a county highway is involved.

- (J) Proof of application for a 404 permit if any dredging, riprapping, fill work or similar activities will be conducted in or around streams.
- (K) Other specific additional information may be requested by the Village Engineer.
- (L) Permits for sanitary sewer and water main construction, if required.

34-4-3 CONSTRUCTION PLAN REVIEW PROCESS.

(A) After receiving approval of the preliminary plan, the subdivider shall submit **three (3) sets** of construction plans to the Zoning Administrator who shall retain **one (1) set** on file and distribute the remaining as follows:

- (1) **One (1) set** to the Village Engineer;
- (2) **One (1) set** to the County Superintendent of Highways when the subdivision is located outside the corporate limits of New Berlin.

(B) Construction plans shall be submitted a minimum of **thirty (30) calendar days** before the final plat is to be submitted for review.

(C) The Village Engineer shall complete his review within **thirty (30) calendar days** after all items of information required by **Section 34-4-2** have been submitted in writing.

(D) Within **thirty (30) calendar days** after complete submission, the Village Engineer shall notify the subdivider's engineer of approval of the plans or of any required changes unless the review time is extended for no more than **fourteen (14) calendar days** by the Village Engineer in a letter to the subdivider's engineer listing reasons for the extension. If plans must be resubmitted, the Village Engineer shall also inform the engineer of the number of sets of plans to be submitted.

(E) When construction plans are resubmitted with the required changes, they shall be re-reviewed within **fourteen (14) calendar days** unless the review time is again extended by the Village Engineer in the manner set forth in paragraph (D) above.

(F) The Village Engineer shall notify the subdivider's engineer and the Plan Commission of the approval of the construction plans. Construction plans shall not be approved until proof of acquisition of a county access permit or 404 permit, if applicable, is submitted.

ARTICLE V - CONSTRUCTION AND BONDING OF PUBLIC IMPROVEMENTS

Approval of the construction plans shall give the subdivider the right to begin construction of the subdivision improvements. Construction must be started within **one (1) year** of approval of the construction plans. If construction is not started within the year, reapproval by the Village Engineer shall be required before construction is started.

34-5-1 NOTIFICATION OF CONSTRUCTION. The Village Engineer shall be notified at least **twenty-four (24) hours** before construction begins. Construction shall begin only after approval of construction plans and payment of the review and inspection fee as set forth in **Section 34-5-2** of this Chapter. Whenever construction stops for **twenty-four (24) hours** or longer, the Village Engineer shall be notified **twenty-four (24) hours** before construction begins again.

34-5-2 REVIEW AND INSPECTION FEES. Before starting construction of any public improvements, the subdivider shall be assessed and shall deposit with the Zoning Administrator for the Village an amount equal to **seven-tenths of one percent (0.7%)** of the estimated construction cost (including but not limited to grading, drainage, roadway, sidewalk, sewer, waterline and other improvements which are to be dedicated to public use or which benefit the subdivision generally) as approved by the Village Engineer. The Zoning Administrator shall cause such funds to be deposited in the General Fund of the Village.

The foregoing fee is intended to reimburse the Village for charges of the Village Engineer in connection with the review and inspection of the preliminary and final plats and the construction of the public improvements. In the event that the engineering expenses incurred by the Village are in excess of the amount initially paid by the subdivider, the Village shall bill the subdivider for the difference, and such amount shall be paid by the subdivider prior to acceptance by the Village of the final plat. However, the subdivider shall not be entitled to any refund in the event the fees actually charged to the Village by the Village Engineer is less than **0.7%** of the estimated construction costs.

34-5-3 INSPECTION OF CONSTRUCTION.
(A) **Presence of Subdivider's Observer.** The subdivider's engineer shall have a full-time, qualified resident observer present on the construction site for the following:

- (1) Approval of the subgrade prior to paving; and
- (2) Continuous observation of all phases of the paving operation, and construction of storm sewer and appurtenances and construction of water mains.

(B) **Presence of Subdivider's Contractor Superintendent.** The subdivider's contractor shall have a superintendent on the job site at all times while construction is in progress. The Superintendent shall be responsible for the entire construction procedure. In his absence, the Superintendent shall indicate to the subdivider's observer, the person temporarily responsible for the conduct of the work.

(C) **Inspection by Village Engineer.** All required improvements to be installed under the provisions of this Chapter shall be checked during the course of construction by the Village Engineer. The cost of any re-inspection of any required improvement found to be faulty or not in accordance with the approved plans and specification shall be paid by the subdivider to the Village. The testing of any concrete, asphalt, soil, other materials or workmanship shall be done at the direction of the Village and at the expense of the subdivider.

34-5-4 SECURITY FOR PUBLIC IMPROVEMENTS. If construction has not been completed and approved by the Village Engineer before the final plat is submitted to the Village Board, security in the amount equal to **one hundred twenty-five percent (125%)** of the estimated construction costs (including but not limited to grading, drainage, roadway, sidewalk, sewer, waterline or other improvements which are to be dedicated to public use or which benefit the subdivision generally) of the public improvements remaining to be constructed shall be filed with the Zoning Administrator in order to insure completion of the public improvements as required by this Chapter within a reasonable length of time without cost to the Village. The form and sufficiency of security shall be subject to the approval of the Village Attorney and the Village Engineer. Security may be in the form of a bond issued by a commercial surety licensed to do business in the State of Illinois, or it may be in the form of an irrevocable letter of credit issued by an Illinois or national bank of at least **one (1) year** in duration, which provides for automatic annual renewals thereof unless at least **sixty (60) days** prior to the expiration of its term or any renewal thereof, written notice of nonrenewal is sent by certified mail to the Village.

The bond or letter of credit shall by its terms secure payment not only the construction of the public improvements but also of any additional review and inspection fees charged by the Village Engineer and imposed by the Village pursuant to **Section 34-5-2** of this Chapter.

34-5-5 LENGTH SECURITY IN EFFECT; FORFEITURE. The security shall remain in effect until it is released by the Village Board upon acceptance of the public improvements. **(Section 34-6-7)** All public improvements must be completed within **two (2) years** from the date when the security was approved. If public improvements have not been completed within said **two (2) years**, the subdivider shall forfeit the security in the amount necessary for the Village to carry out the construction or repairs so that the public improvements meet the standards of this Chapter, plus administrative costs involved.

34-5-6 APPROVAL OF PUBLIC IMPROVEMENTS. After the Village Engineer informs the Village that the following conditions have been met, the public improvements shall be accepted by the Village:

(A) The Village Engineer has inspected the construction and all necessary repairs and corrections and certifies that the public improvements required by this Chapter have been constructed.

(B) "As Built Plans" have been prepared by the subdivider's engineer and delivered to the Village Engineer.

(C) The Village Engineer has received a signed statement of a registered professional engineer stating that the public improvements have been observed during construction and installed to the specifications shown on the construction plans.

(D) The improvements, such as drainage swales and the like, which are not to be dedicated to public use but which benefit the subdivision generally, have been built to specification shown in the construction plans.

ARTICLE VI - FINAL PLAT

34-6-1 PURPOSE. The final plat is intended to provide the accurate location of lots, monuments and property dedicated to public use.

34-6-2 SUBMISSION REQUIREMENTS. The final plat need not cover the entire preliminary plan area. It may cover only the portion which the subdivider presently wishes to record and develop in accordance with the staging approved with the preliminary plan. The final plat submission shall include the following information on the plat and accompanying documents:

(A) **Final Plat.** The final plat shall be drawn in black india ink on a reproducible material to a scale of not more than **one hundred (100) feet** to the inch. Maximum size of the plan sheets shall be **twenty-four (24) by thirty-six (36) inches**. If more than **two (2) sheets** are used, an index sheet with component areas on the remaining sheets shall be included. The final plat shall show:

- (1) The name of the owner and subdivider.
- (2) North point, scale and date of preparation and latest revisions.
- (3) Boundary lines with accurate distances and angles.
- (4) General land legal description of the plat with total acreage.
- (5) All lots designated by numbers and other grounds designated by names and numbers.
- (6) Location of all survey monuments and their descriptions.
- (7) The location of all easements provided for purpose use, services or utilities. Easements shall include anchor space for pole lines.
- (8) An accurate outline of any portions of the property intended to be dedicated for public use.
- (9) Lines of all proposed streets with their widths and names.
- (10) The line of departure of one street from another.
- (11) The names and widths of adjoining streets.
- (12) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, easements, and other areas for public or private use. Linear dimensions shall be given to the nearest 1/100 of a foot.
- (13) Radii, arcs, chords, points of tangency and central angles for all curvilinear streets and radii for rounded corners.
- (14) If applicable, a note on the final plat stating: "Approval of this final plat by the Village of New Berlin does not constitute a guarantee that well water is of adequate quantity or quality for residential needs or that a suitable sewage disposal system can be constructed on each lot." Any guarantees are the subdivider's responsibility.

- (15) A statement indicating whether or not any part of the plat is located in a special flood hazard area as identified by the Federal Emergency Management Agency.
- (16) A notation stating any setbacks required through covenants if the setbacks are different from those of the appropriate zoning district.

(B) **Accompanying Documents.** The following documents shall accompany the final plat:

- (1) Letter from the Village Engineer approving the construction plans.
- (2) Proof of acquisition of an access permit from either the State of Illinois or the County Highway Department, whichever applies.
- (3) The certificate of a registered Illinois land surveyor attesting to the accuracy of the survey and the location of all monuments shown. The certificate may be filed as a supplement to the final plat.
- (4) Notarized acknowledgement of the plat by the owner or a duly authorized attorney. This item may be a separate document or on the plat itself.
- (5) Certification of perpetual maintenance of drainage areas and common areas.
- (6) Exhibit showing the location of wells and seepage field areas (must be large enough to accommodate **two (2)** seepage fields) on each lot.
- (7) Any covenants or restrictions relating to the requirements of this Chapter.
- (8) A signed statement of a registered professional engineer and the owner of the land or his duly authorized attorney as required by the state statutes concerning drainage.

34-6-3 FINAL PLAT REVIEW PROCESS.

(A) The subdivider shall submit **eleven (11) prints** of the final plat of the proposed subdivision to the Village Clerk with a filing fee of **One Hundred Dollars (\$100.00)** plus, if it has not already been paid, the review and inspection fee established pursuant to **Section 34-5-2** of this Chapter. The subdivision will be reviewed according to the filing deadline and review schedule established by the Plan Commission. A final plat shall be reviewed only after approval of the preliminary plan by the Plan Commission and the Village Board and approval of the construction plans by the Village Engineer. Preliminary plans and final plats will not be reviewed at the same meeting. However, if the preliminary plan is being reaffirmed, the preliminary being reaffirmed and its final plat may be reviewed and approved at the same meeting if there are no major changes required to reaffirm the preliminary.

(B) The Zoning Administrator shall retain **one (1) print** and shall distribute the final plats as follows:

- Two (2) prints** to the Plan Commission;
- Two (2) prints** to the Water Department;
- One (1) print** to the Village Engineer;
- One (1) print** to the Village Clerk;
- One (1) print** to the Sangamon County Superintendent of Highways;
- One (1) print** to the New Berlin/Island Grove Fire Protection District;
- One (1) print** to the appropriate Township Highway Commissioner, if applicable;
- One (1) print** to the electric utility serving the area; and
- One (1) print** to the gas utility serving the area.

The reviewing entities shall transmit any comments or requirements in writing to the Plan Commission within **one (1) week** of receipt.

(C) The Plan Commission shall review the final plat to determine if it meets the requirements of this Chapter and conforms to the preliminary plan previously submitted.

The Plan Commission shall recommend approval or disapproval of the final plat no later than **thirty (30) days** after the plat was filed. Failure to act by the end of said second regularly scheduled meeting shall constitute a recommendation of disapproval.

(1) **Disapproval.** If the Plan Commission finds that the final plat does not meet the requirements of this Chapter, the subdivider shall be notified in writing of the Plan Commission’s disapproval and of the noncompliance found.

(2) **Approval.** If the Plan Commission finds that the final plat meets the requirements of this Chapter, the following shall be printed or stamped on the original plat and **two (2) prints** and signed by the Chairman of the Plan Commission.

“The Final Plat of this subdivision is recommended to the Village Board for approval by the New Berlin Plan Commission subject to the certifications set forth in **Section 34-6-4.**”

By: _____
Chairman

Dated: _____
New Berlin Plan Commission

(D) The Plan Commission shall transmit the endorsed original plat and **two (2) prints** to the Village Board.

34-6-4 SUBMISSION OF FINAL PLAT TO VILLAGE BOARD.

(A) Upon receipt of the endorsed original final plat and **two (2) prints**, the Zoning Administrator shall retain **one (1) print** on file and shall deliver **one (1) print** to the Village Engineer.

(B) The Zoning Administrator shall deliver the original final plat to the Village Board at its next regular session after receiving the documents from the Plan Commission, along with the applicable minutes of the Plan Commission and any reports or other written documents generated by the Plan Commission with respect to the final plat.

(C) The final plat shall remain pending on the agenda of the Village Board and shall not be approved by the Village Board until the following have been received:

- (1) Written certification from the Village Engineer that the public improvements required by this Chapter have been approved as described in **Section 34-5-6** or, in lieu of construction, a security has been provided as described in **Section 34-5-4**.
- (2) A certificate provided by the subdivider from the Sangamon County Clerk indicating that payment of taxes is not delinquent.

(D) If the requirements of this Section have not been met within **two (2) years** from the final plat approval by the Plan Commission, the existing final plat shall expire and must be resubmitted and reviewed as a new final plat.

34-6-5 **VILLAGE BOARD APPROVAL.** When the requirements of **Section 34-6-4** have been met, the Village Board may by resolution approve the final plat, accept the security, if any, and authorize the President to sign the plat for and in the name of the Village, with the Village Clerk attesting to it. The Village Clerk shall retain **one (1) print** on file.

34-6-6 **RECORDING THE FINAL PLAT.** When the final plat has been approved by the Village Board and signed by the President and the Village Clerk, the original tracing shall be recorded in the office of the Recorder of Deeds of Sangamon County, Illinois. If the final plat is not recorded within **six (6) months** after approval by the Village Board, the plat must be resubmitted to the Plan Commission to determine if any changes in the final plat are needed to meet the requirements of this Chapter. No title to any lots shall be conveyed until the original tracing is recorded.

34-6-7 **ACCEPTANCE OF PUBLIC IMPROVEMENTS.** After the Village Engineer has approved the public improvements as described in **Section 34-5-6** and has received a signed statement from the subdivider stating that all contractors and subcontractors have been paid and that there are no liens against the property, and further, has received **two (2) sets** of as-built plans for the public improvements, the Village Engineer shall provide **one (1) set** of as-built plans to the Village, and shall issue a letter to the subdivider and the Village Board stating that the public improvements meet

the Village's standards. Within **one (1) month** after receiving the Village Engineer's approval, the Village Board shall release the security, if any, and accept the public improvements.

In areas within the Village's subdivision but outside the Village's corporate limits, the Village Engineer and County Superintendent of Highways shall jointly determine whether the standards of this Chapter have been met. If met, the Village Engineer shall so indicate in a letter to the subdivider and the Village Board and the Village Board shall release the bond, if any. The County Superintendent of Highways, as a representative of the appropriate Township Highway Commissioner shall indicate in a letter to the Village Engineer approval of the streets to Sangamon County standards which shall constitute acceptance of the streets by the appropriate Township Highway Commissioner.

ARTICLE VII - DESIGN STANDARDS AND SPECIFICATIONS FOR REQUIRED PUBLIC IMPROVEMENTS

34-7-1 **STATE SPECIFICATIONS.** Unless stated otherwise in this Chapter, all construction of public improvements shall be performed in accordance with the latest revised edition of the State of Illinois Standard Specifications for Road and Bridge Construction adopted by the Illinois Department of Transportation and the Standards Specifications for Water and Sewer Main Construction in Illinois. If an engineering design or construction situation arises not covered by the above cited standard specifications or in the following sections, the decision of the Village Engineer shall be followed.

34-7-2 **RIGHT-OF-WAY OF STREETS.**

(A) The location and width of all streets shall conform to the Arterial Roadway Network Plan. The minimum width of a street right-of-way (R-O-W) shall be as shown on the Arterial Roadway Network Plan, or if not shown on the plan, shall not be less than the following:

- (1) Major Arterial - 110-210 feet R-O-W
- (2) Minor Arterial - 80-100 feet R-O-W
- (3) Collector Street - 60 feet R-O-W
- (4) Local Street - 60 feet R-O-W
- (5) Alley - 20 feet R-O-W
- (6) Existing Township Highway - 80 feet R-O-W

(B) Additional rights-of-way may be required for drainage, slope, maintenance or other reasons not directly related to street classification.

(C) For subdivisions that adjoin existing streets, additional rights-of-way shall be dedicated, as needed, to meet the above requirements. This shall be done as follows:

- (1) The entire additional right-of-way shall be provided when the subdivision is located on both sides of the existing street.
- (2) One-half of the required right-of-way shall be provided when the subdivision is located on only one side of the existing street. However, in no case shall the resulting right-of-way width be less than **fifty (50) feet**.

34-7-3 **STREET DESIGN.** The following requirements shall be incorporated into the design of all streets:

(A) **Vertical Alignment; Grades.** The maximum grade on a major or minor arterial shall be **five percent (5%)**. The maximum grade on all other streets shall be **eight percent (8%)**. The minimum grade on all streets shall be **0.40 percent**. All street grades shall be subject to the approval of the Village Engineer.

(B)

Horizontal Alignment.

- (1) **Horizontal Curves.** When a center line deflection angle is greater than **one (1) degree**, the following curves shall be required in the street: major and minor arterials and collector streets shall have a minimum center line radius of **three hundred (300) feet** and a minimum length of curve of **one hundred (100) feet**; arterials and collectors having a design speed and/or expected posted speed greater than **thirty (30) miles per hour** shall be consistent with the latest revision of the Horizontal Curvature requirements of AASHTO. A Policy on Geometric Design of Highways and Streets for the appropriate roadway classification; all other types of streets shall have a minimum center line radius of **one hundred (100) feet**. The pavement in all cases shall be wide enough to allow the movement of a WB-50 Design vehicle, as described in the State of Illinois, Department of Transportation Design Manual.
- (2) **Intersections.** Intersections of major and minor arterials and collectors with roadways of the same classes shall not be closer than **one-quarter (1/4)** of a mile from any other such functionally classed roadways' intersections. These intersections shall be located at the quarter mile grid points.
- (3) **Street Offsets.** Street centerline offsets shall not be less than **one hundred twenty-five (125) feet**, unless otherwise warranted to the satisfaction of the Village Engineer.
- (4) **Curb Corners.** All curb corners shall have a minimum radius of **twenty-five (25) feet**.

(C) All local and collector streets shall be installed in accordance with the following pavement standards:

Subgrade. At the option of the subdivider, **twelve (12) inches** lime stabilized soil per latest IDOT Standard shall be employed within the street area (omit curb).

Asphalt; Pavement Alternate.

(Alternate A). If the subgrade is treated as in above, the pavement design will consist of **eight (8) inch** of aggregate base course type A and an A-3 bituminous surface treatment.

(Alternate B). If the subgrade is not lime treated, the pavement shall consist of **twelve (12) inches** aggregate base course type A and an A-3 bituminous surface treatment.

All subgrades shall be inspected by the Village Engineer and if he deems necessary, proof rolled prior to paving.

If the street is a minor arterial, the above base course shall be increased by **two (2) inches** for the lime treated and **four (4) inches** respectively for the non-lime treated subgrades.

Concrete; Pavement Alternate. Regardless if the subgrade is treated, a minimum of **six (6) inches** unreinforced Portland Cement Concrete pavement according to Section 408 of IDOT specs shall be employed. All transverse contraction joints shall be **fifteen (15) feet** and sealed per ASTM D3405.

If the street is a minor arterial, the pavement shall be increased to **eight (8) inches**. All transverse contraction joints shall be **twenty (20) feet** and sealed per ASTM D3405.

The base course shall be **four (4) inch** aggregate, Type A.

Pavement Design.

1. All major arterial pavements shall be designed in accordance with the requirements contained in the latest, revised edition of the State of Illinois DOT Design Manual and shall be designed for a **twenty (20) year** period. The minimum requirements listed in the tables of the Design Manual shall govern at all times.

2. An Illinois Bearing Ratio of 3.0 (IBR = 3.0) shall be used in pavement design unless the subdivider’s engineer submits soil tests justifying a different IBR.

3. Vehicular traffic volumes and vehicle classification percentages used in the design shall be approved by the Village Engineer.

In all cases the minimum street will govern if the above major arterial design is less.

(D) **Pavement Width.** All streets shall be improved with pavements to an overall width in accordance with the following general guidelines, which are subject in every case to the discretion of the Village.

Type of Street

Pavement Width

(edge of pavement to edge of pavement)

Major Arterial	40 feet minimum and as required by IDOT
Minor Arterial	32 feet minimum
Collector Street	30 feet minimum
Local Street	30 feet minimum

The minimum pavement width shall be **thirty (30) feet** from the edge of pavement to edge of pavement, not including the curb and gutter. Different widths may be used depending on the anticipated traffic volumes and parking demand. These widths of pavement shall be determined by the Plan Commission and the Village Engineer in consultation with the engineer for the subdivider. If a pavement width narrower than the above stated minimum results from this consultation, the subdivider shall install No Parking signs at his expense.

(E) **Curb and Gutter.**

(1) The standard curb and gutter required adjacent to flexible pavement shall be a mountable type constructed of Portland cement concrete with the following dimensions: **twenty-four (24) inches** wide; **eight (8) inches** thick on the front face

(pavement side), **ten (10) inches** thick on the back face, **seven (7) inches** thick at center line (flow line), and a **ten (10) inch** radius in the flow line. The curb and gutter adjacent to concrete pavement, if poured monolithically, may be limited to the thickness of the pavement.

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

(F) **Pavement Crown.** The minimum crown used on all pavements shall be **one quarter (1/4) inch** per foot on concrete pavement, and **three-eighths (3/8) inch** per foot on bituminous pavements measured from the edge of the pavement to the centerline of the street.

(G) **Cul-de-Sac Streets.** Local streets that are also cul-de-sac streets shall be no more than **six hundred (600) feet** long unless necessitated by topography in which case they shall be no longer than **one thousand (1,000) feet** unless provision is made for an interim turnaround with a radius sufficient to accommodate emergency vehicles and/or a median entrance. A turnaround shall be provided at the closed end having an outside roadway diameter of at least **eighty-six (86) feet** edge to edge of pavement and a street right-of-way diameter of **one hundred ten (110) feet**. No obstructions shall be permitted in the cul-de-sac turnaround.

(H) **Stub Streets.** Access shall be provided to adjoining property not yet subdivided. Proposed streets shall be extended by dedication to the boundary of such unsubdivided property. At the end of all temporary stub streets, a barricade meeting the provisions of the Illinois Manual on Uniform Traffic Control Devices shall be installed by the subdivider. Stub streets in excess of **two hundred fifty (250) feet** shall be provided with a temporary cul-de-sac with an outside roadway diameter of at least **ninety (90) feet**. The type of construction shall be determined by the Village Engineer. The subdivider shall dedicate a temporary easement to the appropriate street authority in the amount needed in excess of the normally required right-of-way for the temporary turnaround. When the street is extended in the future, the extra turnaround pavement shall be removed and curb and gutters and sidewalks constructed by the subsequent developer.

(I) **Multiple Access.** Any area of development containing **seventy (70)** or more single family lots (or equivalent population) shall be served by **two (2)** functioning points of access. Where higher densities of development are proposed, a divided type entrance roadway may suffice with a median of adequate width to ensure continued emergency access lanes on one side. Depending on location and height of

nearby poles or trees, the required median width shall range between **twelve (12)** and **thirty (30) feet**. This type of roadway construction is intended to accommodate higher density developments and not to lengthen the overall length of a cul-de-sac.

(J) **Restriction of Access.** When a subdivision or a portion of its adjoins a major or minor arterial, no lot shall have direct access to the arterial. The lot shall have adequate depth for screen planting on the portion of the lot contiguous to the major or minor arterial.

(K) **Street Names and Street Signs.**

(1) A proposed street that is in alignment with and/or joins an existing named street shall bear the name of the existing street. In no case shall the proposed name of a street duplicate the name of an existing street within the plat jurisdiction of this Chapter. The use of the suffix "street", "avenue", "boulevard", "driveway", "place", "court" or similar description shall not be a distinction sufficient to constitute compliance with this requirement.

(2) Street names signs shall be erected at all intersections within the Village's jurisdiction at the expense of the subdivider and shall be subject to the specifications of the Illinois Manual on Uniform Traffic Control Devices.

(L) **Private Streets.** There shall be no private streets platted in any subdivision. Every subdivision lot shall be served from a publicly dedicated street.

(M) **Alleys.** Alleys are not recommended in residential subdivisions unless deemed necessary by the Plan Commission.

(N) **Ramps.** Where sidewalks cross a barrier type curb and gutter as described in paragraph (E) of this Section, ramps shall be constructed to accommodate the handicapped. These ramps shall be constructed to the lines and grades shown on the standard sidewalk ramp example. Inlets for storm drainage shall not be located so that a pedestrian way will be interrupted by the inlet grates. Other locations where these ramps are required shall be determined by the Village Engineer.

(O) **Typical Street Section.**

(P) **Medians and Islands.** Where medians or islands are proposed they shall be constructed with barrier curbing. All medians and islands shall be the responsibility of the subdivider and/or a subdivision association to maintain. No sign may be installed in the median which blocks the sight distance at the intersection. If such a sign is to be installed, detailed plans for the sign shall be submitted with the construction plans for approval. In no case shall an island or median contain any other sign or structure except as may be placed for traffic control under the direction of the Village Engineer.

The subdivider or subdivision association may landscape medians or islands. Ground cover may not exceed a maximum height of **twelve (12) inches**. Any additional living plant material must be maintained to allow visibility across, over or through medians and islands at a height of **three (3) to ten (10) feet** above the adjacent roadway pavements.

34-7-4 LOT AND BLOCK DESIGN.

(A) **Size of Lots.** Minimum lot sizes shall be the minimum for the applicable zoning district of New Berlin or Sangamon County, except when a private sewage disposal system is necessary. When a private sewage disposal system will be used for any length of time, lots shall be a minimum of **twenty thousand (20,000) square feet**.

(B) **Lot Arrangement.**

- (1) Side lot lines shall be at right angles to straight street lines or substantially radial to curved street lines. However, for purposes of solar orientation, side lot lines need not be at right angles to straight street lines or radial to curved street lines provided that side lot lines run within **twenty (20) degrees** east or west from due north to due south. If side lot lines are being varied for solar orientation, layout and building setbacks shall also be oriented with their long axis running from east to west, with a possible variation of **twenty (20) degrees** to the southwest or **twenty (20) degrees** to the southeast.
- (2) Each lot shall front upon a public street.
- (3) Flag lots shall be permitted only if the Plan Commission determines that no public health and safety problems or additional costs or difficulties providing municipal services will result.
- (4) Through lots shall be permitted only when access is prohibited to one street as described in **Section 34-7-3(J)**.
- (5) All lots must contain sufficient buildable area.

(C) **Sizes of Blocks.** Blocks shall not be less than **four hundred (400) feet**, nor more than **one thousand two hundred (1,200) feet**, in length measured along the greatest dimension of the enclosed block area. In blocks over **eight**

hundred (800) feet in length, the Plan Commission may require one or more public crosswalks with a right-of-way of not less than **ten (10) feet** in width to extend entirely across the block at locations deemed necessary at intervals not closer than **four hundred (400) feet**.

(D) **Survey Monuments.** All survey monuments shall be located and be made of the appropriate material as required by State law.

(E) **Lot Grading.**

- (1) Trees that cannot be saved, stumps, boulders, and similar items shall be removed.
- (2) All grading in the subdivision shall be related to the topography of the surrounding area. All street embankments shall be raised at least **one and one-half (1 1/2) feet** above the high water elevation.
- (3) All building lots shall be graded or have natural slopes that will properly allow surface drainage to flow away from the principal structures to be located on the lot.
- (4) Grading in the subdivision shall provide alternate drainage ways for the purpose of carrying water away from homes and preventing damage during periods of heavy rainfall.

34-7-5 EROSION AND SEDIMENT CONTROL.

(A) During construction of public improvements, measures shall be taken to control erosion and sedimentation to insure that sediment will not be transported from the site by a storm event of **two (2) year** frequency or less. The erosion and sediment control plan shall include measures to stabilize and protect disturbed areas, keep runoff velocities low, retain sediment on site and protect disturbed areas from runoff. The location, type and configuration of controls such as swales, berms, dams, sediment basins and release mechanisms shall be included with the construction plans.

(B) Temporary or permanent soil stabilization measures, whichever is applicable, shall be applied within **fifteen (15) days** after final grading to all areas where the soil has been disturbed or the vegetative cover removed. Seeding mixtures and rates, types of sod, method of seed bed preparation, expected seeding dates, type and rate of lime and fertilizer application and kind and quantity of mulch for temporary or permanent vegetative control measures shall be included with the construction plans.

34-7-6 UTILITY EASEMENTS; LOCATION OF UTILITIES.

(A) **Utility Easements.**

- (1) Utility easements shall be provided along front, rear or side lot lines for the purpose of erecting and maintaining one or more of the following facilities: storm sewers, sanitary sewers, surface drainage, gas mains, underground electric lines,

telephone lines, cable TV and such other utilities reasonably required for an urban structure.

- (2) Easements shall be a minimum of **ten (10) feet** in width. A utility may be located in the street right-of-way if the respective company so desires and appropriate permits have been obtained.
- (3) Alternate locations for various utilities shall be decided upon by the appropriate utility companies, subject to the approval of the Village Engineer. In no case shall streets, permanent buildings, or other man-made improvements that obstruct surface drainage be placed on rear or side lot easements.
- (4) It is the responsibility of the subdivider to notify all utility companies in writing when the land to be developed has been graded in accordance with the construction plans and is ready for installation of a given utility.

(B)

Location of Utilities.

- (1) Utilities (sewers, electric, water and gas), whenever possible, shall be located in the public right-of-way or front lot easement in the following manner: water and electric lines shall be located on the south and east sides; sanitary sewer and gas lines shall be located on the north and west sides. In some cases, however, electric lines may also be located on the north and west sides. Storm sewers shall be located under the pavement near, but not in, the center.

- (2) The placement of storm sewers or electric lines in the rear of a lot is not acceptable unless circumstances determined by the Village Engineer require their placement in the rear, in which case the following easement diagrams indicate placement:
- (a) **Ten (10) Foot Easements.** When an easement will not include sanitary sewer or surface drainage systems, a **ten (10) foot** easement width shall be sufficient and the utilities shall be located as follows:

- (b) **Fifteen (15) Foot Easements.** When an easement will include either a sanitary sewer system or a surface drainage system, but not both systems, a **fifteen (15) foot** easement shall be required and the utilities shall be located as follows:

- (c) **Twenty (20) Foot Easements.** When a utility easement will include both a sanitary sewer system and a surface drainage system, a **twenty (20) foot** easement shall be required and the utilities shall be located as follows:

- (d) **Ten (10) Foot Access Easement.** When sanitary or storm sewers are located in the rear of a lot, a **ten (10) foot** easement in the side yard shall be required from the street right-of-way to each manhole or inlet.

34-7-7 SURFACE WATER DRAINAGE.

(A) All subdivisions shall be developed with adequate surface drainage. Surface water drainage improvements shall consist of storm sewers and/or open channels, inlets, catch basins and manholes designed and constructed to conform with standards established by the Village Engineer and shall adequately drain the area being developed including drainage from other areas which naturally drain through the area being developed.

(B) If, as the result of subdivision development, surface water is deposited in existing roadside ditches in quantities exceeding their capacity, the developer shall improve the ditches and replace culverts as needed to handle the flow.

(C) Unless engineering evidence is presented to the Village Engineer warranting exceptions, storm sewers which will drain **twenty (20) acres** or less for residential development shall be designed and constructed to meet the following criteria:

Major and minor arterials – 10 year storm frequency

All other areas – 5 year storm frequency

(D) It shall be the responsibility of the subdivider to provide grade control for rear lot drainage to each lot owner. Swales are not public works which shall be dedicated to and accepted by the Village; nevertheless, no construction surety shall be fully released until the Village Engineer has approved the swales in the subdivision. The

Village Engineer will not approve any swale until adequate turf and/or grass has been established at the elevations set forth in the construction plans. Upon approval by the Village Engineer, it shall be the lot owner's responsibility to maintain the drainage course and to keep it free from features that restrict natural drainage.

(E) The controlled release and storage of excess storm water runoff shall be required in combination for all of the areas indicated on the preliminary plan.

(1) The controlled release of storm water runoff shall not exceed the release or discharge rate which existed at the site prior to development. This rate shall be known as the pre-developed discharge rate. In the case of multiple discharge locations, no location shall discharge at a rate higher than the pre-developed discharge rate for that location under any set of conditions. The controlled release rate in any case shall not exceed the rates capacity of the existing natural downstream outlet channel or storm sewer system as determined by the Village Engineer. The rate at which storm water runoff is transported into a designated storage area may be as determined by the design engineer and is unrestricted.

(2) A natural or surface channel system shall be designed with adequate capacity to convey the storm water runoff from all tributary upstream areas through the development. This by-pass channel shall be designed to carry the peak rate of runoff from a 50-year storm assuming all storm sewers are blocked and that the upstream areas are fully developed and have been saturated with antecedent rainfall. No habitable structures shall be constructed within this channel, however, streets and parking or playground areas and utility easements shall be considered compatible primary uses.

(3) Storm water runoff capacity of detention facilities and discharge rates from such facilities shall be calculated by analyzing volume and rate of runoff during pre- and post-development conditions for the 10-year and the 100-year recurrence intervals.

Storage capacity and discharge rates shall be based on the maximum calculated volume and peak flow of storm waters, respectively. Precipitation information shall be based on the most recent publications by the Illinois State Water Survey, currently Circulars 172 and 173 "Frequency Distributions of Heavy Rainstorms in Illinois" and "Time Distributions of Heavy Rainstorms in Illinois" respectively.

Storage facilities shall be designed using the Soil Conservation Service (SCS) method described in Technical Release 55, "Urban Hydrology for Small Watersheds" of calculating runoff discharge rate and total volume of storage as a minimum. A

more rigorous analysis using a detailed methodology may also be submitted. The rational method of calculating runoff may be used for subdivisions less than **twenty (20) acres** in size. The storage volume shall be provided for the fully developed watershed that is tributary to the area designated for detention purposes. The control structure for discharge shall maintain the release rate at or below the rate established in subsection (1) for all rainfall events of 100-year or less frequency.

- (4) Detention reservoirs or bottom storm water storage areas shall be designed to serve a secondary purpose for recreation, open space or other types of uses that will not be adversely affected by occasional or intermittent flooding. A method of carrying the low flow through these areas shall be provided in addition to a system of drains, and both shall be provided with a positive gravity outlet to a natural channel or other storm sewer facility with adequate capacity. The combination of storage of the water from a 100-year storm and the design release rate shall not result in a storage duration in excess of **seventy-two (72) hours**. Maximum depths of planned storm water storage shall not exceed **four (4) feet** unless the existing natural ground contours and other conditions lend themselves to greater storage depth, which shall be approved by the Village Engineer. Minimum grades for turf areas shall be **0.6%** and maximum slopes shall be **ten percent (10%)**. Storage area side slopes shall be kept as close to the natural land contours as practical and a **ten percent (10%)** slope or less shall be used whenever possible. If slopes greater than **ten percent (10%)** are necessary to meet storage requirements or area restrictions, approval shall be obtained from the Village Engineer, and suitable erosion control shall be provided in addition to the protection required to insure public health and safety.

Outlet control structures shall be designed as simply as possible and shall require little or no maintenance and/or attention for proper operation. Each storm water storage area shall be provided with a method of emergency overflow in the event that a storm in excess of the 100-year return frequency storm occurs. The emergency overflow facility shall be designed to function without maintenance and/or attention and shall become part of the natural or surface channel system described in a preceding paragraph. Hydraulic calculations shall be submitted to substantiate all design features. Both outlet control structures and emergency

overflow facilities shall be designed and constructed to fully protect the public health and safety. Storm water runoff velocities shall be kept to a minimum and turbulent conditions at an outfall control structure will not be permitted without complete protection for the public safety. The use of restrictive fences shall be kept to a minimum and shall be used only as a last resort when no other method is feasible.

- (5) Retention reservoir or wet bottom storm water storage areas shall be designed with all of the items required for detention reservoir storage areas except that a low flow conduit and a system of drains with a positive gravity outlet shall not be required. However, the following additional conditions shall be complied with:
 - (a) Water surface area shall not exceed **one-tenth (1/10)** of the tributary drainage area.
 - (b) Shoreline protection shall be provided to prevent erosion from wave action.
 - (c) Minimum normal water depth shall be **four (4) feet**. If fish are to be used to keep the pond clean, a minimum of **one-fourth (1/4)** of the pond area shall be a minimum of **ten (10) feet** deep.
 - (d) Facilities shall be available, if possible, to allow the pond level to be lowered by gravity flow for cleaning purposes and shoreline maintenance.
 - (e) Control structures for storm water release shall be designed to operate at full capacity with only a minor increase in the water surface water level. Hydraulic calculations shall be submitted to substantiate all design features.
 - (f) Aeration facilities to prevent pond stagnation shall be provided, if necessary. Design calculations to substantiate the effectiveness of these aeration facilities shall be submitted with construction plans. Agreement for the perpetual operation and maintenance of aeration facilities shall be prepared to the satisfaction of the Village Engineer and Plan Commission.
- (6) Where developments form only a portion of the watershed or contain portions of several watersheds, the requirements for providing storage shall be based upon that proportion of the area being developed as compared to the total watershed tributary to the storage area. Compensating storage will be acceptable whenever it is justified and feasible. As a watershed is developed with a series of storm water storage facilities, due consideration will be given for calculations of the

- allowable release rate and capacity of the natural or surface channel system as described in **Section 34-7-7(E)(2)**.
- (7) Where development of a property presents the threat of flooding or damage by flash flood runoff to downstream residents, the facilities for storm water runoff control shall be constructed prior to any earthmoving or drainage construction on the project site.
 - (8) The construction of the storm water control systems shall be accomplished as part of the cost of land development. If the amount of storage capacity can be increased to provide certain benefits to the surrounding properties, negotiations for public participation in the cost of such development may be feasible.
 - (9) The ability to retain and maximize the ground water recharge capacity of the area being developed is encouraged. Design of the storm water runoff control system as provided in **Section 34-7-7(E)(4)** shall give due consideration to providing ground water recharge to compensate for the reduction in the percolation that occurs when the ground surface is paved and/or roofed over. The use of natural gravel deposits for the lower portions of storm runoff storage areas, the flattening of drainage slopes and the retention of existing topography are samples of possible recharge methods.
 - (10) During the construction phase of land development, facilities shall be provided by appropriate stock-pile design, to prevent the erosion and washing away of the earth. Silting of downstream areas shall be prevented through the strategic use of silting basins, sodding of runoff channels, and by limiting the period of time during which the earth is stripped of vegetation.
 - (11) Final engineering plans shall show complete details for all items covered in this Section. Plans, specifications and all calculations for storm water runoff control and storm sewers shall be submitted for review and approval as part of the construction plan submittal or as part of the site plan submittal for large scale developments.

34-7-8 BACKFILL OVER UNDERGROUND UTILITIES.

(A) Where an underground utility is to be placed in an area which has a permanent type street or sidewalk surface, or upon which such a surface is to be constructed within a period of **one (1) year**, the backfill above the utility or in case of sewers, above the top of the granular cradle, to the level of the bottom of the permanent type pavement shall be made. This material will be in all areas where utility trenches cross the pavement subgrade except in areas which will be lime treated or areas where rock will be used to stabilize the subgrade. The backfill shall be IDOT CA-6 or CA-7 crushed stone. Boiler slag will not be permitted.

(B) As an alternate, the use of "flowable fill" will be permitted. This mix shall consist of a lean concrete mix with no less than **fifty (50) pounds** of cement per cubic yard, **two hundred (200) to six hundred (600) pounds** of fly ash, **two thousand (2,000) to three thousand (3,000) pounds** of fine aggregate and **thirty-five (35) to sixty-five (65) gallons** of water. Minimum **twenty-eight (28) day** comprehensive strength shall not be less than **one hundred fifty (150) psi**.

(C) In areas not now subject to vehicular traffic, nor in the opinion of the Village Engineer likely to be within a period of **one (1) year**, backfill may be made with selected excavation material which is free from clods and stones, provided such trench backfill is adequately jetted from the bottom up completely filling the trench immediately after backfilling.

34-7-9 SIDEWALKS. Concrete sidewalks at least **four (4) feet** wide and **four (4) inches** thick shall be constructed on both sides of each street at least **four and one-half (4.5) feet** from and at least **four (4) inches** above the backs of the curbs. Sidewalks shall be located **one (1) foot** inside the street right-of-way. Sidewalks shall be constructed along all streets bordering the subdivision.

34-7-10 SEWAGE DISPOSAL.

(A) **Sanitary Sewers.** When a subdivision is located within the service area of a public sanitary sewerage system, sanitary sewers shall be constructed throughout the entire subdivision in such a manner as to serve adequately each building lot.

- (1) Public sanitary sewers shall be located in the north or west boulevard (between curb and sidewalk) within the street right-of-way or in a **fifteen (15) foot** easement behind the sidewalk within the house setback area. Parallel sewer lines along the street may be used. Sanitary sewers shall not be located in the rear yard.
- (2) Under no circumstances shall the entrance of storm water or ground water to the sanitary sewers be permitted.
- (3) All sanitary sewer collection and disposal systems shall comply with the requirements of the Village as determined by the

Village Engineer from time to time, and the Standard Specifications for Sanitary Sewers and Water mains, and the requirements of the Illinois Environmental Protection Agency.

(B) **Private Sewage Disposal Systems.** Where no public sanitary sewerage system is available, individual sanitary disposal systems shall be installed to service individual dwelling units. These sanitary disposal systems shall be installed in accordance with the latest revised edition of the Illinois Private Sewage Disposal Licensing Act and private sewage disposal code promulgated by the Illinois Department of Public Health. Sufficient area shall be provided to accommodate **two (2)** seepage fields. (See also **Section 34-7-4(A)** pertaining to lot sizes.)

34-7-11 WATER SUPPLY.

(A) **Public Water Supply.**

- (1) Water mains not less than **six (6) inches** in diameter shall be constructed throughout the entire subdivision. Larger diameter pipes may be required by the Village to provide for future transmission needs, in which case, the Village shall pay any additional costs.
- (2) Every water supply system shall be designed in such a manner as to provide an area fire flow meeting the requirements established by the Fire Safety Division of the Fire Department. Water mains larger than **six (6) inches** in diameter shall be installed at the subdivider's expense if needed to provide the area fire flow required by the Insurance Services Office guild for determination of required fire flow. A minimum of **one thousand (1,000) gallons** per minute with a residual pressure of **twenty (20) pounds** per square inch shall be required. Fire hydrants with shut-off valves at each hydrant shall be installed throughout the entire system at maximum intervals of **four hundred (400) feet** or less if required by the Fire Protection District. All fire hydrants shall be **three (3) nozzle hydrants** with threads as specified by the Fire Department and shall have flow characteristics similar to those of a **five and one-quarter (5 ¼) inch** hydrant valve.
- (3) All water supply systems shall comply with the requirements of the Village as determined by the Village Engineer from time to time, and the Standard Specifications for Sanitary Sewers and Water Mains, and the requirements of the Illinois Environmental Protection Agency.

(B) **Private Water Supply.** When a public water supply is not feasible (**Section 34-2-3(A)(2)**), and the subdivision is outside the corporate limited, a private well may be used. Wells shall be constructed according to the Illinois Water Well Pump Installation Code.

34-7-12 **ELECTRIC DISTRIBUTION.** The underground electric distribution system shall be installed on utility easements along front lot lines. Transformers shall normally be placed on every other lot line with secondary conductors and distribution pedestals installed on the opposite side of the street. In some instances, transformers may be installed on both sides of the street. All primary and secondary cables shall be in conduit.

34-7-13 **STREET LIGHTING.** Street lights shall be installed along public streets in the Village by the subdivider at all intersections and at **five hundred (500) foot** intervals.

34-7-14 **PUBLIC AREAS AND OPEN SPACE.**

(A) Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use as well as public service areas.

(B) When a proposed school, neighborhood park, electric substation, water storage tank, recreation area, or public access to water frontage shown in the Official Plan, is located in whole or in part in a proposed subdivision, the Village Board may require, as a condition of final plat approval, that such space within the subdivision be reserved and not developed for a period not to exceed **one (1) year** from the date of such final plat approval. Within the **one (1) year** period, the appropriate public agency may acquire the reserved property in the manner provided by law. If the reserved site is not acquired and no legal action is filed within the **one (1) year** period, the reservation shall become void and the site previously reserved may then be used for other purposes.

ARTICLE VIII – MINOR SUBDIVISION

34-8-1 PURPOSE.

(A) A minor subdivision is the creation of a total of up to **four (4) lots** (counting the original tract from which the lots are created) which front along an existing public road.

(B) The minor subdivision is designed to allow the sale of said lots without the delay and expense of the conventional subdivision process.

34-8-2 LOCATION MAP.

(A) **Location Map Submission Requirements.** The location map shall consist of data added to an existing base map of a suitable scale covering an area of at least **one (1) mile** radius from the tract proposed for development. The location map shall show the following information:

- (1) Title of proposed subdivision.
- (2) North point, scale and date.
- (3) Names, addresses and phone numbers of the owner, subdivider, engineer and registered land surveyor with the name and address of the contact person to whom any notice is to be sent.
- (4) Outline of the entire area owned or controlled by the subdivider with approximate boundary dimensions and total acreage.
- (5) Existing streets and roads expected to serve the area to be subdivided.
- (6) Existing utility lines expected to serve the area to be subdivided.
- (7) Existing and proposed zoning.
- (8) Method of sewage disposal.
- (9) Method of water supply.
- (10) Electric service provider.
- (11) Fire protection district.
- (12) School district.

(B) **Location Map Review Process.**

- (1) The subdivider shall submit **thirteen (13) prints** of the location map to the Zoning Administrator according to the filing deadline and review schedule established by the Plan commission.
- (2) The Zoning Administrator shall retain **one (1) print** and distribute the remainder as follows:
Two (2) prints to the Plan Commission;
Two (2) prints to the Water Department;

- One (1) print** to the Village Engineer;
 - One (1) print** to the Village Clerk;
 - One (1) print** to the New Berlin/Island Grove Fire Protection District;
 - One (1) print** to the Sangamon County Superintendent of Highways, if applicable;
 - One (1) print** to the appropriate Township Highway Commissioner, if applicable;
 - One (1) print** to the Sangamon County Soil and Water Conservation District;
 - One (1) print** to the appropriate school district; and
 - One (1) print** to the electric utility serving the area; and
 - One (1) print** to the gas utility serving the area.
- (3) The entities listed in paragraph (B)(2) shall transmit their comments on suitability of the site in writing to the Plan commission within **one (1) week** of receipt.
- (4) The Plan Commission shall review the suitability of the site based on comments received and the suitability criteria outlined in **Section 34-2-3**. The Plan Commission shall either approve or disapprove the location map based on the suitability of the site at its next regularly scheduled meeting after the plan was filed. If the location map is disapproved, the owners shall be informed in writing of the noncompliance found.

34-8-3 FINAL PLAT SUBMISSION REQUIREMENTS.

(A) **Final Plat Submission Requirements.** The final plat shall be consistent with the current zoning district classification of the property.

The following shall be submitted on a plan drawn to a scale of no more than **one hundred (100) feet** to the inch or in accompanying documents:

- (1) North point, scale and date of preparation and any revisions.
- (2) Names and addresses of the owner, engineer and registered land surveyor.
- (3) Total acreage.
- (4) Lot numbers.
- (5) Existing utilities and drainage courses within and adjacent to the site.
- (6) Location of all present property lines, section lines, streets, building and watercourses within the area and within **one hundred (100) feet** of the area.
- (7) Location of proposed lots, setback lines and utility easements.
- (8) Contours referring to the United States Geological Survey datum with intervals of **two (2) feet** or less unless a greater

interval is required because of terrain. This requirement may be waived by the Plan Commission in its sole discretion. Any such waiver shall be noted on the final plat and signed by the Chairman of the Plan Commission.

- (9) If applicable, a note on the final plat stating: "Approved of this final plat by the Village of New Berlin does not constitute a guarantee that well water is of adequate quantity or quality for residential needs or that a suitable sewage disposal system can be constructed on each lot." Any guarantees are the subdivider's responsibility.
- (10) A statement indicating whether or not any part of the plat is located in a special flood hazard area as identified by the Federal Emergency Management Agency.
- (11) A notation stating any setback required through covenants if the setbacks are different from those of the appropriate zoning district.

(B) **Accompanying Documents.** The following documents shall accompany the final plat:

- (1) A signed statement of a registered professional engineer and the owner of the land, or his duly authorized attorney, as required by state statutes concerning drainage.
- (2) Notarized acknowledgement of the plat by the owner or a duly authorized attorney. This item may be a separate document or on the plat itself.
- (3) The certificate of a registered Illinois land surveyor attesting to the accuracy of the survey and the location of all monuments shown. The certificate may be filed as a supplement to the final plat.
- (4) Exhibit showing the location of wells and seepage field areas (must be large enough to accommodate **two (2)** seepage fields) on each lot.
- (5) Any covenants or restrictions relating to the requirements of this Chapter.

34-8-4 REVIEW PROCESS.

(A) The subdivider shall file **eleven (11) prints** of the minor subdivision in the office of the Zoning Administrator with a filing fee of **One Hundred Dollars (\$100.00)** to be deposited to the appropriate Village account. The subdivision will be reviewed according to the filing deadline and review schedule established by the Plan Commission.

(B) The Zoning Administrator shall retain **one (1) print** on file and shall distribute the prints as follows:

- Two (2) prints** to the Plan Commission;
- Two (2) prints** to the Water Department;
- One (1) print** to the Village Engineer;
- One (1) print** to the Sangamon County Superintendent of Highways;
- One (1) print** to the appropriate Township Highway Commissioner, if applicable;
- One (1) print** to the Village Clerk;
- One (1) print** to the New Berlin/Island Grove Fire Protection District;
- One (1) print** to the electric utility serving the area; and
- One (1) print** to the gas utility serving the area.

The reviewing entities shall transmit any comments or requirements to the Plan Commission within **seven (7) calendar days** of receipt.

(C) The Plan Commission shall recommend approval or disapproval no later than **thirty (30) days** after the plan was filed with Village Clerk. Failure to act by the end of said second regularly scheduled meeting shall constitute a recommendation of disapproval.

- (1) **Disapproval.** If the Plan Commission finds that the minor subdivision plat does not meet the requirements of this Chapter, it shall specify its disapproval in writing and state the noncompliance found.
- (2) **Approval.** If the Plan Commission finds that the minor subdivision plan meets the requirements of this Chapter, the subdivider shall submit the original and **two (2) prints** to the Plan Commission. The following shall be printed or stamped on the original plat and prints and signed by the Chairman of the Plan Commission:
 "The Plat of this subdivision is recommended to the Village Board for approval, by the New Berlin Plan Commission subject to the certifications set forth in **Section 34-8-5** of the New Berlin Subdivision Code".

By: _____
Chairman

Dated: _____
New Berlin Plan Commission

(D) The Plan Commission shall transmit the endorsed original plat and **two (2) prints** to the Zoning Administrator for immediate reference to the Village Board.

34-8-5 SUBMISSION OF MINOR SUBDIVISION PLAT TO THE VILLAGE BOARD.

(A) Upon receipt of the endorsed original minor subdivision plat and **two (2) prints**, the Zoning Administrator shall retain **one (1) print** on file and shall deliver **one (1) print** to the Village Engineer.

(B) The Zoning Administrator shall deliver the original minor subdivision plat to the Village Board at its next regular session after receiving the documents from the Plan Commission.

(C) The minor subdivision plat shall remain pending on the agenda of the Village Board and shall not be approved by the Village Board until the following have been received:

(1) Written certification from the Village Engineer that the plat has been reviewed and any required public improvements have been approved as described in **Section 34-5-6** or, in lieu of construction, a security has been provided as described in **Section 34-5-4**.

(2) A certificate provided by the subdivider from the Sangamon County Clerk indicating that payment of taxes is not delinquent.

(D) If the requirements of this Section have not been met within **two (2) years** from Plan Commission approval, the existing approvals and recommendations shall expire and the plat must be resubmitted and reviewed as a new minor subdivision.

34-8-6 VILLAGE BOARD APPROVAL. When The requirements of **Sections 34-8-4** and **34-8-5** have been met, the Village Board may by resolution approve the minor subdivision plat and authorize the Mayor to sign the plat for and in the name of the Village, with the Village Clerk attesting to it. The Village Clerk shall retain **one (1) print** on file.

34-8-7 RECORDING THE MINOR SUBDIVISION PLAT.

(A) When the minor subdivision plat has been approved by the Village Board and signed by the Mayor and Village Clerk, the original tracing shall be recorded in the office of the Recorder of Deeds of Sangamon County, Illinois.

(B) If the minor subdivision plat is not recorded within **six (6) months** after approval by the Village Board, the plat must be resubmitted to the Plan Commission to determine if any changes in the plat are needed to meet the requirements of this Chapter. No title to any lots shall be conveyed until the original tracing is recorded.

34-8-8 LIMITATIONS ON MINOR SUBDIVISIONS. Only one minor subdivision shall be allowed for any parcel of record as of the date of this Chapter. If **three (3) lots** have been created from a parcel of record after said date, all additional divisions at a later time shall follow conventional subdividing procedures.

ARTICLE IX

LARGE SCALE DEVELOPMENTS

34-9-1 **PURPOSE.** The Large Scale Development site plan is intended to provide a detailed layout of buildings, utilities, other improvements and construction details to insure that Village public health and safety standards and subdivision and zoning requirements are met.

The permitted uses and densities and other requirements of the site's existing zoning district shall be met. However, yard and other bulk requirements can be varied within the site if more than one building is proposed.

34-9-2 **SUBMISSION REQUIREMENTS.** The site plan shall include the following information at a scale of no more than **one hundred (100) feet** to the inch:

- (A) Title of the development.
- (B) North point, scale and date.
- (C) Names, addresses and phone numbers of the owner, subdivider and engineer. A contact person should be designated.
- (D) Boundary lines with accurate distances and angles.
- (E) Acreage.
- (F) On-site vehicular circulation.
- (G) Parking.
- (H) Sidewalks.
- (I) Sewer distribution.
- (J) Site grading.
- (K) Storm drainage.
- (L) Location of structures.
- (M) Water distribution and size of mains.
- (N) Location of fire hydrants and valves.
- (O) Street profiles and typical cross-sections.
- (P) Yard setbacks.
- (Q) Landscape plans.
- (R) Location of outdoor lighting and signs.
- (S) Traffic analysis if more than **two hundred (200) cars** are to be accommodated on site.
- (T) Seal and signature of a registered professional engineer.

34-9-3 **STANDARDS AND REQUIREMENTS.** The plans must comply with all standards and requirements of applicable Village codes including Land Subdivision Regulations, Zoning Code, Arterial Roadway, Network Plan and any building, housing and fire codes. The following exceptions shall be observed:

- (A) **Yard Requirements.**
- (1) **For all Residential Developments:**
Front Yard: 30'
Side Yard: 20' each
Rear Yard: 20'
- (2) **For all Commercial and Industrial Districts:**
Front Yard: 20'
Side Yard: 15' each
Rear Yard: 15'

Yard area shall be open area and not be used for parking.

When a commercial or industrial development abuts or adjoins a residential district on a side or rear yard, an additional **ten (10) feet** shall be required for each yard that abuts or adjoins a residential district. The proposed commercial or industrial development shall be screened on each side abutting or adjoining a residential district by a wall, opaque fence or densely planted compact hedge not less than **five (5) feet** in height.

For all developments the front yard shall be that area fronting a public street and which contains the main entrance to the main building or development. Only one front yard shall be required for each development.

(B) **Pavement Width.** Streets and drives within the development shall be of sufficient width to accommodate unimpeded movement of fire vehicles. Pavement width shall vary depending upon parking along the street and direction of vehicle movement.

(C) **Sidewalks.** Sidewalks shall provide pedestrian movement within the development and to existing public streets or sidewalks. Sidewalks shall also be constructed along streets adjoining the development. Sidewalks shall be a minimum of **four (4) feet** wide, **four (4) inches** thick and be constructed of Portland cement concrete.

34-9-4 REVIEW PROCESS.

(A) The developer shall file **thirteen (13) copies** of the site plan of the proposed development in the office of the Zoning Administrator with a filing fee of **One Hundred Dollars (\$100.00)** to be deposited in the appropriate Village account. The site plan will be reviewed according to the filing deadline and review schedule established by the Plan Commission.

(B) The Zoning Administrator shall retain **four (4) prints** on file and distribute the prints as follows:

- Two (2) prints** to the Plan Commission;
- Two (2) prints** to the Water Department;
- One (1) print** to the Village Engineer;
- One (1) print** to the Sangamon County Superintendent of Highways;
- One (1) print** to the appropriate Township Highway Commissioner, if applicable;

- One (1) print** to the Village Clerk;
- One (1) print** to the New Berlin/Island Grove Fire Protection District;
- One (1) print** to the electric utility serving the area; and
- One (1) print** to the gas utility serving the area.

The reviewing entities shall review the plans for conformance with Village Codes and transmit any comments or requirements in writing to the Plan Commission within **seven (7) calendar days** of receipt.

34-9-5 COMMITTEE ACTION.

(A) **Recommendation of Approval.** If the Plan Commission finds (i) that the site plan meets the requirements of this Chapter; (ii) that the site plan meets the requirements of other Village Chapters pertaining to zoning, building, and fire safety; and (iii) utilities will be adequate, the Plan Commission shall indicate a recommendation for approval on **three (3) copies** of the plan in substantially the following language:

“This large scale development is recommended for approval by the New Berlin Plan Commission.”

By: _____

Date: _____

The prints so endorsed shall be forwarded to the Village Board for further disposition, along with minutes of the meeting at which the plans were approved.

(B) **Recommendation of Disapproval.** If the Plan Commission does not make the findings in subsection (A) above, it shall inform the developer of its findings in writing and state the noncompliance found, and shall endorse **three (3) copies** of the site plan with its recommendation of disapproval, and shall forward the plans to the Village Board for further disposition, along with minutes of the meeting at which the plans were disapproved.

If the developer desires to amend the disapproved large scale plans prior to consideration by the Village Board, the developer shall submit **eleven (11) prints** of the amended plan to the Zoning Administrator, which shall be reviewed according to the filing deadline and review schedule established by the Plan Commission. No filing fee shall be necessary. The Zoning Administrator shall transmit copies of the amended plan as described in **Section 34-9-4** and review will proceed as indicated in said section.

34-9-6 REVIEW BY THE VILLAGE BOARD. The large scale development plans shall be reviewed by the Village Board as soon as practicable after review by the Plan Commission. The developer may appear and be heard at the Village Board meeting at which the large scale development plan is considered. The Village Board shall approve or disapprove the plan by Chapter or resolution; and the Mayor shall endorse the large

scale development plan in the same manner as prescribed herein for subdivision preliminary plans. Approved plans shall expire, if not completed in the same manner as set forth herein for final subdivision plats.

34-9-7 **CONSTRUCTION PLANS.** The developer shall submit construction plans for private drives, streets, sidewalks, grading, drainage and utilities to the Village Engineer for review in the same manner and for the same review and inspection fees as prescribed herein for subdivision plats.

34-9-8 **CONSTRUCTION AND SECURITIES.** No building permits shall be issued for any structure unless the large scale development plan has been approved by the Village Board and construction work either have been installed according to the approved construction plans or a security provided in the same manner as set forth in this Chapter for final plats of subdivision. Security for completion of private drives, streets, grading, and drainage shall not be required for purely residential developments containing less than **eight (8) living units**. However, utilities and other facilities serving a public function must be built or security provided.

ARTICLE X - TRACT SURVEY

34-10-1 **PURPOSE.**

- (A) Tract survey approval shall be required as set forth in **Section 34-1-5.**
- (B) Tract survey approval is designed to insure that all divisions of land comply with the State Plats Act, this Chapter and the appropriate Zoning Chapters.

34-10-2 SUBMISSION REQUIREMENTS. When a tract survey is required by this Chapter, the following shall be submitted:

- (A) Land survey.
- (B) Certification by a professional Illinois Land Surveyor, together with the surveyor’s seal, attesting to the accuracy of the survey.

34-10-3 REVIEW PROCESS.

- (A) **Five (5) copies** of the tract survey shall be submitted to the Plats Officer accompanied by the appropriate fee.
- (B) The Plats Officer shall review the survey to insure that it conforms to the pertinent requirements of this Chapter and applicable zoning regulations. The owner shall be notified of tract survey approval or disapproval within **one (1) working day.**
 - (1) **Disapproval.** If the Plats Officer finds that the tract survey does not meet the requirements of this Code, the disapproval and noncompliance found shall be specified in writing.
 - (2) **Approval.** If the Plats Officer finds that the tract survey does meet the requirements of this Code, the following shall be printed or stamped on the original and prints and signed by the Plats Officer.

County of Sangamon))
 State of Illinois) ss.

I, the Sangamon County Plats Officer, do hereby approve this tract survey this ____ day of _____, 20__.

Sangamon County Plats Officer

- (C) The Plats Officer shall keep **one (1) copy** and transmit **four (4) copies** of the approved tract survey to the owner for recording.

34-10-4 **RECORDING THE TRACT SURVEY.** After the tract survey has been approved, the original shall be recorded in the Office of the Recorder of Deeds of Sangamon County, Illinois. If the tract survey is not recorded within **one hundred eighty (180) days** of Plats Officer approval, the approval shall be null and void.

ARTICLE XI - VARIANCES AND PENALTY

34-11-1 VARIANCE OF SUBDIVISION REQUIREMENTS.

(A) A subdivider may request a variance of the requirements of this Chapter. Application for a variance shall be made in writing and submitted with the location and sketch maps unless the need is not then evident. Variance applications shall clearly state the provisions to be varied and the reasons why the variance is needed. In all cases, variance requests shall be made no later than the time the preliminary plan is reviewed by the Plan Commission.

(B) If, as a result of changes imposed by the Plan Commission at its preliminary plan review meeting, the subdivider desires a variance, it may be requested orally at that meeting.

(C) The Plan Commission shall recommend approval or disapproval of the requested variance by the Village Board. Along with its recommendation the Plan Commission shall transmit findings to the Village Board as to whether the requested variance complies with the following requirements:

- (1) The intent of this Chapter is maintained;
- (2) Extraordinary circumstances of topography, land ownership, adjacent development or other circumstances not provided for in the Chapter exist;
- (3) The extraordinary circumstances will result in a hardship, not merely an inconvenience;
- (4) The circumstances upon which the request for variance is based are not common to most other tracts of land;
- (5) The circumstances upon which the request for variance is based are not the result of the subdivider's affirmative act or failure to act; and
- (6) The purpose of a variation is not based exclusively on the desire to eliminate development costs at the expense of the public improvement standards as outlined in this Chapter.

(D) When the Village Board considers the preliminary plan it shall consider the requested variance. The Village Board may, if it finds that the requirements of subsection (C) are met, approve the plan with the requested variation; or it may require conditions to the variation if it believes the conditions are in the public interest; or it may in its discretion deny the variation and insist on the literal application of this Chapter.

34-11-2 PENALTY. Any subdivider who violates any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed **Five Hundred Dollars (\$500.00)**. Each day that a violation of this Chapter continues shall constitute a separate and distinct offense and shall be punishable as such.

(Ord. No. 05-04; 04-20-05)

**[Supplement No. 5; 02-01-08]
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