



ORDINANCE NO. 1972-19

AN ORDINANCE AMENDING THE VILLAGE CODE OF THE VILLAGE OF HAWTHORN WOODS – TITLE 10, CHAPTERS 1, 2, 3, 4 AND 5

BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Hawthorn Woods, Lake County, Illinois, as follows:

SECTION ONE: That Title 10, Chapter 1, 2, 3, 4 and 5 of the Village Code of the Village of Hawthorn Woods is hereby deleted in its entirety and in lieu thereof, the attached shall be substituted:

SECTION TWO: That all ordinances or resolutions, or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, superseded by this Ordinance.

SECTION THREE: That is Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication in pamphlet form as provided by law.

The foregoing Ordinance was adopted on September 23, 2019 by a roll call vote as follows:

AYES: Kaiser, Kosik, Pires, Corrigan, Dimaggio, David

NAYS: Ø

ABSENT AND NOT VOTING: Ø

APPROVED:   
Joseph Mancino, Mayor

ATTEST: 

Donna Lobaito, Village Clerk

ADOPTED: Sept. 23, 2019

APPROVED: Sept. 23, 2019

# Chapter 1

## GENERAL SUBDIVISION PROVISIONS

### 10-1-1: TITLE:

### 10-1-2: PURPOSE:

### 10-1-3: JURISDICTION:

### 10-1-4: COMPLIANCE REQUIRED:

### 10-1-5: INTERPRETATION:

### 10-1-6: SEPARABILITY:

### 10-1-7: RULES AND DEFINITIONS:

### **10-1-1: TITLE:**

This title shall be known and may be cited and referred to as the *SUBDIVISION CONTROL ORDINANCE FOR THE VILLAGE OF HAWTHORN WOODS, ILLINOIS*, and is adopted pursuant to the authorization of chapter 65 of the Illinois Compiled Statutes. (Ord. 439-89, 12-11-1989)

### **10-1-2: PURPOSE:**

- A. The purpose and intent of this title is to provide reasonable regulations for the design of subdivisions and resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements and for the establishment of reasonable requirements for the location, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, streetlights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, stormwater drainage, water supply distribution, sanitary sewers and sewage collection and treatment and the further development of standards to lessen the hazards of flood and to prevent or limit the construction of structures in areas prone to flooding.
- B. All such rules, regulations and requirements are deemed to be nominal requirements for the preservation and promotion of the health, safety, welfare and convenience of the village and adjacent areas. (Ord. 439-89, 12-11-1989)

### **10-1-3: JURISDICTION:**

- A. This title is adopted pursuant to 65 Illinois Compiled Statutes 5/11-12-5, and shall apply to the subdivision and resubdivision of property and to planned unit developments pursuant to the zoning ordinance of the city<sup>1</sup>, located or to be located within the corporate limits of the village and to property located within one and one-half (1<sup>1</sup>/<sub>2</sub>) miles of the corporate limits of the village, provided said property is not located within the corporate limits of any other municipality.
- B. Should the village enter into a boundary agreement with any other municipality having a valid comprehensive plan, then the terms and provisions of this title shall apply within such adjacent unincorporated areas as provided in any applicable boundary agreement.

- C. Notwithstanding any provision contained in this title to the contrary, the exemption from compliance with this title and the subdivision act<sup>2</sup> as provided for by paragraph 205/1(b)9 of said act shall not be applicable to any division or partitioning of land subject to the jurisdiction of the village. (Ord. 439-89, 12-11-1989)

#### **10-1-4: COMPLIANCE REQUIRED:**

- A. No person shall subdivide or resubdivide land, or create a planned unit development, subject to the jurisdiction of the village, without having first complied with the provisions of this title. (Ord. 439-89, 12-11-1989; amd. 1995 Code)
- B. Prior to the review of any proposed subdivision, resubdivision or planned unit development, the applicant shall submit an executed draw down deposit agreement in the form approved by the village. (Ord. 439-89, 12-11-1989; amd. 1995 Code; Ord. 1352-10, 11-15-2010)
- C. The approvals required under the provisions of this title shall be obtained prior to:
1. The installation of any public improvements, or the issuance of any building permits.
  2. Any development of the property.
  3. Offering for sale, entering into an option or a contract for the sale, or selling any portion of the property for which compliance with this title is required. (Ord. 439-89, 12-11-1989; amd. 1995 Code)

#### **10-1-5: INTERPRETATION:**

- A. Minimum Standards Established: In their interpretation and application, the provisions of this title shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.
- B. Higher Standards Govern: Where the conditions imposed by any provisions of this title upon the subdivision of land are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this title or any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- C. Easements Or Covenants Not Abrogated: This title is not intended to abrogate any easement, covenant or any other private agreement.
- D. Existing Subdivisions: No subdivision of land which was not lawfully existing on the effective date hereof shall be made lawful solely by reason of the adoption of this title, and to the extent that said subdivision of land is in conflict in any manner with the requirements of this title, said subdivision of land remains unlawful hereunder. (Ord. 439-89, 12-11-1989)

#### **10-1-6: SEPARABILITY:**

The several provisions of this title shall be separable in accordance with the following:

- A. Separability Of Parts: If any court of competent jurisdiction shall adjudge any provision of this title to be invalid, such judgment shall not affect any other provision of this title not specifically included in said judgment.
- B. Separability Of Application: If any court of competent jurisdiction shall adjudge invalid the application of any provision of this title to a particular subdivision of land, such judgment shall not affect the application of said provision to any other subdivision of land, not specifically included in said judgment.
- C. Land Part Of Larger Subdivision: 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 commission<sup>3</sup> shall, before approval, cause to be prepared by the subdivider a plan for the entire area or neighborhood, such plan to be used by the plan commission in judging the proposed plat. (Ord. 439-89, 12-11-1989)

### **10-1-7: RULES AND DEFINITIONS:**

- A. Interpretation: In the interpretation of this title, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.
- B. Rules Of Word Construction: The language set forth in the text of this title shall be interpreted in accordance with the following rules of construction:
  - 1. The present tense shall include the future, and words used in the singular number shall include the plural number and the plural the singular.
  - 2. The word "shall" is mandatory.
  - 3. The word "may" is permissive.
  - 4. The word "lot" shall include the words "plot", "tract" and "parcel".
  - 5. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for". (Ord. 439-89, 12-11-1989)

**ALLEY:** A public right-of-way which provides a secondary means of access to abutting property.

**BLOCK:** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights of way, bulkhead lines or shorelines of waterways or corporate boundary lines of the village.

**BORINGS, SOIL:** Examination and analysis of the subsoil conditions of a specific parcel of land by drilling.

**BUILDING:** Any structure with walls and roof affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or openings; and which is designed or intended for shelter, enclosure or protection of persons, animals or chattels.

**BUILDING PERMIT:** A permit issued by the Village of Hawthorn Woods for the construction, erection or alteration of a structure or building.

**BUILDING SETBACK LINE:** A line parallel to the street line at a distance from it, regulated by the front yard and/or side yard requirements of the Hawthorn Woods Zoning Ordinance<sup>4</sup>.

**COMPREHENSIVE PLAN:** Official Comprehensive Plan of the Village of Hawthorn Woods or any segment thereof, in the form of plans, maps, charts, text of reports, implementing ordinances and the Official Map.

**CORINGS, PAVEMENT:** Examination and analysis of the completed surface and/or subsurface of a finished pavement by removing a core by drilling.

**CREEK:** A channel of water often tributary to a river and/or body of water. A watercourse that is a naturally occurring swale or depression or engineered channel or enclosed farm drainage system that conveys stormwater runoff either seasonally or year round. A creek must include all of the following features: 1) hydrologic connectivity, 2) presence of channel form including a bed, bank and features that indicate actual or potential sediment movement, and 3) topographic position. A creek begins at the first point at which these features are met.

**CROSSWALK:** A public right-of-way located across a block to provide pedestrian access to adjacent streets or alleys.

**CUL-DE-SAC:** A minor street having one end open to traffic and being permanently terminated by a vehicular turnaround.

**CURB:** The permanent edge of a paved surface designed to separate the vehicular travelway from the landscaped parkway.

**DATUM PLANE:** A reference point from which elevations are measured. The datum plane is the North American Vertical Datum 1988 (NAVD 88).

**DETENTION FACILITY:** A man-made structure for the temporary storage of stormwater runoff with controlled release during or immediately following a storm.

**DEVELOPMENT:** Any man-made change to improved or unimproved property.

**DITCH/DRAINAGE SWALE:** A geometric depression of shallow depth with various cross sections to carry surface water.

**EASEMENT:** A grant by a property owner for the use of a strip of land by the general public, a corporation, or a certain person for a specific purpose or purposes.

**ELEVATIONS:** The vertical distance measured from a point on the ground to the datum plane.

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

**EXISTING GRADE:** The vertical location of the existing ground surface prior to excavation or filling.

**FILL:** Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced,

pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom.

GRADE: The slope of the land, road, street, swale, ditch, pipe or other public way expressed in percentage (feet per 100 feet).

GRADING: Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

GROSS LAND AREA: The entire area of a development including lots, streets and alleys, measured to the center line of any bounding streets.

LOT: A parcel of land legally described as a distinct portion or piece of land of record.

LOT, THROUGH: A lot having frontage on two (2) parallel or approximately parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lines.

OFFICIAL MAP: The map showing the streets, highways and parks theretofore laid out, adopted and established by law and any amendments or additions thereto resulting from the Board of Trustees or the approval of subdivision plats.

PARCEL: All contiguous land in one ownership.

PARKWAY: The area between the lot line and the edge of the pavement.

PEDESTRIANWAY: A right-of-way, or easement however designed, across or within a block for use by pedestrian traffic; and shall include but not be limited to sidewalks and crosswalks.

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

PLAN COMMISSION: The Plan Commission of the Village of Hawthorn Woods, Illinois<sup>5</sup>.

PLAN CONCEPT: A general map or drawing on which the subdivider's design for the subdivision of land is presented for discussion purposes prior to the preparation of the preliminary plat.

PLANNED DEVELOPMENT: A parcel or tract of land, initially under single ownership or united control, which contains two (2) or more principal buildings or uses, planned and constructed as a unified development where specific regulations of a given zoning district are modified through the issuance of a special use permit.

PLAT: A map or chart of a subdivision of land.

PLAT, FINAL: A plat which is in conformance with the Plat Act, Illinois Compiled Statutes, chapter 765 and this Title.

PLAT OFFICER: The chairman of the Plan Commission.

PLAT, PRELIMINARY: The drawings and documents presented for tentative approval as described in this Title.

RESIDUAL AREA: That portion of a planned development not platted as residential lots or designed

for dedication as streets or alleys.

**RESUBDIVISION:** The subdivision of previously subdivided property in accordance with the Plat Act, Illinois Compiled Statutes, chapter 765 and this Title.

**RETENTION FACILITY:** A facility designed to completely retain a specified amount of stormwater runoff without release except by means of evaporation, infiltration or pumping.

**RIGHT-OF-WAY:** A strip of land occupied or intended to be occupied by a road, sidewalk, railroad, electric transmission line, oil and gas pipeline, water main, sanitary or storm sewer or for other special uses.

**ROADWAY:** The paved area within a street right-of-way intended for vehicular traffic.

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

**SITE DEVELOPMENT:** Altering terrain and/or vegetation and constructing streets, driveways and utilities.

**SOIL TESTING:** Determination and analysis of the subsoil conditions of a specific land area by use of soil borings.

**STREET, APPROVED:** Any streets, whether public or private, meeting standards and specifications of the Village of Hawthorn Woods.

**STREET, HALF:** A street of less than the total required width along one or more property lines of a subdivision.

**STREET, MARGINAL ACCESS:** A minor street which is parallel and adjacent to highways and major streets and which provides access to abutting properties and protection to local traffic from fast, through moving traffic on the highways and major streets.

**STREET, MAJOR:** A street of considerable continuity which serves or is intended to serve as a major traffic artery connecting various sections of Hawthorn Woods.

**STREET, MINOR:** A street primarily as access to abutting properties.

**STREET, PUBLIC:** Any major or secondary street or minor street which is shown on the subdivision plat and is or is to be dedicated for public use.

**STREET, SECONDARY or COLLECTOR:** A street which carries traffic from minor streets to the major street system, including the principal entrance streets of residential development and streets for circulation within such development.

**STREET WIDTH:** The distance between lot lines measured perpendicular to the center line of that street.

**SUBDIVIDER:** Any person who shall seek to subdivide a parcel or tract of land or seek approval of a planned development.

**SUBDIVISION:** The partitioning of a parcel or tract of land by the subdivider thereof or by his heirs, executors, administrators, legal representatives, successors or assigns, where the act of division creates a subdivision not exempt under the provisions of chapter 765, Illinois Compiled Statutes, except that the exemption provided by chapter 765, section 205/1(b)9 shall not be applicable with respect to property subject to the jurisdiction of the Village. In addition, as used herein, a subdivision shall be deemed to include a planned unit development to the extent provided in Section 10-1-2 hereof, or who shall seek to construct a heretofore approved planned unit development.

**THOROUGHFARE:** A street with a considerable degree of continuity and serving as a traffic artery for intercommunication between areas of concentrated use, including but not limited to Federal, State, County and major township highways.

**VILLAGE BOARD:** The Village Board of Trustees of the Village of Hawthorn Woods.

**VILLAGE ENGINEER:** The person or persons assigned within a firm duly registered by the State of Illinois charged by the Village with the responsibility for engineering, planning and related matters.

**WETLAND:** A wetland is a specific type of *natural* or man-made drainageway as follows: Wetland are land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, under normal conditions, a prevalence of vegetation adapted for life in saturated soil conditions (known as *hydropathic vegetation*). A wetland is identified based upon the three attributes: 1) hydrology, 2) soils, and 3) vegetation as mandated by the current Federal wetland determination methodology.

## Chapter 2 PROCEDURES AND GUIDELINES

### 10-2-1: PRELIMINARY CONSULTATION:

### 10-2-2: CONCEPT PLAN:

### 10-2-3: PRELIMINARY PLAT:

### 10-2-4: FINAL PLAT:

### 10-2-5: CONSTRUCTION OF REQUIRED IMPROVEMENTS:

### 10-2-6: AGREEMENTS AND GUARANTEE OF IMPROVEMENTS:

#### **10-2-1: PRELIMINARY CONSULTATION:**

- A. If any parcel of land is not within the corporate boundaries of the village, the petitioner shall make his intentions for annexation known to the village board. (Ord. 439-89, 12-11-1989)
- B. Prior to the submission of the concept plan of any proposed subdivision, the following actions will be taken:
  - 1. A draw down deposit agreement is required to be filled out and submitted with the appropriate fees.
  - 2. The subdivider should secure a copy of the zoning ordinance, subdivision control ordinance, stormwater management and erosion control standards, standard specifications, and other similar ordinances of control relative to the subdivision and improvements of land so as to be aware of the requirements of the village.
  - 3. An investigation of proper zoning of the intended use should be made by the subdivider.
  - 4. An investigation of the adequacy of existing schools and of public open spaces, including parks and playgrounds to serve the proposed subdivision, should be made by the subdivider.
  - 5. The relationship of the proposed subdivision with respect to arterials and plans for widening of such arterials should be investigated by the subdivider.
  - 6. All applicable standards for wastewater disposal, water supply, floodplains, wetlands and drainage should be investigated by the subdivider.
  - 7. The need to have all public utilities and other facilities such as gas, electrical, wells and septic field located and constructed to minimize flood damage.
  - 8. The need to have adequate drainage to reduce exposure to flood damage. (Ord. 1629-16, 2-22-2016)

#### **10-2-2: CONCEPT PLAN:**

Prior to the filing of any application for approval of a preliminary plat of subdivision, an applicant may prepare and submit a concept plan of the proposed subdivision in accordance with the terms of this code.

A. Filing:

1. Copies of the concept plan of the proposed subdivision, together with written application, shall be submitted to the chief operating officer or his major designated representative.
2. The chief operating officer or his designated agent(s) shall conduct a meeting for the purpose of reviewing the concept plan. Notice of the proposed meeting shall be given to the applicant and he shall be permitted to attend said meeting. (Ord. 1629-16, 2-22-2016)

B. Identification And Description: The concept plan shall include:

1. Proposed name of subdivision, date and north point.
2. An overall area map at a scale of not less than one inch equals one thousand feet (1" = 1,000') showing the relationship of the subdivision to its surroundings within one-half (1/2) mile, such as section lines or arterial or collector streets shall be provided.
3. Location by section, township and range or by other legal description.
4. Names and addresses of the subdivider, owner and the planner, designer, engineer or surveyor who designed the subdivision layout.
5. Scale of plat:

	<b>NOT LESS THAN</b>
Single lot to 5 acres	1 inch equals 30 feet
5 acres to 20 acres	1 inch equals 50 feet
Over 20 acres	1 inch equals 100 feet

(Ord. 439-89, 12-11-1989)

6. Topography drawn as contours with an interval of not greater than one foot (1') based on existing NAVD 88 datum. (Ord. 823-98, 5-11-1998)
7. Locations of wetlands and floodplains shall be indicated in map form.
8. Location of any existing streets or lots within two hundred feet (200').
9. Identification of any significant wooded areas, including a table of existing trees.
10. Identification of existing zoning on the site and zoning of abutting property within two hundred feet (200').

C. Preparation:

1. The concept plan should be drawn to scale and show the arrangements of lots, blocks and streets. Dimensions of all lots shall be shown, but may be approximated. It is the intent of this title that the concept plan need not be done in precisely engineered plans but only in sufficient detail to permit planning review. At this stage, the subdivider should expect that the plan commission may require major alterations to be made in the plat if it is found necessary.
2. It is not necessary that the concept plan be prepared by and sealed by a registered land surveyor; provided, however, that the outside dimensions of the plat shall be based upon an accurate boundary survey prepared by a registered land surveyor. (Ord. 439-89, 12-11-1989)

D. Concept Plan Review:

1. The village planner shall provide the applicant with a written review of the concept plan.
2. Copies of the written review of the concept plan shall be forwarded to the village board of trustees. (Ord. 1629-16, 2-22-2016)

E. Concept Plan Not Mandatory: The concept plan provided for in this section is provided as a convenience to the subdivider and is not mandatory. As such, should a subdivider elect to present a concept plan, such election shall not be deemed to cause the commencement of the statutory time limitations set forth in 65 Illinois Compiled Statutes 5/11-12-8. (Ord. 439-89, 12-11-1989)

### **10-2-3: PRELIMINARY PLAT:**

As a prerequisite to the filing of a final plat of subdivision, an applicant shall file a preliminary plat of subdivision. Preliminary plats of subdivision, including all information set forth hereinbelow, shall be prepared and submitted in accordance with the following criteria: (Ord. 439-89, 12-11-1989; amd. Ord. 803-97, 8-11-1997)

A. Filing:

1. The preliminary plat shall not substantially deviate from the concept plan previously reviewed by the plan commission and village planner. (Ord. 439-89, 12-11-1989)
2. The subdivider shall make application and forward two (2) copies to the McHenry – Lake County Soil and Water Conservation District for review and recommendation within thirty (30) days of the date of application. Preliminary plat approval shall not be considered until said recommendation from the soil and water conservation district has been received by the plan commission.
3. Fifteen (15) copies of the preliminary plat of proposed subdivision together with written application in triplicate and appropriate fees as established by this title shall be submitted to the plan commission at the time of application. Submittal with the plan commission shall be at least thirty (30) days prior to the regular plan commission meeting (which meeting shall be considered at the date of filing) at which the subdivider will be scheduled to appear. Should any of the data required in this section be omitted, the subdivider shall be notified of the additional data required and the Plan Commission action shall be delayed until data is received.

4. The subdivider shall cause one copy to be forwarded to each of the applicable school districts, one copy each to the local fire protection districts and to the Village Engineer, Village Planner, and if applicable, to Lake County Health Department, the Army Corps of Engineers to the Lake County Division of Transportation and Department of Public Works, Local Township, Aqua Illinois and the Illinois Department of Transportation IDOT Division of Water Resources for review and recommendation within thirty (30) days of the date of such forwarding. (Ord. 439-89, 12-11-1989; amd. Ord. 617-94, 10-10-1994)
  5. Topography drawn as contours with an interval of not greater than one foot (1') based on existing NAVD 88 datum.
- B. Identification And Description: The preliminary plat shall include that information contained within subsection 10-2-2B of this Chapter and shall further include a statement of ownership, whether in fee or as a beneficiary of trust. The subdivider shall also indicate his interest in the land.
- C. Preparation: The preliminary plat shall be drawn to scale and show the exact dimensions and arrangements of lots, blocks, streets, rights-of-way, easements and the area of all lots. The preliminary plat shall be prepared and sealed by a registered land surveyor.
- D. Existing Conditions: The preliminary plat shall include:
1. Boundary line of proposed subdivision, section or corporation lines within or adjacent to the tract and overall property dimensions.
  2. Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to and within two hundred feet (200') of the tract being proposed for subdivision (not including road right-of-way). (Ord. 439-89, 12-11-1989)
  3. Location, dimensions and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way, easements, parks and other public open spaces; location of culverts, gas, water and sewer mains, electric, telephone, cable and other telecommunications lines; and location of buildings, structures, traffic-control and utility facilities, and section and municipal corporation lines, within two hundred feet (200') adjacent to the tract. (Ord. 803-97, 8-11-1997)
  4. In case of a resubdivision, all descriptive lines of the original plat being vacated shall be shown by dotted lines in their proper position in relation to the new arrangement of the plat, the new plat being clearly shown in solid lines so as to avoid ambiguity or confusion.
  5. Location and/or size of existing channels, natural and manmade retention/detention areas, flood plain, wetland, storm sewers , or other underground facilities within the tract and to a distance of two hundred feet (200') beyond the tract to include such data as grades, invert elevations and locations of catchbasins, manholes, valves and hydrants. (Ord. 439-89, 12-11-1989)
  6. Location of all existing farm and storm drainage tiles, which shall be located by means of slit trenching and hand probing or electric radar tile location devices along with slit trenching and hand probing by persons qualified to do such work. All existing drain tile lines encountered during the investigation shall be repaired to their original condition. Four (4) copies of a topographical boundary map locating these lines must be submitted showing the following:

- a. Location of each slit trench and each trench identified to correspond with the tile investigation report;
  - b. Location of each drain tile with a flow direction arrow and tile size;
  - c. A summary of the tile investigation report showing trench identification number, tile size, material and quality, percentage of tile filled with water, percentage of restricted siltation, depth of ground cover and soil texture at grade;
  - d. Name, address and phone number of person conducting tile location investigation. (Ord. 617-94, 10-10-1994)
7. The water lines for the normal, high and 100-year flood crest elevations of all streams, surface water channels, lakes, ponds, wetlands, and other detention basins. If sewer and water mains are not on or adjacent to the tract, indicate the direction and distance to and size of nearest usable facilities.
  8. An environmental site assessment report, prepared in accordance with the Standard Practice for Environmental Site Assessments, latest edition, of the American Society for Testing and Materials (ASTM).
  9. A wetland delineation report, prepared in accordance with the Wetland Delineation Manual, latest edition, by the Army Corps of Engineers. (Ord. 803-97, 8-11-1997)
- E. Proposed Conditions: The preliminary plat shall include: (Ord. 439-89, 12-11-1989)
1. Layout of streets and other public ways, including proposed street names, right-of-way widths, approximate gradients and other dimensions, street lights and traffic signals, and connections, with adjoining platted streets and the widths, locations and purposes of easements. (Ord. 803-97, 8-11-1997)
  2. Layout, numbers and dimensions of lots, including setback lines showing dimensions, and areas (in square feet) of each lot. (Ord. 439-89, 12-11-1989)
  3. Indication of parcels of land and acreage intended to be dedicated or set aside for public use or for the use of property owners in the subdivision. (Ord. 617-94, 10-10-1994)
  4. The preliminary plat shall show the actual geometrics and dimensions of the proposed lots and streets.
  5. An indication of the system proposed for sewage disposal by a method approved by the Lake County Health Department and/or Lake County Public Works Department, including the layout of any septic and/or sanitary sewerage facilities with the approximate sizes and lengths of sanitary sewers, location of treatment facilities and/or septic fields, depths and gradients of sewers and other pertinent information concerning such facilities. (Ord. 439-89, 12-11-1989; amd. Ord. 617-94, 10-10-1994; Ord. 803-97, 8-11-1997)
  6. An indication of the system proposed for storm water management by a method approved by the Village Engineer which shall be in conformance with the provisions of this Title, showing the water lines for the normal, high and 100-year flood crest elevations of all streams, surface water channels, lakes, ponds, wetlands, other detention basins and the layout of storm

sewers including location, sizes, gradients and depths of all storm sewers, drainage swales and open channels. (Ord. 439-89, 12-11-1989; amd. Ord. 803-97, 8-11-1997)

7. An indication of any protective covenant or deed restriction which is to be placed upon the property to be subdivided.
8. In the case where the subdivider wishes to subdivide a given area, but wishes to begin with only a portion of the total area, the preliminary plat shall include the proposed general layout for the entire area. The part which is proposed to be subdivided first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development which the subdivider intends to follow. However, each division shall be independent of future divisions for storm water management, traffic circulation and other considerations. Each subsequent plat shall follow the same procedure until the entire area controlled by the subdivider is subdivided. (Ord. 439-89, 12-11-1989)
9. Preliminary layout of grading and drainage showing the approximate method of lot drainage and street drainage throughout the development.
10. Layout of water supply facilities including well locations, approximate sizes and lengths of mains, valves, hydrants and other appurtenances.
11. Layout of public utility facilities including location, size and height or depth of gas, electric, telephone and cable lines.
12. The following supporting documents shall be submitted:
  - a. Preliminary transportation studies, prepared by an engineer.
  - b. Sanitary sewer, water main, storm sewer, and detention capacity and loading calculations prepared by an engineer, including the method(s) to be employed to address particular problems that may be encountered with the development.
  - c. Preliminary soils and subsurface investigation report, prepared by an engineer, of sufficient scope to point out potential ground absorption, runoff, flooding deficiencies, the presence of unstable soil or of soils of such low bearing capacity as to adversely affect the intended construction, or the presence of subsurface rock that would affect the installation of required improvements. If the Village Engineer determines that additional soil investigations, boring or other soil tests are necessary to determine the nature and extent of any such soil and/or subsurface conditions, the subdivider shall cause such work to be performed and submit reports thereof to the Village Engineer. (Ord. 803-97, 8-11-1997)
  - d. For subdivisions of twenty (20) lots or more (in any single phase of construction), or as otherwise requested by the Plan Commission, a fiscal impact report, showing the revenues generated by, and expenses resulting from, the proposed subdivision with respect to the Village and any affected school district(s). (Ord. 845-98, 9-14-1998)

F. Preliminary Plat Review By The Plan Commission:

1. Conformity: The preliminary plat documents shall be reviewed by the Plan Commission to conform with the reviewed concept plan and compliance with the requirements of this Code.

2. Donations: Applicable school districts and local park jurisdictions will be required to agree to and accept the school and park donations.
3. Fire Protection Districts: Applicable fire protection districts or jurisdictions will be requested to review the preliminary plat and submit comments in writing within thirty (30) days of the date of filing.
4. Recommendations:
  - a. Should the recommendation be for approval subject to certain conditions, said conditions shall be agreed to by the subdivider prior to approval of the preliminary plat by the Board of Trustees.
  - b. Should the Plan Commission recommend disapproval of the preliminary plat, it shall record the reasons for such recommendation in the minutes of its regular meeting and such reasons shall accompany the recommendation to the Board of Trustees.
  - c. Should the Plan Commission find that all conditions have been satisfactorily met, it may recommend approval of the preliminary plat to the Board of Trustees, at the next regularly scheduled meeting.
5. Approval, Disapproval, Further Consideration: Upon receipt of the recommendation of the Plan Commission, the Board of Trustees may approve the preliminary plat, disapprove same or refer the plat back to the Plan Commission for further consideration or comment.
  - a. Should the Board of Trustees refer the preliminary plat back to the Plan Commission, it shall next consider said plat upon receipt of additional comments and recommendations from the Plan Commission.
  - b. Should the Board of Trustees approve said preliminary plat, such approval shall be effective for a period of one year. Should a final plat not be submitted for approval within this time limit, the preliminary plat must again be submitted for approval, unless an extension is applied for by the subdivider and such request is granted in writing by the Village Board.
6. Time For Consideration:
  - a. The Plan Commission shall approve or disapprove the application for preliminary plat approval within ninety (90) days from the date of the application or the filing by applicant of the last item of required supporting data, whichever date is later, unless such time is extended by mutual consent.
  - b. If such plat is disapproved, then within said ninety (90) days the Plan Commission shall furnish to applicant in writing a statement setting forth the reason for disapproval and specifying with particularity the aspect in which the proposed plat fails to conform to this Title, including the Official Map. (Ord. 439-89, 12-11-1989)
  - c. If such plat is approved, the corporate authority shall take action on said plat within thirty (30) days after its next regular stated meeting following the action of the Plan Commission. Preliminary approval shall not qualify a plat for recording. (Ord. 439-89, 12-11-1989; amd. Ord. 617-94, 10-10-1994)

## 10-2-4: FINAL PLAT:

Fifteen (15) copies of the final plat of subdivision, together with written application in triplicate and appropriate fees as established by this Title, shall be submitted to the Plan Commission. Prior to submission of the final plat of subdivision, the subdivider shall submit for review and approval: landscape plans for all landscaping required pursuant to this code and for any permanent monument sign(s) for the subdivision; and final engineering plans for all required improvements, including, but not limited to, street improvements, drainage, storm water, wetlands, and soil and erosion control improvements, sanitary sewerage improvements, water supply improvements and public utilities. (Ord. 439-89, 12-11-1989; amd. Ord. 803-97, 8-11-1997)

The procedure for preparation and review of a final plat shall be as follows: (Ord. 439-89, 12-11-1989)

- A. Preparation: Within one year after approval of the preliminary plat by the mayor and board of trustees and after receiving final approval of all engineering documents, the subdivider shall submit a final plat. One Mylar and a sufficient number of blackline prints shall be filed with the plan commission for review. The final plat, if desired by the subdivider, may constitute only that portion of the approved preliminary plat which is proposed to be recorded and developed at the time; provided, however, that such portion shall conform to all requirements of these regulations, and be able to stand by itself in respect to drainage, surface water detention and street access. The final plat shall be prepared at the same scale as the preliminary plat and shall show: (Ord. 439-89, 12-11-1989; amd. Ord. 1125-05, 5-16-2005)
1. Name of subdivision.
  2. Location by section, township and range, or by other legal description.
  3. The name and certification of the registered professional engineer and registered land surveyor responsible for the preparation of the plat.
  4. Scale shown graphically, date and northpoint.
  5. Accurate angular and linear dimensions for all lines, angles and curvatures, with functions and titles used to describe all boundaries including perimeter survey of tracts, streets, alleys, easements, areas to be dedicated for public use and other important features. Error of closure of boundary line surveys shall not exceed one in ten thousand (1 foot for 10,000 feet of perimeter survey). Angular error shall not exceed plus or minus twenty (.20) seconds. Lot lines to show dimensions in feet and hundredths, and when an angle occurs in any lot line between lot corners, the measurement of the angle shall be shown in degrees, minutes and seconds and shall include the area in square feet, of all lots. The final plat shall show accurately the location of all permanent lot markers as actually installed.
  6. An identification system for all blocks and lots using consecutive numbers of lots within a block.
  7. a. Accurate location of all monuments which shall be placed at all block corners, angle points, and at intermediate points as shall be required by the village engineer and installed in such a manner that they may be located by a licensed surveyor. All USGS, state, county, village or other official bench marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.

- b. Permanent bench marks shall be placed at every fourth ( $\frac{1}{4}$ ) mile interval in each north-south and east-west direction.
  - c. Not less than one permanent bench mark shall be provided in each development.
  - d. Each permanent bench mark shall be a brass disc set in a concrete cylinder, eight inches (8") in diameter by forty eight inches (48") deep, cast in place with one no. 4 vertical reinforcing rod at its center. Said brass discs shall be provided by the village, at a price equal to the cost to the village.
  - e. Bench marks and markers shall be set level with the finished grade.
  - f. Bench marks shall be in NAVD 88 datum, and shall be inscribed with the number and elevation. NAVD 88 datum elevation shall be checked against at least two (2) reference marks approved by the village engineer. The result of the closure survey shall be reported in writing to the village engineer on monument and bench mark recovery forms. The reference marks used for this survey and their elevations shall be denoted on the cover sheet of the development plans.
  - g. Permanent monuments shall be constructed as denoted on the plat. Permanent monuments shall be constructed in accordance with Village Standard Details.
  - h. Iron pipe markers of three-fourths inch ( $\frac{3}{4}$ " ) diameter, twenty four inches (24") long, shall be set at all corners, angle points, and points of curvature of lots, and streets, by a registered land surveyor.
  - i. The developer shall replace or verify the existence of all iron pipes after the completion of all construction and before the issuance of any building permit with respect to the development.
  - j. Second order control shall be required for all permanent bench marks and monuments set in concrete as described above.
  - k. Upon receiving the monument and bench mark recovery form, the village shall inspect the installation of the disc. The proper number and elevation will be inscribed by the surveyor hired by the developer to do such work after approval of the investigation by the village engineer. (Ord. 617-94, 10-10-1994)
8. Exact location, width and name of all streets within and adjoining the plat, and the exact location and widths of all alleys.
9. No street names shall be repeated within the village and final determination of the street names shall be at the sole discretion of the plan commission, with the approval of the appropriate fire district.
10. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon and in the dedication, and of any area to be reserved by deed covenant for common uses of all property owners.
11. A legal description of the property platted which shall be the same as that recorded in the preceding transfer of the property or that portion of said transfer covered by the plat.

12. Protective covenants of all types which run with the land, or filed as an accompanying document which shall not in any case be at variance from the terms or provisions of any existing ordinance.

13. Drainage easements, including surface water detention, wetlands and conservation, shall be shown and specific language included to prohibit the alteration, landscaping, berming or filling of such drainage easements.

B. Certificates Required: No application for a final plat shall be approved until the following certificates have been executed: (See Village Standard Details)

1. Certification by a licensed surveyor that the plat represents a survey made by him and that monuments and markers exist as located; that all dimensional and geodetic details are correct; and that he has complied with all of the requirements of this title regarding plats, noting exceptions, if any.

2. Notarized certification by owner, and if required by any mortgage holder of record, of the adoption of the plat and the dedication of streets and other public areas.

3. Approval by signature of county, state and other officials concerned with the specifications of utility installations.

4. Certification by the chairman of the Planning, Building and Zoning Commission that the final plat has been reviewed and approved by said commission.

5. Certification by the village collector that all taxes and special assessments have been paid up to date.

6. Certification by the county clerk that all taxes and special assessments have been paid up to date.

7. Certification that the approval of the county health officer has been given for subdivisions where private wells or septic systems are proposed.

8. Certification that the approval of the village engineer has been given to all proposed or existing public improvements.

9. In cases of plat or right of way vacations, written evidence as provided by statute shall be shown on the plat. (Ord. 439-89, 12-11-1989; amd. 1995 Code)

10. Certification of approval by the mayor and the board of trustees attested by the village clerk. (Ord. 439-89, 12-11-1989; amd. 1995 Code; Ord. 1125-05, 5-16-2005)

11. Certification of design engineer and owner or duly authorized attorney as required by 765 Illinois Compiled Statutes 205/2.

12. Certification that approval of the Illinois Department of Transportation and the Lake County Division of Transportation has been granted, if applicable. (Ord. 439-89, 12-11-1989; amd. 1995 Code)

C. Review Of Final Plat:

1. The plan commission shall review each final plat, and shall transmit said plat to the board of trustees accompanied by written findings as to the conformance of the final plat with the previously approved preliminary plat and all other requirements of this title.
2. The board of trustees shall approve or deny approval of the final plat of subdivision. Such action shall be taken within sixty (60) days of the filing of the application for approval of the final plat except that any delay in the consideration of said plat occasioned by the action or request of the applicant shall not be counted against the sixty (60) day requirement.
3. Upon approval, the zoning administrator shall cause a fully executed original mylar of the final plat to be recorded in the office of the recorder of deeds of Lake County, Illinois. (Ord. 439-89, 12-11-1989; amd. 1995 Code; Ord. 1645-16, 3-21-2016)

### **10-2-5: CONSTRUCTION OF REQUIRED IMPROVEMENTS:**

- A. Site Development Permit and Fee: No improvement including site development, clearing, grading, earthwork nor buildings constructed shall be made prior to the approval and recording of the final plat. No site development permit shall be issued until the final plat has been recorded. A construction schedule must be submitted prior to the filing of a site development permit. A fee of fifty dollars (\$50.00) shall be charged for the site development permit. (Ord. 456-90, 6-28-1990)
- B. As Built Plans: Upon the completion of construction of all public improvements required by this title, in conformance with approved engineering plans, specifications and other documents, the design engineer engaged by the subdivider shall prepare and submit to the village engineer four (4) sets of the as built plans. The village engineer shall notify the village board that such public improvements have been satisfactorily completed in accordance with the approved engineering plans, specifications and other documents. (Ord. 617-94, 10-10-1994)
- C. Conveyance Of Improvements: Upon completion of all, or designated portions, of the improvements required by this title, and approval thereof by the village engineer, said improvements shall be conveyed and transferred to the village by appropriate bills of sale or other documents. All labor and material for installing public improvements shall be furnished by the subdivider. All testing required for approval of said improvements shall be done by the subdivider under the supervision of the village engineer. Such bills of sale or other documents of conveyance shall be accepted by resolution of the village board. For purposes of this section, the term improvements shall not include service lines, driveways and other improvements which serve individual parcels, stormwater detention and/or retention facilities on individual parcels or outlots, approved private streets, or appurtenances thereto. (Ord. 803-97, 8-11-1997)

### **10-2-6: AGREEMENTS AND GUARANTEE OF IMPROVEMENTS:**

The requirements of this section shall be complied with prior to the approval and recording of a final plat of subdivision, except as noted otherwise.

#### **A. Action By The Subdivider:**

1. Prior to the approval of a final plat, the owner or subdivider shall submit an executed subdivision improvement agreement, acceptable to the village, providing for the completion and guarantee of all required improvements in accordance with the approved plans and specifications therefor, said completion of all required improvements, and submission of as built plans therefor, to occur as provided for in such agreement.

2. After final plat approval, but prior to construction activity, the owner or subdivider shall submit a guarantee security in accordance with subsection A2a of this section, naming the village as beneficiary thereto from a sound and reputable banking institution, savings and loan association, surety or insurance company, authorized to do business in this state, and deemed good and sufficient by the village, in a form acceptable to the village attorney. The cost of improvements shall be in accordance with cost estimates prepared by the subdivider at his expense by a registered professional engineer and approved by the village engineer.

a. Guarantee Security:

(1) A corporate surety bond or other financing surety submitted in accordance with this section to guarantee the completion of public improvements shall be in an amount equal to or greater than one hundred ten percent (110%) of the estimated cost of installing and constructing said public improvements, including labor and material required for the work, whether by subcontractor or otherwise, and shall provide as follows:

(A) An expiration date not less than one year from the date of issuance and an express provision that such surety or bond will not expire prior to completion and village board acceptance of said public improvements;

(B) That written notice shall be given by certified or registered mail to the village clerk of the expiration date, if any, of the surety bond not less than sixty (60) days before said expiration, and that the surety or bond shall not expire absent such notice;

(C) That failure of the subdivider to complete the public improvements secured by such surety or bond prior to the completion date and acceptance by the village board shall be considered a default by the subdivider and the issuing institution;

(D) That failure of the subdivider to submit a new surety or bond in accordance with this section upon expiration of such surety or bond shall be considered a default by the subdivider and the issuing institution;

(E) That the surety or bond shall be irrevocable and shall be clearly marked "irrevocable";

(F) That the surety or bond will not be discharged or reduced by the issuing institution except upon written certificate of the village clerk that said surety or bond may be discharged or reduced in accordance with this section and the amount of such discharge or reduction;

(G) That the issuing institution will pay all attorney fees and other costs reasonably incurred in enforcing collection of such financing surety in the event that the issuer wrongfully fails to honor the village's demand for payment under the terms of such surety or bond.

(2) The requirements of subsection A2a(1) of this section may be modified or waived upon motion, resolution or ordinance of the village board if the board first determines that the requirements of said subsection A2a(1) of this section would impose an unreasonable hardship upon the subdivider and that the absence of a surety or bond submitted in accordance with said subsection will not materially affect the guarantee that the requirements of this title will be met.

(3) A subdivider may, at its option, submit separate sureties or bonds for each public improvement to be accepted.

(4) A surety or bond submitted in accordance with this section to guarantee the completion of public improvements may be reduced or partially discharged prior to completion and acceptance of such public improvements by the village board upon the following showing by the subdivider and the certificate of the village engineer:

(A) A sworn statement by the subdivider's engineer of the cost of work performed and labor and materials provided toward the completion of such improvement and estimating the amount and cost of work, labor and material remaining to be performed or provided in order to complete such improvement. This statement may be waived by the village board where the estimated cost of the public improvement is less than five thousand dollars (\$5,000.00).

(B) Written waivers of lien for all labor or material provided for such public improvement where public funds are involved.

(5) Any partial reduction or discharge of a surety or bond submitted in accordance with this section to guarantee completion of public improvements shall be subject to the following restrictions:

(A) No partial reduction or discharge approved on account of work performed and labor and materials provided shall exceed the cost of such work, labor or materials;

(B) No partial reduction or discharge shall be approved to the extent that it would cause the balance of funds remaining to be less than one hundred ten percent (110%) of the estimated cost of work, labor, and material remaining to be performed or provided in order to complete such improvements;

(C) A partial reduction or discharge of such financing surety may be approved upon the chief operating officer's recommendation to the village board; provided, however, such certificate shall not be construed as partial or complete acceptance of the improvement for which said work was performed or labor and materials provided.

(6) When the subdivider has supplied all of the documents or materials required by this title to be submitted in support of its request for discharge of a surety or bond or acceptance of the public improvement as completed, the village board shall approve or disapprove such request within sixty (60) days of the subdivider's application. If the subdivider's application is disapproved, a written statement of the reasons for such disapproval shall be given to the subdivider. The subdivider and the village board may mutually agree to extend the sixty (60) day period. In addition, the sixty (60) day period shall be extended as necessary in the event that weather prevents the village from verifying the facts contained in the subdivider's application.

(7) A surety or bond submitted in accordance with this section shall be discharged upon acceptance by the village board of all improvements for which said surety or bond was submitted and submission of a maintenance bond guaranteeing said improvement against defects in materials or workmanship in the amount of ten percent (10%) of the estimated cost of said improvement to be effective for a period of one year from the date of acceptance in order to assure the satisfactory condition of the required improvements for a period of one year after the date of their acceptance by the village board. The maintenance bond shall continue in effect for good cause shown in writing by the village beyond the maintenance period and until the village staff shall verify that condition of the improvements is satisfactory and recommend release of the maintenance bond.

(8) Upon acceptance of all public improvements or approval of a partial reduction or discharge of such a surety or bond, the village clerk shall send a written certificate within three (3) days after the next succeeding village board meeting to the issuing institution and to the subdivider that such financing surety may be discharged or partially reduced and the amount of such discharge or reduction, said surety or bond to otherwise remain in full force and effect.

(9) This section shall be binding upon and applicable to all subdividers, developers and successors in title of property which is subdivided or platted in accordance with this title.

B. Compliance Required Before Sale Of Lots: No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell such parcel before the final plat of said subdivision has been approved by the village board, in accordance with the provisions of this title, and filed with the recorder of deeds of Lake County, Illinois.

C. Compliance Required Before Issuance Of Building Permits: No building permits shall be issued until the chief operating officer has notified the village board that the final plat has been recorded, that the improvements of the entire plat have been installed, inspected and approved in writing by the village engineer up to, but not including, the bituminous surface course and subsequent required items, and that the construction of the subdivision has complied with the requirements of this code. (Ord. 1645-16, 3-21-2016)

## Chapter 3

# SUBDIVISION DESIGN PLANNING STANDARDS

- 10-3-1: STANDARDS ENUMERATED:**
- 10-3-2: STREET STANDARDS:**
- 10-3-3: EASEMENTS:**
- 10-3-4: BLOCKS:**
- 10-3-5: LOTS:**
- 10-3-6: BUILDING SETBACK LINES:**
- 10-3-7: PARKS, SCHOOL SITES AND PUBLIC AREAS:**
- 10-3-8: UNDERGROUND IMPROVEMENTS, MATERIALS AND METHODS OF CONSTRUCTION:**
- 10-3-9: STORM WATER DRAINAGE SYSTEM REQUIRED:**
- 10-3-10: STREET IMPROVEMENTS:**
- 10-3-11: STREET LIGHTING IMPROVEMENTS:**
- 10-3-12: ENGINEERING DOCUMENTS AND FEES:**
- 10-3-13: INSPECTION OF REQUIRED IMPROVEMENTS:**
- 10-3-14: ACCEPTANCE OF REQUIRED LAND IMPROVEMENTS:**

### **10-3-1: STANDARDS ENUMERATED:**

The Standards of the Village are as follows:

Standard Specifications for Water and Sewer Main Construction in Illinois, latest edition; Illinois Department of Transportation Standard Specifications for Road and Bridge Construction and Supplemental Specifications and Recurring Special Provisions; Interim Special Provisions and Local Roads and Streets Special Provision; and the Village of Hawthorn Woods Standard Details.

### **10-3-2: STREET STANDARDS:**

A. Street Arrangement: Where it is not shown on the Comprehensive Plan and/or Official Map, the arrangement of streets within a subdivision shall be in compliance with the following:

1. Continuity: Provide for the continuation or projection of existing principal streets in adjacent areas.
2. Half Streets: No half streets permitted.

B. Street Design: All required street right-of-way widths, and pavement widths, curves, gradients and site distances shall be shown in the accompanying Table of Minimum Standards for Street Design and in accordance with the following:

1. Street Jogs: Street jogs should be avoided, but not less than one hundred twenty five feet (125') shall be from center line to center line.
2. Intersections: It must be evidenced that all street intersections and confluences encourage safe and efficient traffic flow and, in general, be at or near right angles. (Ord. 439-89, 12-11-1989)

3. Cul-De-Sac Streets: Cul-de-sacs shall be permitted based upon findings and recommendations of the Plan Commission and approval by the Village Board.
  - a. In residential areas, the following standards shall apply:
    - (1) Minimum pavement radius: forty five feet (45')
    - (2) Minimum right-of-way diameter: one hundred twenty feet (120')
    - (3) A temporary terminus for streets with five (5) lots or fewer shall have a fully paved, sixty six foot (66') diameter cul-de-sac and temporary easements for drainage purposes.
    - (4) The length of cul-de-sac streets shall not exceed one thousand feet (1,000') or ten (10) lots, whichever is greater.
    - (5) Islands shall not be permitted.
  - b. In nonresidential areas, cul-de-sac termini shall have a minimum diameter of one hundred forty nine feet (149') and a pavement outside diameter of not less than one hundred five feet (105').
  - c. In all areas, where a cul-de-sac terminus is utilized, the minimum front lot line shall be ninety feet (90'), and the terminus shall be fully paved. (Ord. 845-98, 9-14-1998)
4. Access From Major Streets: Provisions shall be made for vehicular and pedestrian access to residential property abutting a major street either by providing: a) a marginal access road, or b) by backing lots to the thoroughfare and providing access by a collector, minor or cul-de-sac street one lot depth removed and with a no-access strip at least twelve feet (12') wide along the rear lot line. These standards are established for the purpose of providing protection for the residential properties and to provide for traffic safety and the efficient use of the major street for its intended function of accommodating through traffic.
5. Frontage Roads: Where a subdivision borders on or contains a railroad or highway, the Plan Commission may require a street approximately parallel to and on each side of such railroad or highway, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
6. Reserve Strips: Reserve strips controlling access to public utilities, streets or alleys shall be prohibited. (Ord. 439-89, 12-11-1989)
7. Sidewalks Required: Sidewalks shall be constructed along both sides of all streets in all residential subdivisions and in all nonresidential subdivisions. (Ord. 762-96, 5-13-1996)
8. Street Levels: Street levels shall provide proper relation between the street and the elevation of the houses to assure positive drainage from the building to the street. (Ord. 439-89, 12-11-1989)

### 10-3-3: EASEMENTS:

A. Easement Design And Locations: Utility distribution or transmission installations serving the subdivision, and, when required, storm water drainageways shall be located in easements as designated on the final plat of record. Such easements shall be located along the rear lot lines or side lot lines at locations and extensions of utility installation between blocks, or continuity of drainageway. They shall occupy not less than the rear ten feet (10') of lot depth or ten feet (10') of lot width adjoining the applicable side lot line, or may be of greater width if recommended by the Village Engineer and approved by the Board of Trustees. Additional easements at other locations may be recommended for specific conditions by the Village Engineer and required by the Board of Trustees. No utility distribution or transmission installation shall be located in the same easement as a storm sewer, but shall be placed in a separate easement. (Ord. 439-89, 12-11-1989; amd. Ord. 617-94, 10-10-1994)

B. Continuity Of Easements: Easements shall be designed to provide continuity from block to block.

C. Drainage Easements: Where a subdivision is traversed by a natural drainageway, channel or stream, there shall be provided a drainage easement, conforming substantially with the areas bordering such watercourse that are subject to flooding. The easement width shall be determined by the Village Engineer.

D. Lake And Pond Easements: A ten foot (10') wide land easement shall be provided, measured from the established shoreline of all bodies of water and surface water detention basins and where necessary a ten foot (10') wide access easement to a public roadway.

E. Easement Responsibility: Each lot owner shall be responsible for the maintenance, operation and preservation of all drainage structures, both on the surface and underground, which cross or enter upon his lot or lots unless easement provisions on the final plat indicate otherwise. Lot owners shall be prohibited from altering the natural flow of water on such easements. Covenants to this effect shall be placed on the final plat. (Ord. 439-89, 12-11-1989)

F. Additional Restrictions:

1. No change in topography (grading) shall be permitted without the written approval of the Village Engineer.
2. No landscaping items or plantings other than grass or sod shall be placed in the easement without the written approval of the Village Engineer.
3. No structures, fences, pavements, sheds, signs, animal shelters, monuments, satellite or antenna systems, swimming or wading pools, and/or any other permanent structural item shall be placed in the easement without the written approval of the Village Engineer.
4. The Village Engineer shall determine how to preserve the subdivision design and proposed or naturally existing drainage patterns in any easement. (Ord. 785-97, 4-9-1997)

### **10-3-4: BLOCKS:**

A. Configuration Of Blocks: The shape of blocks shall be determined by topographical features, the basic street system and traffic pattern, lot depths and areas designated for public and other nonresidential land uses. In addition to these, the lengths, widths and shapes of blocks shall be determined with due regard to:

1. Site Adequacy: Provision of adequate building sites suitable to the special needs of the type of use contemplated.
  2. Zoning: Zoning requirements as to lot sizes and dimensions within the corporate limits of the village.
  3. Convenience: Needs for convenient access, circulation, control and safety of street traffic.
- B. Nonresidential Blocks: Blocks or portions thereof intended for commercial or industrial use shall be designated as such, and the plan shall show adequate off street areas to provide for parking, loading docks and other such facilities. (Ord. 439-89, 12-11-1989)

### **10-3-5: LOTS:**

- A. Configuration Of Lots: The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated and, in general, lots should be as nearly rectangular in shape as practicable.
1. Conformance With Zoning Regulations: Width and area of lots shall conform with lot width and area requirements set forth in the zoning ordinance of the village<sup>1</sup> or that of Lake County in the unincorporated areas beyond the village limits. Corner lots shall be increased in width by twenty percent (20%) over the width of typical interior lots, except the board of trustees may require, when recommended by the plan commission, a greater lot width to provide for the proper development of intersection design and traffic safety.
  2. Nonresidential Lots: Width, area and depth of lots in a manufacturing or business subdivision shall be as recommended by the plan commission and approved by the board of trustees.
  3. Side Lot Lines: Side lot lines shall be at right angles or radial to the street line, or substantially so.
- B. Access To Lots: Each lot within the subdivision must have access to a public street, except when private streets have been approved.
- C. Separation From Major Streets: Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from major streets or highways or to overcome specific disadvantages of topography and orientation. A planting screen of at least ten feet (10'), and across which there shall be no right of vehicular access, shall be provided along the rear lot lines of lots abutting such highways and major thoroughfares.
- D. Double Frontage Lots: Double frontage lots are not permitted, except where lots back upon a major street, upon a body of water in separate or undivided ownership or in manufacturing and business subdivisions when specifically recommended by the plan commission and approved by the village board. (Ord. 439-89, 12-11-1989)
- E. Lot Size: Lots shall comply with the minimum lot size requirements of the applicable zoning district classification for the property being subdivided.

In addition, newly created lots shall further comply with the following:

1. Newly created lots shall contain no area of lake, pond, wetland or designated stormwater detention areas or similar areas, unless recommended by the plan commission and approved by the village board.

2. Newly created lots must be served by sanitary sewer service or be demonstrated to be suitable for accommodating a private individual sewage disposal (septic) system as governed by the environmental regulations for septic systems as adopted by the Lake County health department. (Ord. 1255-08, 6-16-2008)

F. Lots Abutting A Watercourse: Lots abutting a watercourse, drainageway, channel or stream shall have an additional depth or width as recommended by the plan commission and approved by the board of trustees in order to provide acceptable building sites.

G. Preservation Of Natural Features: In the subdividing of any land, due regard shall be given to the preservation of natural features, such as trees, watercourses, historical landmarks, wetlands and similar community assets, which, if preserved, would add to the attractiveness and value of the subdivision, neighborhood or the community as a whole. The plan commission shall include in its report its conclusions as to compliance herewith. (Ord. 439-89, 12-11-1989)

H. Natural Features: Wetlands, lakes, ponds, detention areas and similar natural features shall comply with the following:

1. Such areas shall be located on separate outlots, unless otherwise recommended by the plan commission and approved by the village board.
2. Such areas shall be maintained by a homeowners' association. A declaration of covenants, conditions and restrictions, in a form approved by the village, shall be recorded along with the final plat of subdivision and shall include the responsibility to maintain such areas.
3. Such areas shall be subject to a backup special service area in the event the homeowners' association fails to properly maintain such areas. Prior to recording a final plat of subdivision, the applicant shall submit a consent to the special service area signed by all owners of the property. In addition, the declaration of covenants, conditions and restrictions applicable to the property shall include an acknowledgment of the backup special service area. (Ord. 1255-08, 6-16-2008)

#### **10-3-6: BUILDING SETBACK LINES:**

Building setback lines in all new subdivisions shall conform to the front, side or rear yard provisions of the village zoning ordinance ([title 9](#) of this code). (Ord. 439-89, 12-11-1989)

#### **10-3-7: PARKS, SCHOOL SITES AND PUBLIC AREAS:**

- A. Depiction And Configuration: Whenever required by this title or any other ordinance of the village, park sites, school sites and other public areas shall be shown on all plans and plats and shall be of such configuration as to be acceptable to the plan commission and village board.
- B. Dedication Of Park Lands, Or Cash Contribution In Lieu Thereof: As a condition of approval of a final plat of subdivision or of a final plan and plat of a planned unit development or any other development of land (hereinafter referred to as a development), each subdivider or developer (hereinafter referred to as a developer) will be required to: dedicate land for park and recreational purposes, including, but not by way of imitation, bike/walking paths/trails, to serve the immediate and future needs of the residents or occupants of the development; make a cash contribution in lieu thereof; or some combination of both, at the option of the village. Unless otherwise provided in the resolution or ordinance approving such final plat or final plan and plat or other instrument granting final development approval, such dedication and/or contribution

shall be due as a precondition to such approval. Such dedications and/or contributions shall be in accordance with the following criteria:

1. Criteria For Requiring Park And Recreation Land Dedication:

- a. Requirements And Population Ratio: The ultimate population of a proposed development shall bear directly upon the amount of land required for dedication. The total land dedication requirement shall be one and one-half (1.5) acres of land per one hundred (100) people. The required one and one-half (1.5) acres may be allocated by the village board, in its discretion, based upon the following criteria: (Ord. 1169-06, 7-6-2006)

<u>Park Classification</u>	<u>Park Size</u>	<u>Minimum Acreage Per 100 People</u>
Neighborhood parks	Not less than 5 acres	0.5 acres
Community parks	More than 20 acres	<u>1.0 acres</u>
Total		1.5 acres

(Ord. 1365-11, 4-18-2011)

The ultimate population of a proposed development shall be calculated in accordance with subsection B3 of this section.

- b. Location: The comprehensive plan and/or the standards adopted by the village shall be used as a guideline in locating sites. If a public school site is located within a development, a park site adjoining the school site shall be required. A central location which will serve equally the entire development is most desirable. In large developments, these sites can be located throughout the development according to established standards for park area distances.
- c. Credit For Private Open Spaces And Recreation Areas: When developers provide their own open space for recreation areas and facilities, it may have the effect of reducing the demand for local public recreational services. Depending on the size of the development, a portion of the park and recreational area in developments may, at the sole option of the village board, be provided in the form of "private" open space in lieu of dedicated "public" open space. The extent of same shall be determined by the village board, based upon the needs of the projected residents and in conformance to the total park and recreation land for the general area.

In general, a substitution of private open space for dedicated parks will imply a substantially higher degree of improvement and the installation of recreational facilities, including equipment by the developer as part of his obligation. Detailed plans of such areas, including specifications of facilities to be installed, must be approved by the village, and before any credit is given for private recreation areas, the developer shall guarantee that these private recreation areas will be permanently maintained for such use by the execution of the appropriate legal documents. Private "swimming clubs" are included in this provision. When an adjustment for private recreation areas is warranted, it will be necessary to compute the total park land dedication that would have been required from the subdivision or planned unit development and then subtract the credit to be given.

2. **Criteria For Requiring A Cash Contribution In Lieu Of Park Sites:** The village shall require the developer to pay a cash contribution in lieu of or in combination with the land dedication required when so determined by the village board. The cash contributions in lieu of park and recreation land dedication shall be held in trust by the village, solely for the acquisition, maintenance, and/or improvement of park and recreation land as herein classified, which will be available to serve the immediate or future needs of the residents of that development.

Improvements of park and recreation land under this subsection B2 shall be liberally construed and shall include, but shall not be limited to, the development of: sidewalks; adjacent streets, including, but not limited to, pavement, curbs, gutters and streetlights; connections with sewers, water, electrical and other utility lines; and, as appropriate, grading, seeding and/or sodding, and/or drainage and erosion controls; and as appropriate other improvements as deemed necessary, including bike/walking paths/trails on the development and to serve the development and maintenance thereof.

If any portion of a cash contribution in lieu of dedication of land is not expended for the purposes set forth herein within ten (10) years from the date of receipt, it shall be refunded with interest at the rate(s), in effect from time to time during said ten (10) year period, paid on investments in the Illinois public treasurers' investment pool, to the owners of record of all lots, except lots dedicated pursuant to the provisions hereof, in the development for which such contribution was made. The refund shall be paid to the person who is the owner of record on the day which is the tenth anniversary of the receipt of such contribution. The amount of the refund due to each lot owner shall be equal to the amount of the original contribution not expended, divided by the total number of lots in the development (excluding only those lots which were dedicated pursuant to the provisions hereof) for which such contribution was made.

The cash contributions in lieu of land shall be based on the fair market value of the acres of land in the area, improved as specified herein, that otherwise would have been dedicated pursuant to the provisions hereof. It has been determined that the present fair market value of such improved land in and surrounding the village is one hundred ninety thousand dollars (\$190,000.00) per acre and such figure shall be used in making any calculation herein unless the developer files a written objection thereto. In the event of any such objection the developer shall submit an appraisal showing the fair market value of such improved land in the area of his development or other evidence thereof and final determination of said fair market value per acre of such improved land shall be made by the village board based upon such information submitted by the developer and from other sources which may be submitted to the village board.

3. **Formulas For Determining Ultimate Population:** The following table of population density represents current and short range projected trends in family size for a new residential construction and shall, where applicable, be used in calculating the amount of required dedication of acres of land and/or the cash contribution in lieu thereof unless a written objection is filed thereto by the developer:

<u>Type Of Unit</u>	<u>People Per Dwelling Unit</u>
Detached single-family:	
2 bedroom	2.017

3 bedroom	2.899
4 bedroom	3.764
5 bedroom (or more)	3.770
<b>Attached single-family:</b>	
1 bedroom	1.193
2 bedroom	1.990
3 bedroom	2.392
4 bedroom (or more)	3.145
<b>Multiple-family:</b>	
Efficiency	1.294
1 bedroom	1.758
2 bedroom	1.914
3 bedroom (or more)	3.053

For all developments in which the population density cannot be precisely determined at the time of approval of the development, the land donation requirement shall be determined as follows. The ultimate population shall be calculated on the basis of four (4) bedrooms and one acre per detached single-family unit, which the village board hereby determines to be the current trend in such development within the village; and the bedroom mix used for single-family attached and multiple-family dwelling units shall be based upon the number of units and mix of bedrooms as indicated on the approved final plan and plat of planned unit development.

In the event a developer files a written objection to one or more of the tables, formulas and/or determinations pursuant to this section, he shall submit his own study showing the estimated ultimate population and in that event final determination of the formula to be used in such calculations shall be made by the village board based upon such information submitted by the developer and from other sources which may be submitted to the village board. It is recognized that population density, age distribution and local conditions change over time, and the specific formula for the dedication of land, or the payment of fees in lieu thereof, as stated herein, is subject to periodic review and amendment as necessary.

4. Reservation Of Additional Land: Where the comprehensive plan of the village calls for a larger amount or size of park and recreational land in a particular proposed development, than the

developer is required to dedicate pursuant to the provisions hereof, the land needed beyond the developer's required contribution shall, if so determined by the village board, be reserved for subsequent purchase by the village, provided that such purchase is made, or proceedings to acquire such land by condemnation are commenced, within one year from the date of approval of the final plat or plan for the development.

5. Combining With Adjoining Developments: For all developments of less than fifty (50) acres, public open space which is to be dedicated should, where possible, be combined with dedications from adjoining developments in order to produce usable recreation areas or sites without undue hardship to a particular developer.
6. Dedicated Sites, Topography, Grading And Improvements: The slope, topography and geology of each dedicated site as well as its surroundings must be suitable for its intended purposes. Grading on dedicated sites shall not differ greatly from surrounding land. Notwithstanding the foregoing, a dedicated site may, with the consent of the village board, include areas of minimal or limited suitability, such as wetlands and stormwater detention areas. The acreage of such areas of minimal or limited suitability shall not be used to satisfy, or be credited against, the land dedication requirement.

All sites shall be dedicated as improved sites, i.e., in a graded, seeded and/or sodded condition with appropriate drainage and erosion controls and ready for full service by streets (including, but not limited to, pavement, curbs, gutters and streetlights), sewers, water and electrical and other utilities, or acceptable provision made therefor. Sidewalks, bike/walking paths/trails and trees shall be included within the definition of improved sites.

7. Title To Sites: All sites shall be conveyed to the village either by warranty or trustee's deed. The developer shall be responsible for conveying good, merchantable title to such sites, and shall be responsible for payment of all real estate taxes to the date of conveyance, including any agricultural rollback taxes which might be extended or levied against such sites, for any tax years or periods prior to the time of conveyance.
8. Sale Of Dedicated Land: When, in the opinion of the village board, any such parcel has become unnecessary or unsuitable or inconvenient, such parcel may be sold as provided by applicable statutory authority and the proceeds shall be held in trust by the village, solely for such uses as are provided for herein, and said proceeds shall be subject to the ten (10) year expenditure requirements from and after the date when said land is converted to cash proceeds.
9. Agreement: When the village requires any cash contribution in lieu of a dedication of land, the developer shall execute a park donation agreement and provide the security set forth therein, in the form of agreement approved by the village attorney. (Ord. 1169-06, 7-6-2006)

### **10-3-8: UNDERGROUND IMPROVEMENTS, MATERIALS AND METHODS OF CONSTRUCTION:**

- A. Installation Required: The owner or subdivider shall install storm and sanitary sewers, septic system, water supply system, street grading and pavement, public utilities, street lighting, trees, surface water detention, street signs, overland grading in accordance with applicable ordinances and standards of construction of the village. No subdivision of land shall be approved without receiving a statement signed by the village engineer, certifying that the improvements described in the subdivider's plans and specifications conform with standards of the village, as set forth in section 10-3-1 of this chapter.



Collector	66	27 (B-B) curb and gutter	275'	200'	100'(a)	4%	0.50%	40'
Minor	66	27 (B-B) curb and gutter	100'	75'	100'(a)	5%	0.50%	30'
Cul-de-sac	66	27 (B-B) curb and gutter	100'	75'	100'(a)	5%	0.50%	30'
Business/ industrial	80	2 @ 27 (B-B) curb and gutter with 13' grassed median strip	500'	200'	100'(a)	3%	0.50%	50'
Private street or road	40 easement	18' edge to edge of pavement 21' (B-B) curb and gutter	100'	75'	100'(a)	5%	0.50%	20'

- (a) 40 feet for each 1 percent of algebraic difference of grade, but in no case less than 100 feet.
  - (b) 50 feet for each 1 percent of algebraic difference of grade, but in no case less than 200 feet.
- \*Per IDOT/LCDOT standards.

(Ord. 845-98, 9-14-1998)

b. Deceleration lanes shall be constructed at the intersection of any Village street with any major or arterial street.

## 2. Pavement Markings:

- a. All pavement markings shall be thermoplastic pavement markings.
- b. Immediately after any binder course is placed and compacted, pavement marking tape shall be installed and maintained until the surface course is placed. Such pavement marking tape shall be removed before the surface course is placed.

## 3. Signage:

- a. The developer shall install all street signs, and shall provide to the Village one additional dual-sided street identification sign for each differently named street within each unit or phase of any subdivision.

D. Landscaping Within Public Rights Of Way; Grass Seeding Or Sod Required: All unpaved areas within street rights of way shall be seeded or sodded with Kentucky blue grass mixture or with such other grass mixture as approved by the village board. Before the release of the twelve (12) month maintenance bond can be recommended by the village engineer, all unpaved areas between the edge of the road pavement and the right of way line must support an adequate mat of grass. Provisions shall be made to assure the growth of all landscaping.

## E. Trees:

- 1. One tree shall be required for the equivalent of each fifty feet (50') of linear lot boundary adjoining the street right of way; however, the clustering of trees may be permitted; provided, that the minimum number of trees required for a particular lot is clustered on the same lot.
- 2. Placement of trees shall be in the front yard and required corner side yard within fifteen feet (15') from the property line or, when clustered trees are approved, may extend along the interior lot line a maximum distance equal to the front yard setback. Trees placed along side property lines must not interfere with required drainage and must be placed within twenty feet (20') from the interior lot line.
- 3. Shade trees will have a minimum trunk diameter of three inches (3") measured twelve inches (12") above grade. Alternative shade tree equivalents may be provided subject to village approval. Equivalent shade trees may be either ornamental or evergreens. Two (2) ornamental trees may be permitted as an alternative to required shade tree. Minimum ornamental tree size shall be one and one-half inches (1 1/2") in diameter measured twelve inches (12") above grade or five feet (5') in height for multistemmed trees. One and one-half (1 1/2) evergreen trees may be permitted as an alternative to one required shade tree when the minimum evergreen tree size is five feet (5') in height. One evergreen tree may be permitted as an alternative to one required shade tree when the minimum evergreen tree is eight feet (8') in height. (Ord. 439-89, 12-11-1989)

4. The following shade tree species, shade tree equivalents and cultivars of the listed species shall be permitted:

List Of Permitted Street Trees

Shade trees minimum size 3" diameter

Acer platanoides - Norway maple  
Acer rubrum - Red maple  
Acer saccharum - Sugar maple  
Carya ovata - Hickory  
Celtis occidentalis - Hackberry  
Gleditsia triacanthos inermis - Thornless honeylocust  
Gymnocadus dioicus - Coffee tree  
Ostrya virginiana - Ironwood  
Pinus strobus - White pine  
Prunus serotina - American black cherry  
Quercus alba - White oak  
Quercus bicolor - Swamp white oak  
Quercus macrocarpa - Burr oak  
Quercus palustris - Pin oak  
Quercus rubra - Red oak  
Tilia americana - Linden  
Tilia cordata - Little leaf linden  
Tilia redmond - Redmond linden

List Of Equivalent Ornamental Shade Trees

Ornamental trees minimum size 1 1/2" diameter  
Tree form or 5' multistemmed

2 trees required per shade tree

Acer ginnala - Amur maple  
Amelanchier canadensis stonifera - Shadblow serviceberry  
Amelanchier grandiflora - Grandiflora serviceberry  
Betula nigra - River birch  
Cornus mas - Cornelian cherry  
Crataegus crusgalli inermis - Thornless hawthorn  
Hamamelis virginiana - Common witchhazel  
Malus species - Crab apple varieties  
Viburnum prunifolium - Blackhaw viburnum

List Of Equivalent Evergreen Trees

Evergreen trees, minimum size 5' - 1.5 tree per shade tree

Evergreen trees, minimum size 8' - 1 tree per shade tree

Picea abies - Norway spruce  
Picea glauca densata - Black Hills spruce  
Picea pungens - Green or blue spruce  
Pinus nigra - Austrian pine

Pinus sylvestris - Scotch pine

(Ord. 439-89, 12-11-1989; amd. Ord. 1374-11, 9-19-2011)

5. All trees planted in accordance with this title shall be installed by use of a tree spade or balled and burlapped at the time of installation.
  6. Existing trees shall be preserved, if possible, as determined by the village engineer, village planner or a landscape architect.
  7. A landscape plan shall be proposed by a landscape architect in accordance with the requirements of this title as part of the final plat submission.
- G. Screen Planting Required: Protective screen planting may be required to secure a reasonably 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 commission. (Ord. 439-89, 12-11-1989)
- H. Berm Required: A barrier berm shall be constructed along each major and arterial street adjacent to or within each subdivision or development. Such berm shall have a slope of not more than three to one (3:1) and shall have a height which varies from not less than two feet (2') to not more than five feet (5'). Such berm, in conjunction with screening landscaping, shall create a sight and sound barrier between the street and the adjacent property. (Ord. 813-97, 12-8-1997)

#### **10-3-11: STREET LIGHTING IMPROVEMENTS:**

See Title 9 – Zoning, Chapter 19 – Outdoor Lighting

#### **10-3-12: ENGINEERING DOCUMENTS AND FEES:**

- A. Complete engineering documents with signature and seal of registered professional engineer along with cost estimate, guarantees and certificates shall be furnished to the village. (Ord. 439-89, 12-11-1989; amd. 1995 Code)
- B. The fee for application for concept plan, preliminary plat and final plat shall be as set forth in subsection 11-1-1B6 of this code. (Ord. 1160-06, 4-17-2006)
- C. A subdivider shall be obliged to and shall submit a draw down deposit agreement in the form approved by the village to cover fees and costs attributable to the subdivider. A sample of said agreement is set forth in section 11-1-2 of this code. (Ord. 1167-06, 5-15-2006; amd. Ord. 1352-10, 11-15-2010)

#### **10-3-13: INSPECTION OF REQUIRED IMPROVEMENTS:**

- A. Inspection Required: All grading, paving, landscaping, sewers, water mains, and other required improvements shall be inspected during the course of construction, and upon completion, by the village engineer.

B. Notification Required: During the course of construction of required improvements, the developer shall notify the village engineer forty eight (48) hours before any construction work or other activity requiring inspection. (Ord. 762-96, 5-13-1996)

### **10-3-14: ACCEPTANCE OF REQUIRED LAND IMPROVEMENTS:**

- A. Upon the completion of construction of all public improvements required by this title, and certification by the village engineer that such public improvements have been satisfactorily completed in accordance with the approved engineering plans and specifications, the design engineer engaged by the subdivider, builder or land developer shall prepare and submit to the village engineer. Such as built plans shall include, but not be limited to, the following information, together with such other or additional information as the village engineer shall specify:
1. Driveways: Pavement type and locations.
  2. Driveway culverts: Offset from roadway, size of pipe, pipe material, length of pipe, pipe inverts, slope of pipe.
  3. Roadways: Centerline spot elevations, edge of pavement spot elevations, longitude slope, traverse slope, top of curb elevations.
  4. Streetlights: Location and offset from roadway.
  5. Mailboxes: Location and offset from roadway.
  6. Roadway signs: Location and offset from roadway.
  7. Utilities: Location and offset from roadway and/or property lines.
  8. Trees: Location and offset from roadway.
  9. Ditchlines: Spot elevations and slopes.
  10. Detention Facilities: One foot (1') grade contours of all constructed elevations and calculations showing that volume requirements have been met.
  11. Overflow Routes: Cross section verification of area required for design flow. (Ord. 762-96, 5-13-1996)
  12. Storm, Sanitary And Water Main: Structure location and offsets from roadway and/or property lines, rim and invert elevations of all structures, pipe size and slope, length of pipe, and pipe material.
  13. Storm, Sanitary And Water Services: Location and offset from main line and/or roadway, approximate depth from grade, size of service line and pipe material. (Ord. 776-96, 11-11-1996)
- B. The subdivider shall furnish maintenance bonds, cash, certified checks and/or letters of credit, in a form approved by the village attorney, guaranteeing the improvements against faulty workmanship and/or materials for a period of one year after acceptance and in amounts equal to not less than ten percent (10%) of the total cost of the improvements to be accepted. The

subdivider's obligation under this subsection may be satisfied through the village's retention of an appropriate amount of the security furnished by the subdivider to secure the completion of such improvements, provided that the village has the right to draw upon such security as necessary or appropriate for such maintenance purposes.

- C. The subdivider shall furnish appropriate bills of sale or other documents conveying and transferring all required improvements to the village, except service lines, driveways and other improvements which serve individual parcels, storm water detention and/or retention facilities on individual parcels or outlots, approved private streets, and appurtenances thereto. Such bills of sale or other documents shall be accepted by resolution of the village board. (Ord. 803-97, 8-11-1997)

(Ord. 617-94, 10-10-1994)

**Footnotes** - Click any footnote link to go back to its reference.

Footnote 1: See title 9 of this code.

Footnote 2: See also chapter 4 of this title.

# Chapter 4

## STORMWATER MANAGEMENT<sup>1</sup>

**10-4-1: PURPOSE:**

**10-4-2: LAKE COUNTY WATERSHED DEVELOPMENT ORDINANCE ADOPTED:**

**10-4-3: FEES:**

**10-4-4: PENALTIES AND LEGAL ACTIONS:**

**10-4-1: PURPOSE:**

This chapter is enacted to establish reasonable rules and regulations for floodplain and stormwater management in order to:

- A. Minimize harm due to periodic flooding including loss of life and property and threats and inconveniences to public health, safety and welfare;
- B. Assure that new development does not increase flooding and drainage hazards to others, or create unstable conditions susceptible to erosion;
- C. Lessen the financial burden on the taxpayer for flood control projects, repairs to flood damaged public facilities and utilities, and for flood rescue and relief operations;
- D. Protect, assure and promote the orderly development of land and water resources;
- E. Protect buildings and improvements to buildings from flood damage to the greatest extent possible;
- F. Preserve the natural hydrologic, hydraulic and other beneficial functions of watercourses, floodplains, wetlands and protect water quality;
- G. Ensure "no net loss" of the village's existing wetland resources including acreage, types and functional values;
- H. Conserve the flood mitigation and stormwater control benefits of wetlands which store and desynchronize flood flows;
- I. Enhance pollution treatment and water quality by conserving wetlands which serve as sedimentation and filtering basins for organic and inorganic nutrients and toxic materials;
- J. Protect the quality of groundwater and recharge sites;
- K. Prevent disruption of the economy and governmental services due to stormwater and flood damage;
- L. Maintain eligibility for the village in the national flood insurance program and thus make federally subsidized flood insurance available; and
- M. Preserve and protect plants, fish and wildlife. (Ord. 505-91, 11-11-1991)

## **10-4-2: LAKE COUNTY WATERSHED DEVELOPMENT ORDINANCE ADOPTED:**

A. Adoption: The Lake County watershed development ordinance, as most recently amended by the county of Lake on October 13, 2015, is hereby adopted by reference and is in full force and effect within the village of Hawthorn Woods and is found in its own compilation. (Ord. 1621-16, 1-21-2016)

B. Amendments: The following additions, insertions, deletions and changes are hereby made to the Lake County watershed development ordinance: (Ord. 1158-06, 3-20-2006)

Article 10: Wetland Requirements – Amend by deleting section 1007.03.B.(2),(3) and (4).

Therefore, all mitigation required by this section shall occur on site.  
(Ord. 1158-06, 3-20-2006; amd. Ord. 1207-07, 4-2-2007)

C. Regulations Imposed: Where the rules, regulations, terms or conditions imposed pursuant to the Lake County watershed development ordinance are either more restrictive or less restrictive than comparable rules, regulations, terms or conditions imposed by any other provision herein, or any other applicable rule, regulation, resolution, ordinance, statute or law, then the most restrictive rules, regulations, terms or conditions shall govern. (Ord. 1158-06, 3-20-2006)

## **10-4-3: FEES:**

A schedule of fees in accordance with the provisions of this chapter shall be established by separate resolution. Any public agency which provides services to the village shall be compensated for the costs of those services by the village. (Ord. 505-91, 11-11-1991; amd. Ord. 884-99, 12-13-1999)

## **10-4-4: PENALTIES AND LEGAL ACTIONS:**

A. Failure to comply with any of the requirements of this chapter shall constitute a violation, and any person, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code for each offense. Each day the violation continues shall be considered a separate offense.

B. The village may also take any other legal action as is necessary to prevent or remedy any violation including appropriate equitable or injunctive relief, and, if applicable, an assessment to the violator for the removal, correction or termination of any adverse effects upon any property resulting from any unauthorized activity for which legal action under this section may have been brought.

C. For the purposes of this section, the owner, developer and/or contractor doing development work on the land shall be jointly and severally liable for any violation of this chapter. (Ord. 505-91, 11-11-1991; amd. 1995 Code; Ord. 884-99, 12-13-1999).

## Chapter 5 ADMINISTRATION AND ENFORCEMENT

### 10-5-1: ORGANIZATION:

### 10-5-2: VARIATIONS AND EXCEPTIONS:

### 10-5-3: AMENDMENTS:

### 10-5-4: PUBLIC UTILITIES PERMITS:

### 10-5-5: VIOLATIONS AND PENALTIES:

#### **10-5-1: ORGANIZATION:**

The following offices of the government of the village are concerned with the administration of this title:

- A. The village board.
- B. The village plan commission.
- C. The village engineer.
- D. Village planner. (Ord. 439-89, 12-11-1989)
- . Chief operating officer. (Ord. 1290-09, 8-17-2009)

#### **10-5-2: VARIATIONS AND EXCEPTIONS:**

- A. Hardships: Where the plan commission and village board find that extraordinary hardships or particular difficulties regarding the physical development of land may result from strict compliance with these regulations, it may recommend variations or exceptions to the regulations so that substantial justice may be done and the public interest secured; provided, that such variation or exception shall not have the effect of nullifying the intent and purpose of this title; and further provided, the plan commission shall not recommend variations or exception to the regulations of this title unless it shall make findings based upon the evidence presented to it in each specific case that:
  - 1. Public Welfare Protected: The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
  - 2. Unique Condition: The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property.
  - 3. Particular Physical Conditions: Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

- B. Conditions: In recommending variations and exceptions, the plan commission may require such conditions as will, in its judgment secure substantially the objectives of the standards or requirements of this title.
- C. Procedure: A petition for any such variance shall be submitted in writing by the subdivider at the time the preliminary plan is filed for consideration by the plan commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.
- D. Recommendations: Such variations and exceptions as may be recommended by the plan commission shall be forwarded to the village board in writing, substantiating the recommended variations and/or exceptions. The village board may approve such variations or exceptions from the requirements of this title in specific cases as listed on the final plat, which in its opinion do not adversely affect the adopted comprehensive plan or the intent and purpose of this title. (Ord. 439-89, 12-11-1989)

### **10-5-3: AMENDMENTS:**

For the purpose of promoting the public health, safety and general welfare, the village board may from time to time amend the regulations imposed by this title. (Ord. 439-89, 12-11-1989)

### **10-5-4: PUBLIC UTILITIES PERMITS:**

Public utilities shall obtain permits from the village board for the installation of communications, electric power, gas or other utility services before any installation work is started. (Ord. 439-89, 12-11-1989)

### **10-5-5: VIOLATIONS AND PENALTIES:**

- A. Any person who fails to comply with, or violates, any of the provisions of this title shall be subject to penalty as provided in section 1-4-1 of this code and each day the violations continues shall be considered a separate offense.
- B. Whoever shall sell or offer for sale, lease or offer for lease, while this title is in effect, any lot or lots or block or blocks, within the incorporated limits of the village or any resubdivision of any lot or block therein, or within contiguous territory and not more than one and one-half (1<sup>1</sup>/<sub>2</sub>) miles beyond the incorporated boundary of the village before a final plat of subdivision has been approved by the plan commission and the village board of trustees as required by this title, shall be subject to penalty as provided in section 1-4-1 of this code for each lot, block, or part thereof so disposed of, offered for sale or leased. (Ord. 439-89, 12-11-1989; amd. 1995 Code)