

Ordinance No. 14-28

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AMENDING THE SUBDIVISION CHAPTER FOR THE VILLAGE OF THE CODE OF THE ORDINANCES OF THE VILLAGE OF EAST DUNDEE BY REMOVING THE PLAN COMMISSION FROM THE PROCESS FOR REVIEWING AND APPROVING SUBDIVISION PLANS**

WHEREAS, the Village of East Dundee, Cook and Kane Counties, Illinois (the "Village") is a duly organized and validly existing home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of East Dundee, Cook and Kane Counties, Illinois, as follows:

**Section 1:** The above recitals are incorporated herein and made a part of this Ordinance.

**Section 2:** That Chapter 155 Section 155.004 of the Subdivision Chapter for the village of the Code of the Village of East Dundee is hereby amended to read as follows:

**"§ 155.004 SCOPE**

(A) Whenever any subdivision or re-subdivision of land shall hereafter be laid out within the incorporated limits of the village or within territory not more than one and one-half miles beyond the incorporated boundary of the village, and not within the corporate limits or planning jurisdiction boundaries of another municipality, the subdivider thereof or his or her agent shall submit subdivision plans to the village. The plans, proposed improvements and all procedures relating thereto shall, in all respects, be in full compliance with the regulations in this chapter.

(B) Until the plan or plans of the subdivision, streets or improvements have been certified to and approved by the Board of Trustees:

(1) No land shall be subdivided or filed for record, nor any street laid out, nor any improvement made to the natural land;

(2) No lot, tract or parcel of land within the proposed subdivision shall be offered for sale, nor shall any sale, or option be made or given; and/or

(3) No improvements, such as sidewalks, water supply, stormwater drainage, sanitary sewerage facilities, gas and electric service, street lighting or grading or surfacing of streets, shall hereafter be made by any owner or owners or his, her or their agent.

(C) All plans of the subdivision, streets or improvements and all offerings or dedications of land to the village for use as streets, highways, alleys, paths, schools, parks or other public uses shall be referred to the Village Administrator, the Village Engineer, and the Director of Public Works, who are hereby designated as the Village Plan Council, for review and recommendation before being accepted by the Board of Trustees.

(D) Where a tract of land proposed for subdivision is part of a larger, logical subdivision unit in relation to the village as a whole, the Plan Council may, before recommending approval, cause the subdivider to prepare a plan for the entire area or neighborhood, as an aid in judging the proposed plat.”

**Section 3:** That Chapter 155 Section 155.006 of the Subdivision Chapter for the village of the Code of the Village of East Dundee is hereby deleted in its entirety and replaced with the following in its stead:

**“§ 155.006 VARIATIONS.**

“In cases where there are particular difficulties or peculiar hardships in carrying out the literal provisions of this chapter, the procedures of Section 157.207 shall be followed.”

**Section 4:** That Chapter 155 Section 155.007 of the Subdivision Chapter for the village of the Code of the Village of East Dundee is hereby amended to read as follows:

**“§ 155.007 MEETINGS.**

(A) All plans, plats and other material submitted as required herein shall be considered at regularly scheduled meetings of the Village Board.

(B) Additional meetings and/or work sessions may be held, if requested by the subdivider and approved by the Village Board; provided that:

(1) The meetings and/or work sessions are publicly announced.

(2) The subdivider shall pay a fee to the village for the meeting or work session. The fee shall be established from time to time by the Village Board in the annual fee schedule.

(3) The subdivider shall reimburse the village for the cost of the Village Engineer, Village Planner and/or Village Attorney to prepare information for and to attend the meetings and/or work sessions.”

**Section 5:** That Chapter 155 Section 155.025 of the Subdivision Chapter for the village of the Code of the Village of East Dundee is hereby amended by deleting Subsections (B)(2) and (C) and replacing said Subsections with the following in their stead:

“(2) This step does not require formal application or fee. The Plan Council or its representative shall examine the submittals in order to determine their adequacy for presentation and discussion at a concept conference, as described herein.

(C) *Concept conference.*

(1) A conference may be held with the subdivider, the Plan Council and other local government officials no sooner than five days after receipt by the village of submittals in order to:

- (a) Discuss the site in relation to the surrounding area;
- (b) Discuss the existing conditions on and adjacent to the site;
- (c) Mutually identify potential problems of the proposed subdivision in relation to the existing conditions of the area, the official map and official plan, zoning ordinance and other local goals, objectives, ordinances and plans; and
- (d) Inform the subdivider of the procedure for subdividing land and of the filing and review fees and bonding requirements.

(2) The subdivider may request additional concept meetings with the Plan Council and other local government officials in order to continue the discussions. The meetings are for the purpose of providing information only and the subdivider has the burden of assessing the effect of the information on the proposed subdivision. No formal action shall be taken by the Plan Council at the completion of the concept meetings. The decision to proceed or abandon the proposed subdivision rests solely with the subdivider.”

**Section 6:** That Chapter 155 Section 155.026 of the Subdivision Chapter for the village of the Code of the Village of East Dundee is hereby deleted in its entirety and replaced with the following in its stead:

“§ 155.026 PRELIMINARY PLAN

(A) *Preparation.*

(1) Subsequent to and in accordance with the information provided during the concept conference, the subdivider shall prepare a preliminary plan of subdivision. The preliminary plan shall comply with the provisions of §§ 155.045 through 155.056 and shall be drawn at a scale of 100 feet to the inch or 50 feet to the inch, if the area of subdivision is less than 40 acres.

(2) It shall contain the following information:

(a) Generally:

1. Name of the proposed subdivision, which shall not duplicate the name of any plat heretofore recorded in Kane County;
2. Legal description of land proposed to be subdivided, by section, township and range, and other terms as used in describing the land on the records of the Recorder of Deeds, Kane County;
3. Boundary lines of the proposed subdivision, including bearing and dimensions, as prepared and certified by a land surveyor registered in the state;
4. Total acreage, within the boundaries of the tract;
5. Names and address of the owner, owner of record (including the names and addresses of all beneficiaries of any land trust, accompanied by a certified copy of the trust agreement and all amendments thereto), the subdivider, the surveyor, the engineer and land planner who designed the plan;
6. Location and names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land; and
7. Date, scale and north point.

(b) Existing conditions, on and within 200 feet of the tract:

1. Topographic data, including contours at vertical intervals of not more than two feet with reference to U.S.G.S. datum, except in unusual topographic conditions when the vertical intervals may be altered as determined by the Village Engineer;
2. Other natural features such as source of water supply, water courses (with highest flood levels indicated), marshes, ponds, springs, rock outcrop, wooded areas and other features;
3. Existing improvements, including the location, width and names of all existing or previously platted streets or other rights-of-way showing type of

improvement, if any, railroad and utility rights-of-way, parks and other public open spaces, buildings and structures, historic sites and landmarks;

4. Existing improvements, including the location, capacity and size of domestic water supply, water mains, sewer lines, culverts, drainage or farm tile, towers, poles and other underground and above ground facilities, also indicating such data as locations and surface and invert grade elevations of catch basins, manholes and fire hydrants; (If water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to and the size of the nearest useable facilities. If requested additional drawings, maps or photographs shall be submitted in order to accurately locate existing features.)

5. Easements, including location width and purpose; and

6. Political boundaries, including corporate limits, school, park and fire protection district boundaries and national and local historic district boundaries.

(c) Proposed subdivision design features:

1. Proposed zoning;

2. Layout of streets, including location and width of alleys, pedestrian ways, drainage ways and utility and other easements;

3. Other rights-of-way, including location and width;

4. Lots, including layout, number, dimension and area (in square feet), for each lot in the subdivision;

5. Setback lines including front and side street building setback lines and dimensions;

6. Location of utilities, including proposed method of sewage and waste disposal and location of sewer lines, water mains, stormwater drains and surface drainage for each lot or building area and method of stormwater detention and retention;

7. No land will be approved for subdivision which is subject to periodic flooding or which contains inadequate drainage facilities or other topographic and soil conditions which may increase danger to health or property or aggravate erosion or flood hazard unless the subdivider agrees to make improvements which will, in the opinion of the Village Engineer and Plan Council, make the land safe for development and occupancy;

8. Sites intended to be dedicated or reserved for public use or set aside for use of property owners in the subdivision, including the conditions, if any, of the dedication or reservation;

9. Land use designations, including sites for multiple-family dwellings, shopping centers, churches, industry and other non-public uses exclusive of single-family dwellings, with the approximate acreage of each indicated; and

10. The following certificate shall be shown in the lower right-hand corner of the preliminary plan:

#### APPROVAL OF PRELIMINARY PLAN

The preliminary plan of a subdivision shown hereon has received approval by the Board of Trustees of the Village of East Dundee, Illinois, and upon compliance by the subdivider with requirements of qualifications governing the approval of preliminary plans and with other revisions and stipulations that may be required, the Village Board will receive the final plat for consideration when submitted by the subdivider in such form and within such time as required by this subchapter, and approved by the Plan Council. Approval of the subdivision is only preliminary. Approval allows the subdivider to prepare improvement plans and/or a final plat.

The Board of Trustees of the Village of East Dundee, Illinois.

Date: \_\_\_\_\_ , \_\_\_\_\_

By: \_\_\_\_\_ President

Attest: \_\_\_\_\_ Village Clerk

(B) *Filing.* The subdivider shall submit to the Village Administrator the following documents:

- (1) Twenty copies of the completed application for preliminary plan approval;
- (2) Twenty copies of a preliminary plan of subdivision;
- (3) Filing fees shall be as set in the village annual fee schedule; (The fee shall be paid in cash, by money order or certified check made payable to the village.)
- (4) Concept plan, if prepared by the subdivider;
- (5) Location map;
- (6) Natural resources inventory, prepared by the Kane-DuPage Soil and Water Conservation District, as required by Illinois Statute;
- (7) Soils report, if required by the Village Engineer, prepared by a professional soils engineer of sufficient scope which addresses itself to the natural resources identified in the report prepared by the Kane-DuPage Soil and Water Conservation District; and which determines potential ground absorption, runoff, flooding deficiencies, the presence of unstable soils (or soils which may constitute problems for conventional construction), the presence of subsurface rock that would affect the installation of underground improvements on the

provisions of the above ground improvement; (If, in the opinion of the Village Engineer, additional soil investigations, boring or other soil tests are necessary to determine the nature and extent of the questionable material, the subdivider shall perform the needed investigations.)

(8) Preliminary engineering report(s) and plan(s), but not limited to the consideration of the following:

(a) Community or individual water facilities;

(b) Streets and sidewalks;

(c) Site grading and erosion and siltation control; and

(d) Storm sewers and drainage plan for storage and controlled release of stormwater following a 100-year frequency storm. The design standards shall be according to those contained in the current "Specifications for Stormwater Control and Detention Improvements" on file with the Village Engineer.

(9) Evidence of ownership of the land proposed to be subdivided; (Where the subdivider does not own the land, written notarized permission from the owner shall be provided authorizing the subdivider to subdivide such and under the provisions of this chapter.)

(10) Letter of approval from the mortgagor;

(11) Text of protective covenants, deed restrictions, homeowner's association contracts and other restrictions whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development;

(12) Environmental, fiscal and transportation impact reports and other information as requested by the Plan Council; and

(13) Preliminary plan checklist, signed by the applicant indicating that all items necessary for review have been submitted.

(C) *Consideration by Plan Council.*

(1) The Plan Council shall review the preliminary plan and other documents. In cases where the subdivision of land involves a variation or exception from the zoning ordinance, the Plan Council shall direct the applicant to submit the preliminary plan to the Zoning Board of Appeals for their review.

(2) Within 90 days of the official filing of the preliminary plan with the Plan Council, unless the time is extended by mutual consent, the Plan Council shall recommend to the Village Board for its action: approval or disapproval of the preliminary plan and shall submit its written recommendations, which may include the recommendations of the Village Attorney,

Village Planner, citizens and other government officials, to the Board of Trustees and to the subdivider or conditional approval of the preliminary plan and shall submit its recommendations and modifications to the Board of Trustees and to the subdivider.

(D) *Review fee.* During the course of their review, the Plan Council may submit the preliminary plan to the Village Planner, Village Attorney and/or other technical consultants in order to obtain assistance for the proper review of the plan. The subdivider shall be notified that technical assistance has been sought in accordance with these regulations and shall be responsible for the cost of all technical services, including the services of the Village Engineer. The Village Engineer, Village Planner, Village Attorney and/or other technical consultant shall submit their itemized bill for services to the village which shall transmit a bill to the subdivider. The bill for services shall be set by the village at a rate normally charged for professional services and shall include all travel and other expenses normally charged to the village. The subdivider shall pay the village for their services rendered within ten days after the submission of the bill from the village to him or her.

(E) *Consideration by Board of Trustees.* The Board of Trustees shall approve, approve with conditions or disapprove the preliminary plan within 30 days after its next regularly scheduled meeting following the action of the Plan Council unless the time is extended by mutual consent. The subdivider shall, within 30 days thereof, be notified, in writing, of any conditions of approval or the reasons for rejection.

(F) *Effect of approval of preliminary plan.*

(1) Approval by the Board of Trustees at this stage does not constitute acceptance of the subdivision. Approval of the preliminary plan shall be:

(a) Considered permission to prepare detailed plans and specifications for the proposed subdivision and for all public improvements therein; and

(b) Effective for no more than 12 months from the date approval was granted unless, upon application of the subdivider within the period that the approval is valid, the Board of Trustees grants an extension of time beyond the period. The application for the extension shall not require an additional fee.

(2) If a final plat has not been approved as required by the provisions of this chapter within the 12-month period, or any extensions granted thereto, the preliminary plan must be resubmitted to the Plan Council as if the plan had never been approved."

**Section 7:** That Chapter 155 Section 155.027 of the Subdivision Chapter for the village of the Code of the Village of East Dundee is hereby amended by deleting Subsection (A) and replacing said Subsection with the following in its stead:



“(A) After approval of the preliminary plan, survey monuments and markers shall be laid out and set according to the following.

(1) Permanent monuments shall be placed at all corners and at points tangent to curve lines along the boundary of the subdivision. Permanent monuments shall be constructed of concrete, the minimum dimensions of which shall be a minimum of four inches square or four inches in diameter at the top of the monument. The monument shall be a minimum of 36 inches long, with an iron dowel at least three-eighths inches in diameter and two and one-half inches in length embedded in the top of the monument so that the dowel shall be flush with the surface of the monument and placed in the center of the monument marking the corner.

(2) Where concrete monuments are not required to be placed, all lot corners, the ends of all curves, all angle points in any line and all angle points along a meander line shall be marked by galvanized iron pipe not less than three-fourths inch in diameter or solid iron reinforcement bars not less than one-half inch diameter at least 24 inches long. The top of the pipe or bar shall be set level with the established grade of the lot.

(3) For each 20 acres or fraction thereof in the subdivision, one permanent bench mark shall be established at a location approved by the Village Engineer. This bench mark shall be constructed of concrete, four inches by four inches at the top, six inches by six inches at the bottom and 48 inches in length with a brass plate securely fastened to the surface. The brass plate shall be exposed about one inch above final grade and shall be inscribed with the number and elevation of the benchmark. Elevations shall be referred to and certified as U.S.G.S. datum.”

**Section 8:** That Chapter 155 Section 155.028 of the Subdivision Chapter for the village of the Code of the Village of East Dundee is hereby amended by deleting Subsections (A) and (B) and replacing said Subsections with the following in their stead:

“(A) *Preparation.* The subdivider shall prepare detailed plans and specifications for all improvements required to be constructed under the provisions of §§ 155.095 through 155.099.

(B) *Preliminary review.* The plans and specifications for required improvements shall be submitted to the Village Engineer for review to determine their compliance with the provisions of this chapter and other applicable ordinances. The plans and specifications shall also be reviewed by appropriate state, county and local officials and utility companies concerned with the improvements and approval from these officials shall be given, in writing, respecting their particular interests. Following the aforementioned review by the Village Engineer and the other officials concerned, the Village Engineer shall transmit the plans and specifications to the Board of Trustees, accompanied by its recommendations and the letters of approval from the aforesaid officials where applicable.”

**Section 9:** That Chapter 155 Section 155.029 of the Subdivision Chapter for the village of the Code of the Village of East Dundee is hereby amended by deleting Subsections (A)(1), (B), (C), and (D) and replacing said Subsections with the following in their stead:

*“(A) Preparation.*

(1) The final plat may constitute only a portion of the approved preliminary plan if it is determined acceptable by the Plan Council after consideration by the Plan Council of the effect on the continuity of roads, utilities and services. The final plat shall be accurately and legibly prepared with waterproof, non-fading ink on a tracing cloth or Mylar, reproducible print, measuring no less than eight and one-half inches by 14 inches, but no more than 30 inches by 36 inches (24 inches by 36 inches preferred), and shall be used as the original copy of the final plat for the purposes of formal execution, approval and recording.

*(B) Filing.*

(1) Within one year after approval of the preliminary plan, the subdivider shall submit the following documents to the Village Administrator or Clerk:

- (a) Two copies of the completed application for final plat approval;
- (b) The original tracing cloth or Mylar of the final plat, which shall be returned to the applicant upon final plat approval for recording with the County Recorder of Deeds;
- (c) One copy of the final plat, drawn on sepia Mylar for future use by the village in its planning and development activities;
- (d) Twenty copies of the final plat of subdivision to be used for review by village officials;
- (e) Four copies of the plans and specifications for all improvements required under §§ 155.045 through 155.056;
- (f) Filing fee as set forth in the village annual fee schedule;
- (g) Reimbursement statement, whereby the subdivider agrees to reimburse the village for all costs incurred by the village for the review of the final plat submittals; (The fees shall be paid by the subdivider prior to final plat approval.)
- (h) Performance guarantee, in the amount equal to 125% of the estimated costs of the required subdivision improvements as approved by the Village Engineer, in order to insure that the work is performed according to the plans and specifications and according to good engineering practices; (The guarantee shall be in accordance herewith.)

(i) Completion guarantee, in the amount equal to 30% of the costs of the required subdivision improvements as approved by the Village Engineer, in order to insure that the work is satisfactorily completed within the prescribed time limit; (The guarantee shall be in accordance herewith.)

(j) Inspection statement, whereby the subdivider agrees to provide an inspection in accordance herewith;

(k) Deposit for village inspection, in accordance herewith;

(l) Text of protective covenants, deed restrictions, home owner's association contracts and other restrictions relating to any part of the proposed subdivision, including, but not limited to building restrictions, use restriction, building setback lines, buffer areas, common open space, maintenance of improvements and the like;

(m) Final plat checklist, signed by the applicant indicating that all items necessary for review have been submitted; and

(n) Certificates. The final plat shall not be considered until the following certificates have been duly executed:

1. Owner's certificate;
2. Surveyor's certificate;
3. Certificate of special assessments;
4. County Clerk's certificate; and
5. Roadway access certificate by the highway authorities, as set forth in the Plat Act.

(2) The Village Administrator shall transmit the final plat and accompanying material to the Village Attorney and the Plan Council.

(C) *Consideration by Plan Council*.

(1) Within 30 days from the date of final plat submittal, unless the time is extended by mutual consent, the Plan Council shall determine if the final plat meets all applicable village requirements. If the Plan Council finds that the final plat is not in accordance with the village requirements, it shall disapprove the plat and provide written notification to the Board of Trustees stating the reasons for the disapproval.

(2) If the Plan Council determines that the final plat meets all applicable village requirements, it shall submit the final plat and accompanying documents to the Board of Trustees.

(3) The Plan Council may also recommend that the Village Board consider other provisions prior to final plat approval.

(D) *Consideration by Board of Trustees.*

(1) When the final plat and accompanying documents have been forwarded to the Board of Trustees by the Plan Council, the Board of Trustees shall consider the plat to be officially filed.

(2) Within 60 days from the date of official filing, unless the time is extended by mutual consent, the Board of Trustees shall consider approval of the final plat, and if approved, the Village President shall sign the final plat and the Village Clerk shall attest the signature.

(3) If the final plat is disapproved, the subdivider shall be given written notice of the reasons for the disapproval.”

**Section 10:** That Chapter 155 Section 155.030 of the Subdivision Chapter for the village of the Code of the Village of East Dundee is hereby amended by deleting Subsections (B) and (E) and replacing said Subsections with the following in their stead:

“(B) The final plat shall contain a surveyor’s certificate substantially in the form as follows:

**SURVEYOR’S CERTIFICATE**

**STATE OF ILLINOIS**

**SS.**

**COUNTY OF KANE**

**This is to certify that I, \_\_\_\_\_, am an Illinois Registered Land Surveyor in compliance with the laws of the State of Illinois, and that this plat correctly represents a survey completed by me on \_\_\_\_\_ that all monuments and markers shown thereon actually exist, and that I have actually shown the materials that they are made of; that all regulations enacted by the Board of Trustees relative to plats and subdivisions have been complied with in the preparation of this plat.**

**Surveyor’s Seal**

\_\_\_\_\_ **Signature**

\_\_\_\_\_ Date

\_\_\_\_\_ Illinois Land Surveyor Number

(E) The final plat shall contain a village certificate of approval as follows:

**CERTIFICATE OF APPROVAL**

**STATE OF ILLINOIS**

**SS.**

**COUNTY OF KANE**

Under the authority provided by Ordinance No. \_\_\_\_\_ adopted by the Village Board of the Village of East Dundee, Illinois, this plat was approved by the Village of East Dundee and must be recorded within sixty (60) days of the date of approval by the Village Board, otherwise it is null and void.

Approved by the Village Board of Trustees at a meeting held \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ President

\_\_\_\_\_ Village Clerk

Approved by the Village Engineer

\_\_\_\_\_ Village Engineer”

**Section 11:** That Chapter 155 Section 155.045 of the Subdivision Chapter for the village of the Code of the Village of East Dundee is hereby amended by deleting Subsections (F), (H), (I), (K) and (L) and replacing said Subsections with the following in their stead:

“(F) Half streets shall be prohibited, except where:

(1) A dedicated half street exists adjacent to the parcel being subdivided; and (Under this condition, the other half shall be platted and approved according to the standards herein.)

(2) The Plan Council and Village Board determine that it will be practicable to require the dedication of a right-of-way on land not wholly owned by the developer. Under this condition, the village may take action as is required to secure the right-of-way and the applicant shall pay the costs as well as the costs of the required improvements.

(H) The following standards are established for the purpose of providing protection for individual properties and to provide for traffic safety and the efficient use of the primary street for its intended function of accommodating through traffic.

(1) A marginal access street may be required in commercial or industrial zones, separated from a primary street by a planting or grass strip having a minimum width of 20 feet between the pavement of the primary street and pavement of the marginal access street. Points of access from the frontage road to the primary street shall be spaced at a minimum of 1,320 feet.

(2) In residential areas, access to primary streets shall be provided by one of the following means:

(a) The subdivision of lots so as to back onto the primary street and front onto a local street; and/or (No access to individual lots shall be provided from the primary street and a landscaped screening, as approved by the Plan Council, shall be provided in a strip of land at least 12 feet wide along the rear property lines of the lots.)

(b) A marginal access street, separated from the primary street by a planting or grass strip having a minimum width of 15 feet between the pavement of the primary street and the pavement of the marginal access street. Points of access from the frontage road to the primary street shall be spaced at a minimum of 1,320 feet.

(I) It must be evidenced that all street intersections and confluences encourage safe traffic flow.

(1) The intersection of more than two streets at one point shall be avoided, except where otherwise impractical to secure a proper street system.

(2) Streets shall intersect one another at an angle as near to a right angle as possible and in no event shall the intersections be at angles of less than 60 degrees.

(3) The minimum curb radius at the intersection of two minor streets shall be 20 feet; at the intersection of a minor street and a collector street, the minimum curb radius shall be 30 feet and at the intersection of two collector streets, the minimum curb radius shall be 40 feet. All street corners along designated truck routes where the intersecting street leads directly to, from or is within property zoned for manufacturing purposes, shall have a minimum radius of 45 feet.

(4) Proposed new intersections along one side on an existing street, shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than 125 feet shall be prohibited.

(5) When connecting streets deflect from each other at any point by more than 30 degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than 200 feet and of a greater radii as the Plan Council shall determine for special cases.

(K) Bridges of primary benefit to the applicant, as determined by the Plan Council, shall be constructed at full expense of the applicant without reimbursement from the village. The sharing expense for construction of bridges not of primary benefit to the applicant, as determined by the Plan Council, will be fixed by special agreement between the village and the applicant.

(L) (1) *General reference.* It is intended that all public streets shall be constructed in accordance as far as applicable with the most recently adopted edition of the State of Illinois, Department of Transportation, "Standard Specifications for Road and Bridge Construction," including current highway standards, special provisions and supplemental specifications as issued by the Department. These shall be referred to as the "state standard specifications" hereinafter.

(2) *Subgrade.* The subgrade of all public streets shall be prepared in accordance with Section 212 of the state standard specifications. It is required that the soil composing the subgrade have a minimum soil support value of "three" as determined by the IBR, Illinois Bearing Ratio. Test procedures used by the Illinois Department of Transportation. When, in the opinion of the Village Engineer, evaluation of the suitability of the subgrade to support the proposed pavement is warranted, a competent soils engineer contracted by the developer, at his or her expense and approved by the Village Engineer, shall perform the necessary soil tests to insure that a stable subgrade as specified is being provided.

(3) *Design of pavement.*

(a) *Procedure.*

1. The required thickness of the pavement shall be determined in accordance with the current Illinois Department of Transportation *Manual of Instructions for the Structural Design of Bituminous Pavements on Projects involving MFT, FAS, FAUS and TOPICS Funds* or Illinois Department of Transportation Design Manual, Section 7-100, *Structural Design of Portland Cement Concrete Pavement.*

2. The anticipated traffic volumes, the composition of the traffic and the subgrade support strength provided by the roadbed soils shall be considered in the design of the pavement. This information is subject to the review and approval of the village.

(b) *Minimum design criteria.* Not less than the minimum requirements listed below shall be permitted in the design of streets.

<i>Street Classification</i>	<i>Minimum Structural Number</i>
Primary or major street:	
*ADT over 15,000	5.5
*ADT 7,000 - 15,000	5.0

*ADT under 7,000	4.0
Secondary or collector street	3.3
Minor or local street	2.7
Marginal access or frontage street	2.7
Cul-de-sac	2.7
Industrial park streets	3.5
<b>NOTE TO TABLE:</b>	
*Average daily traffic anticipated ten years beyond completion of subdivision	

(c) *Minimum pavement thickness requirements.* For Portland cement concrete pavements, no less than six inches in thickness will be allowed. For bituminous pavements, the minimum requirements for surface course, base course, and sub-base course shall be in compliance with those given in Table 2 of the aforesaid *Manual of Instructions for the Structural Design of Bituminous Pavements on Projects Involving MFT, FAS, FADS and TOPICS FUNDS.*

(4) *Review of pavement design.*

(a) The village shall be furnished with copies of the soils report when a soil support IBR value of three or greater is used in the pavement design, a list of proposed street classifications, the anticipated traffic volumes which will be generated and traffic factors based on preceding date.

(b) The Village Engineer shall review this design information and report the evolution of same to the Plan Council prior to its consideration of the engineering plans.

(5) *State construction requirement for bituminous pavements.* For subdivision streets, the installation of the final one and one-quarter inch of bituminous concrete surface of the proposed pavement shall be delayed for one winter. After May 1 of the year following the initial construction of the pavement, the contractor and the Village Engineer shall inspect and mark all distressed or damaged areas. These areas shall be removed and repaired to the satisfaction of the Village Engineer. The entire surface of the existing pavement shall then be cleaned; primed at a minimum rate of 0.05 gallons per square yard; sanded, if the street is open to traffic, at the minimum rate of two pounds per square yard; and surfaced with the final layer of bituminous concrete as required.

(6) *Materials inspection.*

(a) Subgrade compaction and all materials incorporated into the roadway section shall be tested by a competent quality assurance testing company. Tests shall be made in



compliance with current state recommendations, except that plant inspectors will not be required in concrete or blacktop plants continuously during production. However, one random test shall be made daily on all material used by a competent quality assurance testing company. Results of all tests conducted shall be forwarded to the Village Engineer for his or her review and approval. Work will not be accepted without the test results submitted to the village.

(b) The owner shall provide a pavement core for every 1,000 square yards of pavement to determine the thickness, strength and/or density of the pavement, as requested by the Village Engineer, to determine their compliance with the contract specifications.”

**Section 12:** That Chapter 155 Section 155.046 of the Subdivision Chapter for the village of the Code of the Village of East Dundee is hereby amended by deleting Subsections (G) and (H) and replacing said Subsections with the following in their stead:

“(G) (1) Double-frontage lots are forbidden, except where lots back upon a limited-access highway, a major street, a secondary street or a railroad right-of-way. Double-frontage lots shall not have vehicular access through the lots.

(2) The lots shall have an additional depth of at least 12 feet in order to accommodate a protective screen planting of the nature and type as deemed appropriate by the Plan Council.

(H) A hillside lot, as referred to herein, is defined as one with an average slope of more than 15%. The Plan Council shall determine which lots are to comply with the regulations contained herein and the lots shall be so designated on the final plat.

(1) No minimum size is established, but the lot shall be of adequate size to comply with all regulations contained herein.

(2) Erosion controls such as retaining walls, cribbing or vegetative cover may be required by the Plan Council. When required by the Plan Council, plans must be submitted to the Village Engineer for approval before starting any construction on the lot and the requirement shall appear on the plat as a covenant which will run with the land.

(3) No subsurface sanitary waste disposal system may be constructed on a hillside lot. Exceptions will only be made based on detailed studies provided by the subdivider and approved by the Plan Council.

(4) Major cuts, excavation, grading and filling will not be permitted if it results in a slope of two and one-half to one or greater along adjacent lot lines, except where adequate provision is made to prevent slides and erosion. Where cuts or fills are required to provide a building site, engineering data must be presented to show existing and proposed topography, location of the building site and an analysis of the fill material to be used.

(5) The maximum grade on driveways shall not exceed 12%. Each drive shall provide sufficient space and distance to turn around before entering the street.”

**Section 13:** That Chapter 155 Section 155.048 of the Subdivision Chapter for the village of the Code of the Village of East Dundee is hereby amended by deleting Subsection (A) and replacing said Subsection with the following in its stead:

“(A) (1) Sidewalks shall be required on both sides of the street in residential subdivisions and for all commercial lots. Sidewalks may be required for industrial lots and elsewhere if considered necessary by the Plan Council for public safety.

(2) All sidewalks shall be constructed of Portland cement concrete unless another material is required by the Village Engineer. Depressed curbs at all intersections shall be required; any other provisions for the elderly or the handicapped may be required if considered necessary by the Plan Council.”

**Section 14:** That Chapter 155 Section 155.049 of the Subdivision Chapter for the village of the Code of the Village of East Dundee is hereby amended by deleting Subsection (D) and replacing said Subsection with the following in its stead:

“(D) Protective screen planting may be required to secure a reasonable effective physical barrier between residential properties and adjoining uses to minimize adverse conditions of sight and sound. The screen planting plan shall be prepared by a landscape architect and shall meet the approval of the Plan Council.”

**Section 15:** That Chapter 155 Section 155.053 of the Subdivision Chapter for the village of the Code of the Village of East Dundee is hereby amended to read as follows:

**“§ 155.053 PATHWAYS.**

The Plan Council may require the provision of a pathway system at appropriate locations upon consideration of the safety of pedestrian and bicycle access to public areas.”

**Section 16:** That Chapter 155 Section 155.076 of the Subdivision Chapter for the village of the Code of the Village of East Dundee is hereby amended to read as follows:

**“§ 155.076 TOPOGRAPHY AND GRADING.**

The slope, topography and geology of the dedicated site as well as its surrounding site must be suitable for its intended purposes. Grading on sites dedicated for park and recreational uses shall not differ greatly from surrounding land unless approved by the Village Board.”

**Section 17:** That Chapter 155 Section 155.096 of the Subdivision Chapter for the village of the Code of the Village of East Dundee is hereby amended by deleting Subsection (B) and replacing said Subsection with the following in its stead:

“(B) Where the proposed subdivision is a re-subdivision or concerns an area presently having any or all required improvements set forth herein, where the improvements meet the regulations as set forth in this chapter and other applicable village ordinances, no further provision need be made by the developer to duplicate the improvements. However, where the existing improvements do not meet the regulations of all applicable village ordinances, the developer shall repair, correct or replace the improvements in order to meet the aforesaid regulations and requirements.”

**Section 18:** That Chapter 155 Section 155.099 of the Subdivision Chapter for the village of the Code of the Village of East Dundee is hereby amended by deleting Subsection (B) and replacing said Subsection with the following in its stead:

“(B) (1) Following the completion of all required improvements and upon the final inspection by the Village Engineer, the subdivider shall submit the following material:

(a) The certificate of approval and acceptance of the required improvements, signed by the design engineer and the owner/developer;

(b) Title insurance policy, indicating that the improvements have been completed, are ready for dedication to the village and are free and clear of any and all liens and encumbrances; and

(c) Maintenance guarantee, in accordance with the provisions hereof. The completion and performance guarantees may be released only upon the satisfactory completion of the required improvements and upon the filing of a maintenance guarantee.

(2) Upon the satisfactory review of the submittals by the Village Engineer, he or she shall sign the Village Engineer’s certification and shall transmit all submittals to the Village Attorney for his or her review.”

**Section 19:** That Chapter 155 Section 155.999 of the Subdivision Chapter for the village of the Code of the Village of East Dundee is hereby deleted in its entirety.

**Section 20:** That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.


*Passed* by the Village President and the Board of Trustees of the Village of East Dundee, Cook and Kane Counties, Illinois, this 15<sup>th</sup> day of September, 2014, pursuant to a roll call vote, as follows:

**AYES:** Trustees Gorman, Lynam, Skillicorn, Selep and Wood

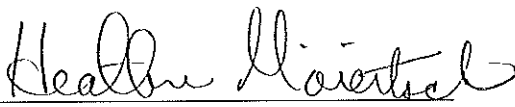
**NAYS:** ∅

**ABSENT:** Trustee Ruffulo

**APPROVED** by me, as Village President of the Village of East Dundee, Cook and Kane Counties, Illinois, this 15<sup>th</sup> day of September, 2014.

  
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Village President

*Attest:*

  
\_\_\_\_\_  
Village Clerk