

---

**City of Kankakee**

---

**Subdivision  
Regulations  
2002**



*(Revised & Reprinted February, 2003)*

THE CITY OF KANKAKEE, ILLINOIS  
City Hall  
385 E. Oak St.  
Kankakee, Illinois 60901

---

ORDINANCE NO. 2002-02

AN ORDINANCE ESTABLISHING MINIMUM STANDARDS AND PROCEDURES FOR THE  
SUBDIVISION OF LAND; KNOWN AS THE SUBDIVISION REGULATIONS OF THE CITY OF  
KANKAKEE, ILLINOIS; AND REPEALING EXISTING ORDINANCE NO. 84-27 OF THE CITY OF  
KANKAKEE, ILLINOIS.

---

ADOPTED BY THE CITY COUNCIL  
OF THE CITY OF KANKAKEE, ILLINOIS  
THIS 22<sup>ND</sup> DAY OF JANUARY, 2002

Published in pamphlet form  
by authority of the City Council of the City of Kankakee, Illinois  
this 1<sup>ST</sup> day of February, 2002

ORDINANCE NO. 2002-02

AN ORDINANCE ESTABLISHING MINIMUM STANDARDS AND PROCEDURES FOR THE SUBDIVISION OF LAND; KNOWN AS THE SUBDIVISION REGULATIONS OF THE CITY OF KANKAKEE, ILLINOIS; AND REPEALING EXISTING ORDINANCE NO. 84-27 OF THE CITY OF KANKAKEE, ILLINOIS.

BE IT ORDAINED by the City Council of the City of Kankakee, an Illinois home-rule municipality situated in Kankakee County, Illinois as follows:

SECTION 1. ADOPTION OF SUBDIVISION REGULATIONS.

That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Kankakee, Illinois, being marked and designated as "The Subdivision Regulations of the City of Kankakee, Illinois" be and is hereby adopted as the Subdivision Regulations of the City of Kankakee in the State of Illinois; for the establishment of minimum standards and procedures for the subdivision of land, as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Subdivision Regulations, are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 4 of this Ordinance.

SECTION 2. AUTHORITY TO ESTABLISH SUBDIVISION REGULATIONS.

That this Ordinance is adopted pursuant to the provisions of Division 12, Chapter 65, Section 5/11-12-5 et seq., Illinois Compiled Statutes

SECTION 3. INCONSISTENT ORDINANCES REPEALED.

That Ordinance No. 84-27 of the City of Kankakee, Illinois entitled "An Ordinance Amending an Ordinance Entitled: Subdivisions" and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. ADDITIONS, INSERTIONS AND CHANGES.

That the following sections are hereby revised as follows:

Section 1.6 Insert: the 22<sup>nd</sup> day of January, 2002

SECTION 5. SAVING CLAUSE.

That nothing in this Ordinance or in the Subdivision Regulations of the City of Kankakee hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 6. DATE OF EFFECT.

That the City Clerk of the City of Kankakee, Illinois shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take full force and effect *ten (10) days* after this date of final passage and approval.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KANKAKEE, KANKAKEE COUNTY, ILLINOIS, THIS 22<sup>ND</sup> DAY OF JANUARY, 2002.

13 AYES  
0 NAYS  
0 ABSTENTIONS  
1 ABSENT

Donald E. Green, Mayor

ATTEST: Anjanita Dumas, City Clerk

# Table of Contents

---

CHAPTER 1 .....	GENERAL PROVISIONS
1. 1	Title ..... page 1.1
1. 2	Policy. .... page 1.1
1. 3	Purpose and Intent. .... page 1.1
1. 4	Authority. .... page 1.2
1. 5	Jurisdiction. .... page 1.2
1. 6	Enactment. .... page 1.3
1. 7	Interpretation, Conflict, and Separability. .... page 1.3
	A. <u>Interpretation</u> . .... page 1.3
	1. <i>Public Provisions</i> . .... page 1.3
	2. <i>Private Provisions</i> . .... page 1.3
	B. <u>Separability</u> . .... page 1.4
1. 8	Saving Provision. .... page 1.4
1. 9	Reservations and Repeals. .... page 1.4
1. 10	Amendments. .... page 1.4
1. 11	Public Purpose. .... page 1.4
1. 12	Variances, Exceptions, and Waiver of Conditions. .... page 1.4
	A. <u>General</u> . .... page 1.4
	B. <u>Conditions</u> . .... page 1.4
	C. <u>Procedures</u> . .... page 1.4
1. 13	Enforcement, Violations, and Penalties. .... page 1.5
	A. <u>General</u> ..... page 1.5
	B. <u>Violations and Penalties</u> . .... page 1.5
	C. <u>Civil Enforcement</u> ..... page 1.5
1. 14	Referenced Standards. .... page 1.5
CHAPTER 2 .....	DEFINITIONS
2. 1	Usage. .... page 2.1
2. 2	Words and Terms Defined. .... page 2.1
CHAPTER 3 .....	SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS
3. 1	General Procedure. .... page 3.1
	A. <u>Classification of Subdivisions</u> ..... page 3.1
	1. <i>Minor Subdivision</i> ..... page 3.1
	2. <i>Major Subdivision</i> ..... page 3.1
	B. <u>Official Dates</u> ..... page 3.1
3. 2	Sketch Plat. .... page 3.1
	A. <u>Discussion of Requirements</u> ..... page 3.1
	B. <u>Application Procedure and Requirements</u> ..... page 3.1
	C. <u>Classification and Approval Procedure</u> ..... page 3.2
	1. <i>Minor Subdivision</i> ..... page 3.2
	2. <i>Major Subdivision</i> ..... page 3.2
	D. <u>Referral of Sketch Plat</u> ..... page 3.3
	E. <u>Public Notification of Hearing</u> ..... page 3.3
3. 3	Preliminary Plat. .... page 3.3
	A. <u>Application Procedure and Requirements</u> ..... page 3.3
	B. <u>Public Hearing</u> ..... page 3.3
	C. <u>Preliminary Approval</u> ..... page 3.4
	D. <u>Standards for Approval of Preliminary Plats</u> ..... page 3.4
	E. <u>Public Improvements</u> ..... page 3.4
	F. <u>Effective Period of Preliminary Plat Approval</u> ..... page 3.5
	G. <u>Zoning and Subdivision Regulations</u> ..... page 3.5
	H. <u>Model Homes and Buildings</u> ..... page 3.5
3. 4	Amendments to Preliminary Plat. .... page 3.5
3. 5	Final Subdivision Plat. .... page 3.5

	A.	<u>Application Procedure and Requirements</u>	page 3.5
	B.	<u>Endorsement of Official and Agencies</u>	page 3.6
	C.	<u>Submission, Review and Determination</u>	page 3.6
	D.	<u>Endorsement of Officials and Agencies.</u>	page 3.7
3.6		Vested Rights and Development Agreements	page 3.7
	A.	<u>Effect of Approval</u>	page 3.7
	B.	<u>Effect of Recording</u>	page 3.7
	C.	<u>Applicable Laws</u>	page 3.7
	D.	<u>Development Agreements</u>	page 3.7
	1.	<i>General</i>	page 3.7
	2.	<i>Covenants</i>	page 3.7
	3.	<i>Third Party Rights</i>	page 3.7
	4.	<i>Limitation on Liability</i>	page 3.7
	5.	<i>Developer's Compliance</i>	page 3.8
	6.	<i>Adoption</i>	page 3.8
	7.	<i>Incorporation as Matter of Law</i>	page 3.8
3.7		Signing and Recordation of Subdivision Plat.	page 3.8
	A.	<u>Signing of Plat</u>	page 3.8
	B.	<u>Recording of Plat</u>	page 3.8
	C.	<u>Sectionalizing Major Subdivision Plats</u>	page 3.8
3.8		Time Periods for Action.	page 3.9
3.9		Suspension and Invalidation of Final Plat.	page 3.9
CHAPTER 4		ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS	
4.1		Improvements and Subdivision Improvement Agreement.	page 4.1
	A.	<u>Completion of Improvements</u>	page 4.1
	B.	<u>Subdivision Improvement Agreement and Guarantee.</u>	page 4.1
	1.	<i>Agreement</i>	page 4.1
	2.	<i>Covenants to Run</i>	page 4.1
	3.	<i>Security</i>	page 4.1
	a.	<i>Letter of Credit</i>	page 4.1
	b.	<i>Cash Escrow</i>	page 4.1
	C.	<u>Costs of Improvements</u>	page 4.2
	D.	<u>Governmental Units</u>	page 4.2
	E.	<u>Failure to Complete Improvement</u>	page 4.2
	F.	<u>Acceptance of Dedication Offers</u>	page 4.2
4.2		Inspection of Improvements.	page 4.2
	A.	<u>General Procedure and Fees</u>	page 4.2
	B.	<u>Release or Reduction of Security.</u>	page 4.2
	1.	<i>Certificate of Satisfactory Completion</i>	page 4.2
	2.	<i>Reduction of Escrowed Funds and Security</i>	page 4.3
4.3		Maintenance of Improvements.	page 4.3
4.4		Deferral or Waiver of Required Improvements.	page 4.3
4.5		Issuance of Building Permits and Certificates of Occupancy.	page 4.3
4.6		Consumer Protection Legislation and Conflicts of Interest Statutes.	page 4.4
CHAPTER 5		REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN	
5.1		General Improvements.	page 5.1
	A.	<u>Conformance to Applicable Rules and Regulations</u>	page 5.1
	B.	<u>Design and Construction Standards</u>	page 5.1
	C.	<u>Adequate Public Facilities</u>	page 5.1
	D.	<u>Self-imposed Restrictions</u>	page 5.2
	E.	<u>Plats Straddling Municipal Boundaries</u>	page 5.2
	F.	<u>Monuments</u>	page 5.2
	G.	<u>Character of the Land</u>	page 5.3
	H.	<u>Subdivision Name</u>	page 5.3

5.2	Lot Improvements. . . . .	page 5.3
	A. <u>Lot Arrangement</u> . . . . .	page 5.3
	B. <u>Lot Dimensions</u> . . . . .	page 5.3
	C. <u>Lot Orientation</u> . . . . .	page 5.3
	D. <u>Double Frontage Lots and Access to Lots</u> . . . . .	page 5.3
	1. <i>Double Frontage Lots</i> . . . . .	page 5.3
	2. <i>Access from Major and Minor Arterials</i> . . . . .	page 5.3
	E. <u>Soil Preservation, Grading, and Seeding.</u> . . . . .	page 5.3
	1. <i>Soil Preservation and Final Grading</i> . . . . .	page 5.3
	2. <i>Lot Drainage</i> . . . . .	page 5.4
	3. <i>Lawn-Grass Seed and Sod</i> . . . . .	page 5.4
	F. <u>Debris and Waste</u> . . . . .	page 5.4
	G. <u>Water bodies and Watercourses</u> . . . . .	page 5.4
	H. <u>Subdivision Improvement Agreement and Security to Include Lot Improvement</u> . . . . .	page 5.4
5.3	Streets. . . . .	page 5.4
	A. <u>General Requirements</u> . . . . .	page 5.4
	1. <i>Frontage on Improved Streets</i> . . . . .	page 5.4
	2. <i>Grading and Improvement Plan</i> . . . . .	page 5.5
	3. <i>Classification</i> . . . . .	page 5.5
	4. <i>Topography and Arrangement.</i> . . . . .	page 5.5
	5. <i>Blocks.</i> . . . . .	page 5.5
	6. <i>Access to Major Arterials</i> . . . . .	page 5.6
	7. <i>Street Names</i> . . . . .	page 5.6
	8. <i>Street Regulatory Signs</i> . . . . .	page 5.6
	9. <i>Street Lights</i> . . . . .	page 5.6
	10. <i>Reserve Strips</i> . . . . .	page 5.6
	11. <i>Construction of Streets and Dead-End Streets.</i> . . . . .	page 5.6
	a. <u>Construction of Streets</u> . . . . .	page 5.6
	b. <u>Dead-End Streets (Permanent)</u> . . . . .	page 5.7
	B. <u>Design Standards.</u> . . . . .	page 5.7
	1. <i>General</i> . . . . .	page 5.7
	2. <i>Street Surfacing and Improvements</i> . . . . .	page 5.7
	3. <i>Excess Right-of-Way</i> . . . . .	page 5.7
	4. <i>Railroads and Limited Access Highways</i> . . . . .	page 5.7
	5. <i>Intersections.</i> . . . . .	page 5.8
	6. <i>Bridges</i> . . . . .	page 5.8
	7. <i>Alleys.</i> . . . . .	page 5.9
	C. <u>Street Dedications and Reservations</u> . . . . .	page 5.9
	1. <i>New Perimeter Streets</i> . . . . .	page 5.9
	2. <i>Widening and Realignment of Existing Streets</i> . . . . .	page 5.9
5.4	Drainage and Storm Sewers. . . . .	page 5.9
	A. <u>General Requirements</u> . . . . .	page 5.9
	B. <u>Nature of Storm Water Facilities</u> . . . . .	page 5.9
	1. <i>Location</i> . . . . .	page 5.9
	2. <i>Accessibility to Public Storm Sewers</i> . . . . .	page 5.10
	3. <i>Accommodation of Upstream Drainage Areas</i> . . . . .	page 5.10
	4. <i>Effect on Downstream Drainage Areas</i> . . . . .	page 5.10
	5. <i>Areas of Poor Drainage</i> . . . . .	page 5.10
	6. <i>Flood Plain Areas</i> . . . . .	page 5.10
	C. <u>Dedication of Drainage Easements</u> . . . . .	page 5.10
	1. <i>General Requirements</i> . . . . .	page 5.10
	2. <i>Drainage Easements</i> . . . . .	page 5.11
5.5	Water Facilities. . . . .	page 5.11
	A. <u>General Requirements</u> . . . . .	page 5.11
	B. <u>Mandatory Connection to Public Water System</u> . . . . .	page 5.11
	C. <u>Individual Wells</u> . . . . .	page 5.11
	D. <u>Fire Hydrants</u> . . . . .	page 5.11

5.6	Sewerage Facilities. . . . .	page 5.12
A.	<u>General Requirements</u> . . . . .	page 5.12
B.	<u>Residential and Nonresidential Districts</u> . . . . .	page 5.12
C.	<u>Mandatory Connection to Public Sewer System</u> . . . . .	page 5.12
D.	<u>Design Criteria for Sanitary Sewers</u> . . . . .	page 5.12
	1. <i>General Guidelines</i> . . . . .	page 5.12
	2. <i>Design Factors</i> . . . . .	page 5.12
	Table 5-1 Unit Design Flows for Sanitary Sewers . . . . .	page 5.13
	3. <i>Maximum Size</i> . . . . .	page 5.13
	4. <i>Minimum Size</i> . . . . .	page 5.13
	5. <i>Minimum Slope</i> . . . . .	page 5.13
	6. <i>Alignment</i> . . . . .	page 5.13
	7. <i>Manhole Location</i> . . . . .	page 5.13
	8. <i>Manholes.</i> . . . . .	page 5.13
	Table 5-2 Unit Design Flows for Sanitary Sewers . . . . .	page 5.14
	9. <i>Sewerage Locations</i> . . . . .	page 5.14
	10. <i>Clean-outs and Lamp-holes</i> . . . . .	page 5.14
	11. <i>Water Supply Interconnections</i> . . . . .	page 5.14
	12. <i>Relation of Sewers to Water Mains</i> . . . . .	page 5.14
5.7	Sidewalks. . . . .	page 5.14
A.	<u>Required Improvements</u> . . . . .	page 5.14
B.	<u>Pedestrian Accesses</u> . . . . .	page 5.14
5.8	Utilities. . . . .	page 5.15
A.	<u>Location</u> . . . . .	page 5.15
B.	<u>Easements</u> . . . . .	page 5.15
5.9	Public Uses. . . . .	page 5.15
A.	<u>Parks, Playgrounds, and Recreation Areas</u> . . . . .	page 5.15
	1. <i>Recreation Standards</i> . . . . .	page 5.15
	2. <i>Minimum Size of Park and Playground Reservations</i> . . . . .	page 5.15
	3. <i>Recreation Sites</i> . . . . .	page 5.15
	Table 5-3 Recreation Standards . . . . .	page 5.15
	4. <i>Alternative Procedure</i> . . . . .	page 5.16
	5. <i>Other Recreation Reservations</i> . . . . .	page 5.16
B.	<u>Other Public Uses</u> . . . . .	page 5.16
	1. <i>Plat to Provide for Public Uses</i> . . . . .	page 5.16
	2. <i>Referral to Public Body</i> . . . . .	page 5.16
	3. <i>Notice to Property Owner</i> . . . . .	page 5.17
	4. <i>Duration of Land Reservation</i> . . . . .	page 5.17
5.10	Preservation of Natural Features and Amenities. . . . .	page 5.17
A.	<u>General</u> . . . . .	page 5.17
B.	<u>Shade Trees Planted by Developer</u> . . . . .	page 5.17
5.11	Nonresidential Subdivisions. . . . .	page 5.17
A.	<u>General</u> . . . . .	page 5.17
B.	<u>Standards</u> . . . . .	page 5.17

CHAPTER 6 . . . . . LAND RESUBDIVISION

6.1	Resubdivision of Land. . . . .	page 6.1
A.	<u>Procedure for Resubdivision</u> . . . . .	page 6.1
B.	<u>Resubdivision</u> . . . . .	page 6.1
C.	<u>Waiver</u> . . . . .	page 6.1
D.	<u>Procedure for Subdivisions When Future Resubdivision is Indicated</u> . . . . .	page 6.1
6.2	Plat of Vacation. . . . .	page 6.1
A.	<u>Owner Initiated Plat Vacation</u> . . . . .	page 6.1
	1. <i>Notice and Hearing</i> . . . . .	page 6.2
	2. <i>Criteria</i> . . . . .	page 6.2
	3. <i>Recordation of Revised Plat</i> . . . . .	page 6.2
	4. <i>Developer Initiated Vacation</i> . . . . .	page 6.2

B.	<u>Government Initiated Plat Vacation</u> .....	page 6.2
1.	<i>General Conditions</i> .....	page 6.2
2.	<i>Procedure</i> .....	page 6.2
3.	<i>Recordation of Plat</i> .....	page 6.3

CHAPTER 7 ..... SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

7.1	Sketch Plat. ....	page 7.1
A.	<u>Name</u> .....	page 7.1
B.	<u>Ownership</u> .....	page 7.1
C.	<u>Description</u> .....	page 7.1
7.2	Preliminary Plat. ....	page 7.2
A.	<u>General</u> .....	page 7.2
B.	<u>Features</u> .....	page 7.2
7.3	Construction Plans. ....	page 7.3
7.4	Final Subdivision Plat. ....	page 7.4
A.	<u>General</u> .....	page 7.4
B.	<u>Preparation</u> .....	page 7.4
C.	<u>GIS Controls</u> .....	page 7.4

CHAPTER 8 ..... DESIGN & CONSTRUCTION STANDARDS

8.1	Streets & Alleys. ....	page 8.1
A.	<u>Expressways, Arterials, Collectors &amp; Local Streets</u> .....	page 8.1
	Table 8-1A Minimum Standards for Street Design .....	page 8.1
B.	<u>Combination Concrete Curb and Gutter</u> .....	page 8.1
C.	<u>Concrete Valley Gutter</u> .....	page 8.1
	Table 8-1B Minimum Standards for Street Design .....	page 8.2
D.	<u>Pavement Design</u> .....	page 8.2
	1. <i>Publically Maintained</i> .....	page 8.2
	2. <i>Publically Maintained</i> .....	page 8.2
	3. <i>Truck Route</i> .....	page 8.2
	4. <i>Alleys</i> .....	page 8.2
	5. <i>Privately Maintained (Off-Street Parking)</i> .....	page 8.2
E.	<u>Pavement Base</u> .....	page 8.3
	1. <i>Flexible Pavement</i> .....	page 8.3
	2. <i>Rigid Pavement.</i> .....	page 8.3
F.	<u>Surface Course</u> .....	page 8.3
8.2	Driveways & Sidewalks. ....	page 8.3
A.	<u>Driveways</u> .....	page 8.3
B.	<u>Sidewalks</u> .....	page 8.4
C.	<u>Public Sidewalks Intersecting with Street Curb and Gutter</u> .....	page 8.4
D.	<u>Pedestrian Walkways</u> .....	page 8.4
8.3	Drains & Sewers. ....	page 8.4
A.	<u>French Drains</u> .....	page 8.4
B.	<u>Storm Sewers</u> .....	page 8.5
	1. <i>Pipe Materials</i> .....	page 8.5
	2. <i>Manholes</i> .....	page 8.5
	3. <i>Detention Ponds</i> .....	page 8.5
	a. <i>Underdrains</i> .....	page 8.5
	b. <i>End Sections</i> .....	page 8.5
	c. <i>Concrete Swales</i> .....	page 8.5
	d. <i>Turf</i> .....	page 8.5
C.	<u>Sanitary Sewers</u> .....	page 8.5
8.4	Water Mains & Fire Hydrants. ....	page 8.6
A.	<u>Water Mains</u> .....	page 8.6
B.	<u>Fire Hydrants</u> .....	page 8.6
8.5	Street Name Signs. ....	page 8.7

8.6 Street Lighting. . . . . page 8.7  
A. General Requirements . . . . . page 8.7  
B. Galvanized Steel Pole . . . . . page 8.7  
C. Concrete Foundations . . . . . page 8.7  
D. Accessory Items for Street Lighting Specifications . . . . . page 8.8  
    Figure 8-A City of Kankakee Light Standard . . . . . page 8.9

Appendix “A” . . . . . Referenced Standards

Appendix “B” . . . . . Certifications

**1.1 Title.** These regulations shall officially be known, cited, and referred to as the Subdivision Regulations of the City of Kankakee, Illinois (hereinafter "these regulations").

**1.2 Policy.**

- A. It is declared to be the policy of the City of Kankakee (hereinafter "City") to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the City for the orderly, planned, efficient, and economical development of the City.
- B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and shall not be subdivided until proper provision has been made for adequate public facilities and improvements.
- C. The proposed public improvements shall conform to these regulations which are intended to supplement and facilitate the enforcement of the provisions and standards contained in the building codes, Zoning Ordinance, and Comprehensive Plan of the City.

**1.3 Purpose and Intent.** These regulations are adopted for the following purposes:

- A. To protect and provide for the public health, safety, and general welfare of the City;
- B. To guide the future growth and development of the City in accordance with the Comprehensive Plan;
- C. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population;
- D. To protect the character and the social and economic stability of all parts of the City and to encourage the orderly and beneficial development of the community at large;
- E. To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
- F. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities;
- G. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building setback lines;
- H. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land;
- I. To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the community at large will be required to bear no more than its fair share of the cost of providing such facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development;
- J. To prevent the pollution of air, streams, rivers, lakes and ponds; to assure the adequacy of drainage facilities; and, to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability, and beauty of the community and the value of the land;

- K. To preserve the natural beauty and topography of the City and to ensure appropriate development with regard to these natural features;
- L. To provide for open spaces through the most efficient design and layout of the land, while preserving the density of development as established in the Zoning Ordinance of the City; and,
- M. To remedy the problems associated with inappropriately subdivided lands, including partial, incomplete or scattered subdivision.

**1.4 Authority.**

- A. The City Council of the City of Kankakee, Illinois (hereinafter "City Council") is hereby vested with the authority to approve, conditionally approve and disapprove all applications for the subdivision of land, including sketch, preliminary and final plats; and, upon recommendation of the Planning Board, may grant variances from these regulations pursuant to the provisions of Section 1.12.
- B. The Planning Board of the City of Kankakee, Illinois (hereinafter "Planning Board") is hereby vested with the authority to review, and recommend to the City Council, the approval, conditional approval or disapproval of applications for the subdivision of land, including sketch, preliminary and final plats.
- C. The City Planner of the City of Kankakee, Illinois is hereby vested with the authority to administer the provisions of these regulations.

**1.5 Jurisdiction.**

- A. These regulations shall apply to all subdivision of land, as defined in Section 2.2 of these regulations, located within the corporate limits of the City of Kankakee or within one and one-half (1-½) miles outside the corporate limits as provided by law.
- B. No land may be subdivided through the use of any legal description other than with reference to a plat approved by the Planning Board or City Council in accordance with these regulations, unless otherwise provided by law.
- C. The Planning Board shall also have the authority to review, and recommend to the City Council, the approval, conditional approval or disapproval of the sale, lease, or development of lands subdivided prior to or following the effective date of these regulations as follows:
  - 1. The plat of the subdivided land was recorded without the prior approval of the Planning Board or City Council whether or not prior approval was required at the time the land was subdivided and the plat contains contiguous lots in common ownership where one or more of the lots are undeveloped, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider;
  - 2. The plat of the subdivided land has been of record for more than five (5) years, was not approved after the effective date of these regulations and contains contiguous lots in common ownership where one or more of the contiguous lots are undeveloped, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider;
  - 3. The plat has been of record for more than five (5) years, was approved after the effective date of these regulations and contains contiguous lots in common ownership where one or more of the contiguous lots is undeveloped and one or more is nonconforming under the Zoning Ordinance, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider;

4. The original subdivider or his/her successor failed to complete subdivision improvement requirements pursuant to a subdivision improvement agreement entered into when the plat for the subdivided land was approved and the plat contains contiguous lots in common ownership where one or more of the contiguous lots is undeveloped, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider; except that the provisions of this Section 1.5(C)(4) shall not apply if the City has obtained possession of sufficient funds from security provided by the subdivider with which to complete construction of improvements in the subdivision.
  5. Whenever the jurisdiction of the Planning Board or City Council extends to one of the situations described in Section 1.5(C)(1)-(4) above, only the sale, lease, transfer, or development of an undeveloped lot or lots contiguous to a lot or lots in common ownership shall be subject to these regulations.
- D. No land described in this Section 1.5 shall be subdivided or sold, leased, transferred or developed until each of the following conditions has occurred in accordance with these regulations:
1. The subdivider or his/her agent has submitted a conforming sketch plat of the subdivision to the City Planner;
  2. The subdivider or his/her agent has obtained approval of the sketch plat, a preliminary plat when required, and a final plat from the Planning Board or City Council; and,
  3. The subdivider or his/her agent files the approved plats with the Clerk and Recorder of Kankakee County, Illinois.
- E. No building permit or certificate of occupancy shall be issued for any parcel or plat of land created by subdivision after the effective date of, and not in substantial conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these regulations.

**1.6 Enactment.** In order that land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted and made effective as of the 22<sup>nd</sup> day of January, 2002. All applications for subdivision approval, including final plats, pending on the effective date of these regulations shall be reviewed under these regulations except that these regulations will not apply if preliminary plat approval was obtained prior to the effective date of these regulations and the subdivider has constructed subdivision improvements prior to submission of the final plat as required by the City unless the Planning Board or City Council determines that application of these regulations is necessary to avoid a substantial risk of injury to the public health, safety, and general welfare.

**1.7 Interpretation, Conflict, and Separability.**

- A. Interpretation. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.
1. *Public Provisions.* These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall govern.
  2. *Private Provisions.* These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private

agreement or restriction impose duties and obligations more restrictive or standards that are higher than the requirements of these regulations, or the determinations of the Planning Board or City Council in approving a subdivision or in enforcing these regulations, and the private provisions are not inconsistent with these regulations or the determinations made under these regulations, then the private provisions shall be operative and supplemental to these regulations and any determinations made there under.

- B. Separability. If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to that part, provision, or application directly involved in the controversy in which the judgement shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

**1. 8 Saving Provision.** These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City under any Section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the City except as shall be expressly provided for in these regulations.

**1. 9 Reservations and Repeals.** Upon the adoption of these regulations according to law, the Subdivision Regulations of the City of Kankakee (Ordinance No. 84-27) as adopted the 6<sup>th</sup> day of August, 1984, as amended, are hereby repealed, except as to those Sections expressly retained, if any, in these regulations.

**1. 10 Amendments.** For the purpose of protecting the public health, safety, and general welfare, the Planning Board may from time to time propose, at a public meeting following public notice, as provided by law, amendments to these regulations which shall then be approved or disapproved by the City Council.

**1. 11 Public Purpose.** Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State of Illinois to this City. The developer has the duty of compliance with reasonable conditions laid down by the Planning Board or City Council for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the City and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large.

**1. 12 Variances, Exceptions, and Waiver of Conditions.**

A. General. Where the Planning Board or City Council finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances, exceptions, and waiver of conditions to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that the variance, exception, or waiver of conditions shall not have the effect of nullifying the general intent and purpose of these regulations.

B. Conditions. In approving variances, exceptions, or waivers of conditions, the Planning Board or City Council may require such conditions as will, in its judgment, secure substantially the purposes described in Section 1.3 of these regulations.

C. Procedures. An application for a variance, exception, or waiver of conditions shall be submitted to the City Planner, in writing, by the subdivider at the time when the sketch plat, for minor subdivisions, or preliminary plat, for major subdivisions, is filed for the consideration of the Planning Board. The application shall state fully the grounds for the variance, exception, or waiver and all of the facts relied upon by the applicant.

**1. 13 Enforcement, Violations, and Penalties.**

A. General

1. It shall be the duty of the City Planner to enforce these requirements and to bring to the attention of the City Attorney or his/her designated agent, any violations of these regulations.
2. No owner, or agent of the owner, of any parcel of the land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been approved by the City Council in accordance with the provisions of these regulations and filed with the Clerk and Recorder of Deeds of Kankakee County, Illinois.
3. The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, lease, or development shall be prohibited.
4. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations, nor shall the City have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these regulations.

B. Violations and Penalties. Any person who violates any of these regulations shall, upon conviction thereof, be subject to a fine of not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars for each separate offense. Each day that a violation continues after notice has been served shall be deemed a separate offense.

C. Civil Enforcement. Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described above.

**1. 14 Referenced Standards.** The standards referenced in these regulations and listed in Appendix “A” shall be considered part of the requirements of these regulations to the prescribed extent of each such reference. Where differences occur between provisions of these regulations and referenced standards, the most restrictive provision shall apply.

[Reserved]

**2.15 Usage.** For the purpose of these regulations, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth in this Chapter. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular.

**2.16 Words and Terms Defined.**

**Adequate Public Facilities.** Facilities determined to be capable of supporting and servicing the physical area and designated intensity of the proposed subdivision as determined by the Planning Board or City Council based upon specific levels of service.

**Alley.** A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

**Applicant.** The owner of land proposed to be subdivided or its representative who shall have express written authority to act on behalf of the owner.

**Arterial, Major.** A street generally intended to move through traffic to and from major attractors such as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the governmental unit; and/or as a route for traffic between communities or large areas and/or which carries high volumes of traffic.

**Arterial, Minor.** A street generally intended to collect and distribute traffic in a manner similar to major arterials, except that these streets service minor traffic-generating areas such as community commercial areas, primary and secondary educational facilities, hospitals, major recreational areas, churches, and offices and are designed to carry traffic from collector streets to the system of major arterials.

**Block.** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

**Bond.** Any form of a surety bond in an amount and form satisfactory to the Planning Board or City Council. All bonds shall be approved by the Planning Board or City Council, upon the recommendation of the City Attorney, whenever a bond is required by these regulations.

**Buffer.** A vegetated area which is landscaped and maintained as open space in order to eliminate or minimize conflicts between adjacent land uses.

**Building.** Any structure built for the support, shelter, or enclosure of persons, animals, or movable property of any kind.

**Building Inspector.** The person designated by the City to enforce the Building Codes adopted by the City.

**Capital Improvement.** A public facility, to be owned and operated by or on behalf of the City.

**Certify.** Whenever these regulations require that an agency or official certify the existence of some fact or circumstance, the City by administrative rule may require that such certification be made in any manner, oral or written, which provides reasonable assurance of the accuracy of the certification.

**City.** The municipality of the City of Kankakee, Kankakee County, Illinois.

**City Attorney.** The licensed attorney designated by the City Council to furnish legal assistance for the administration of these regulations.

**City Clerk.** The duly elected clerk of the City of Kankakee, Illinois.

**City Council.** The duly elected body of the City having the power to adopt ordinances.

**City Engineer.** The licensed engineer designated by the City Council to furnish engineering assistance for the administration of these regulations.

**City Planner.** The person designated by the City Council to administer these regulations.

**Common Ownership.** Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockbroker, partner, or associate, or a member of his/her family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

**Comprehensive Plan.** A comprehensive plan for development of the community adopted by the City Council, pursuant to State law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

**Concurrency.** Requirement that development applications demonstrate that adequate public facilities be available at prescribed levels of service concurrent with the impact or occupancy of development units.

**Condominium.** A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. Any condominium development or conversion of existing buildings to condominiums, shall be deemed to be a Subdivision as defined in this Section 2.2, and any and all provisions and requirements of these regulations, including the "Condominium Property Act" of the State of Illinois, as amended, shall apply.

**Condominium, Conversion.** A property which contains a building, or group of buildings, excepting those newly constructed and intended for condominium ownership, which are, or have previously been, wholly or partially occupied before recording of condominium instruments by persons other than those who have contracted for the purchase of condominiums. Any conversions of existing buildings to condominiums shall comply with any and all provisions and requirements of these regulations unless an exception or waiver is approved by the Planning Board or City Council as provided in Section 1.12.

**Condominium Instruments.** All documents and authorized amendments thereto recorded pursuant to the provisions of the "Condominium Property Act" of the State of Illinois, as amended, including the declaration, bylaws and plat.

**Condominium Property Act.** An Act of Law of the State of Illinois concerning the ownership in and rights and responsibilities of parties under the condominium for of ownership of property.

**Construction Plan.** The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Board or City Council as a condition of the approval of the plat.

**Contiguous.** Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.

**Credit.** The amount of the reduction of fees, payments or charges for the same type of capital improvement for which the fee has been charged.

**Cul-de-Sac.** A local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**Design Criteria.** Standards that set forth specific improvement requirements.

**Developer.** The owner of land proposed to be subdivided or his/her representative who is responsible for any undertaking that requires review and/or approval under these regulations. See Subdivider.

Development, New. A project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of land; and which requires either the approval of a plat pursuant to these subdivision regulations, the issuance of a building permit, or connection to the public water or sanitary sewer system.

Development, In-fill. Development designed to occupy scattered or vacant parcels of land which remain after the majority of development has occurred in an area.

Development Agreement. Agreement between the City Council and developer through which the City agrees to vest development use or intensity or refrain from interfering with subsequent phases of development through new legislation in exchange for the provision of public facilities or amenities by the developer in excess of those required under current City regulations.

Easement. Authorization by a property owner for another to use the owner's property for a specified purpose.

Escrow. A deposit of cash with the City or escrow agent to secure the promise to perform some act.

Exactions. Requirement of development to dedicate or pay for all or a portion of land or costs of public facilities as a condition of development approval.

Expenditure. A sum of money paid out in return for some benefit or to fulfill some obligation. The term includes binding contractual commitments whether by development agreement or otherwise to make future expenditures as well as any other substantial change in position.

Fair Market Value. The price of a building or land that would be agreed upon voluntarily in fair negotiations between a knowledgeable owner willing to sell and a knowledgeable buyer willing to buy.

Frontage. That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot; but it shall not be considered as the ordinary side of a corner lot.

Grade. The slope of a road, street, or other public way specified in percentage terms.

Health, Safety, or General Welfare. The purpose for which municipalities may adopt and enforce land use regulations for the prevention of harm or promotion of public benefit to the community; commonly referred to as police power.

Highway, Limited Access. A freeway or expressway providing a traffic-way for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over the traffic way.

Improvements. *See Lot Improvement or Public Improvement.*

Landscaping. Acting with the purpose of meeting specific criteria regarding uses of outside space, including ground cover, buffers, and shade trees.

Lot. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or possession, or for building development.

Lot, Corner. A lot situated at the intersection of two (2) streets.

Lot Improvement. Any building, structure, place, work of art, or other object situated on a lot.

Model Home or Building. A dwelling unit or commercial or industrial building used initially for display purposes which typifies the type of units that will be constructed in the subdivision and which will not be permanently occupied during its use as a model.

Money in Lieu of Land. Payment of money into a municipally earmarked fund to provide for acquisition of facilities off-site in place of dedicating land or providing such facility on site.

Neighborhood Park and Recreation Improvement Fund. A special fund established by the local park district in charge of parks and recreation to retain monies contributed by developers in accordance with the "money in lieu of land" provisions of these regulations.

Offset. The amount of the reduction of an impact fee designed to fairly reflect the value of area-related facilities or other oversized facilities, pursuant to rules herein established or administrative guidelines, provided by a developer pursuant to the City's subdivision or zoning regulations or requirements.

Off-Site. Any premises not located within the area of the property to be subdivided, whether or not in common ownership of the applicant for subdivision approval.

Ordinance. Any legislative action, however denominated, of a City which has the force of law, including any amendment or repeal of any ordinance.

Owner. The record owners of the fee or a vendee in possession, including any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided.

Person. Any individual or group of individuals, or any corporation, general or limited partnership, joint venture, unincorporated association, or governmental or quasi-governmental entity.

Phased Subdivision Application. An application for subdivision approval submitted pursuant to a Master Preliminary Plat, or at the option of the subdivider, pursuant to a specific plan in which the applicant proposes to immediately subdivide the property but will develop in one or more individual phase(s) over a period of time.

Planned Unit Development (PUD). A development constructed on a tract of minimum size planned and developed as an integral unit and typically consisting of a combination of residential and/or nonresidential uses on the land.

Planning Board. The City's Planning Board established in accordance with law.

Plat, Final. The map of a subdivision to be recorded after approval by the City Council and any accompanying material as described in these regulations.

Plat, Master Preliminary. That portion of a preliminary plat submitted in connection with a multi-phase or phased subdivision application which provides the information and graphics meeting the requirements of these regulations for the purpose of implementing an integrated development scheme for all phases of the proposed subdivision.

Plat, Preliminary. The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Board or City Council for approval.

Plat, Sketch. A sketch preparatory to the preliminary plat (or final plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Planning Board or City Council as to the form of the plat and the objectives of these regulations.

Plat, Subdivision. The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Planning Board or City Council for approval and which, if approved, may be submitted to the County Clerk or Recorder of Deeds for filing.

Police Power. Inherent, delegated, or authorized legislative power for purposes of regulation to secure health, safety, and general welfare.

**Public Facility.** Any improvement, facility, or service used or intended to be used by the general public, whether constructed by any state, county or municipal government agency or instrumentality or any private individual, partnership, association or corporation.

**Public Hearing.** An adjudicatory proceeding held by the Planning Board preceded by published notice and actual notice to certain persons and at which certain persons, including the applicant, may call witnesses and introduce evidence for the purpose of demonstrating that plat approval should or should not be granted.

**Public Improvement.** Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the City may ultimately assume the responsibility for maintenance and operation, or which may effect an improvement for which City responsibility is established, including but not limited to the following:

- a. Water mains, pipes, conduits, tunnels, hydrants, and other necessary works and appliances for providing water service;
- b. Lines, conduits, and other necessary works and appliances for providing electric power service;
- c. Mains, pipes, and other necessary works and appliances for providing gas service;
- d. Poles, posts, wires, pipes, conduits, lamps, and other necessary works and appliances for lighting purposes;
- e. Sidewalks, crosswalks, steps, safety zones, platforms, seats, statuary, fountains, culverts, bridges, curbs, gutters, tunnels, subways or viaducts, parks and parkways, recreation areas, including all structures, buildings, and other facilities necessary to make parks and parkways and recreation areas useful for the purposes for which intended;
- f. Sanitary sewers or instrumentalities of sanitation, together with the necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, tunnels, channels, or other appurtenances;
- g. Drains, tunnels, sewers, conduits, culverts and channels for drainage purposes; with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, channels, and appurtenances;
- h. Pipes, hydrants, and appliances for fire protection.;
- i. Breakwaters, levees, bulkheads, groins and walls of rock, or other material to protect the streets, places, public ways, and other property from overflow by water, or to prevent beach erosion or to promote accretion to beaches;
- j. Retaining walls, embankments, buildings, and any other structures or facilities necessary or suitable in connection with any of the work mentioned in this Section;
- k. Compaction of land, change of grade or contours, construction of caissons, retaining walls, drains, and other structures suitable for the purpose of stabilizing land;
- l. The grading or regrading, the paving or repaving, the planking or replanking, the graveling or regravelling, and the oiling or reoiling of streets;
- m. Acquisition, construction, and installation of traffic signs, signals, lights, and lighting;
- n. Acquisition of any and all property, easements, and rights-of-way which may be required to carry out the purposes of the project; and,
- o. All other work auxiliary to any of the above which may be required to carry out that work including, but not limited to, the maintenance of Public Facilities and administrative, engineering, architectural, and legal work performed in connection with establishing, implementing, and monitoring Public Facilities.

**Public Meeting.** A meeting of the Planning Board or City Council preceded by notice, open to the public and at which the public may, at the discretion of the body holding the public meeting, be heard.

**Rational Method.** A method routinely applied in urban hydrology.

**Registered Engineer.** An engineer properly licensed and registered by the State of Illinois.

**Registered Land Surveyor.** A land surveyor properly licensed and registered by the State of Illinois.

**Resubdivision.** Any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

**Right-of-Way.** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for any other special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

**Road.** *See Street.*

**Sale or Lease.** Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or other transfer of an interest in a subdivision or part thereof, whether by metes and bounds or lot and block description.

**Screening.** Either (a) a strip at least ten (10) feet wide of densely planted (or having equivalent natural growth) shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year-round dense screen at least six (6) feet high; or (b) an opaque wall or barrier or uniformly painted fence at least six (6) feet high.

**Security.** The letter of credit or cash escrow provided by the applicant to secure its promises in the subdivision improvement agreement.

**Setback.** The distance between a building and the street line nearest to the building.

**Street.** Any vehicular way that (1) is an existing state, county, or municipal roadway (2) is shown upon a plat approved pursuant to law (3) is approved by other official action; and, includes the land between the street lines whether improved or unimproved.

**Street Classification.** For the purpose of providing for the development of the streets, highways, roads and rights-of-way in the governmental unit, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, road, and right-of-way, and those located on approved and filed plats, have been designated and classified by the City Engineer. The classification of each street, highway, road, and right-of-way is based upon its present and estimated future traffic volume and its relative importance and function.

**Street, Collector.** A street generally intended to move traffic from local streets to minor arterials. A collector street typically serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it.

**Street, Dead-End.** A street or a portion of a street with only one (1) vehicular-traffic outlet.

**Street, Frontage.** Any street to be constructed by the developer or any existing street where development shall take place on both sides.

**Street, Local.** A street whose sole function is generally to provide access to abutting properties and to other streets from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

**Street, Perimeter.** Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

**Street Right-of-Way Width.** The distance between property lines measured at right angles to the center line of the street.

Structure. Anything constructed or erected.

Subdivide. The act or process of creating a subdivision.

Subdivider. Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, condominiums (including conversion condominiums), tracts, or interests for the purpose of offer, sale, lease, or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of residentially and non-residentially zoned land, whether by deed, devise, intestacy, lease, map, plat, or other recorded instrument.

Subdivision Agent. Any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

Subdivision Improvement Agreement. A contract entered into by the applicant and the City Council on behalf of the City by which the applicant promises to complete the required public improvements within the subdivision within a specified time period following final subdivision plat approval.

Subdivision, Major. All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of five (5) or more lots, or any size subdivision requiring any new street or extension of the City facilities or the creation of any public improvements.

Subdivision, Minor. Any subdivision containing not more than four (4) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Zoning Ordinance, or these regulations.

Subdivision, Nonresidential . A subdivision whose intended use is other than residential, such as commercial or industrial.

Temporary Improvement. Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.

Tract. A lot. The term "tract" is used interchangeably with the term "lot," particularly in the context of subdivision, where a "tract" is subdivided into several lots, parcels, sites, units, plots, condominiums, tracts, or interests.

Variance. A departure from the literal requirements of a subdivision regulation, ordinance or code.

Vested Rights. Right to initiate or continue the establishment of a use which will be contrary to a restriction or regulation coming into effect when the project associated with the use is completed.

Zoning Ordinance. An ordinance adopted by the City which delineates districts and establishes regulations governing the use, placement, spacing and size of land and buildings.

[Reserved]

**3.17 General Procedure.**

- A. Classification of Subdivisions. Before any land is subdivided the owner of the property proposed to be subdivided, or his/her authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures, which shall include two (2) principal steps for a “minor” subdivision and three (3) principal steps for a “major” subdivision:
1. *Minor Subdivision*
    - a. Sketch Plat
    - b. Final Subdivision Plat
  2. *Major Subdivision*
    - a. Sketch Plat
    - b. Preliminary Plat
    - c. Final Subdivision Plat
- B. Official Dates. For the purpose of these regulations, for both major and minor subdivisions, the date of the meeting of the Planning Board at which the public hearing on the recommendation for approval of a sketch, preliminary or final subdivision plat, including any adjourned date thereof, is closed, shall constitute the official date of the plat on which the statutory period required for formal approval, conditional approval or disapproval, shall commence to run.

**3.18 Sketch Plat.**

- A. Discussion of Requirements. Before preparing the sketch plat for a subdivision, the applicant shall schedule an appointment and meet with the City Planner, and other appropriate officials and agencies of the City who must eventually approve those aspects of the subdivision plat coming within their jurisdiction, to discuss the procedure for approval of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services and facilities.
- B. Application Procedure and Requirements. Prior to subdividing land and after meeting with the City Planner, the owner of the land, or his/her authorized agent, shall file an application for approval of a sketch plat with the City Planner. The application shall:
1. Be made on forms available at the Office of the City Planner;
  2. Include all contiguous holdings of the owner including land in “common ownership” as defined in these regulations, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page where each conveyance to the present owner is recorded in the Clerk and Recorder’s Office of Kankakee County, Illinois. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, the date the contract of sale was executed, and, if any corporations are involved, a complete list of all directors, officers, and stockholders of each corporation owning more than twenty-five (25) percent of any class of stock;
  3. Be accompanied by a minimum of ten (10) copies of the sketch plat, as described in Section 7.1 herein, and complying in all respects with these regulations; and, one (1) copy of the sketch plat sufficiently reduced in size to be reproduced on a sheet of paper no larger than eight and one-half (8-½) inches by eleven (11) inches;

4. Be accompanied by a fee of one hundred twenty-five (\$125.00) dollars plus five (\$5.00) dollars per lot for Minor Subdivisions; or, two hundred fifty (\$250.00) dollars plus ten (\$10.00)dollars per lot for Major Subdivisions; and,
5. Be submitted to the City Planner at least thirty (30) days prior to a regular scheduled meeting of the Planning Board.

C. Classification and Approval Procedure. The City Planner shall determine whether the sketch plat constitutes a “minor” or “major” subdivision, as defined in Section 2.2 of these regulations.

1. *Minor Subdivision.* If the sketch plat constitutes a minor subdivision, and upon receipt of a formal application for sketch plat approval and all accompanying material, the City Planner shall call a public meeting for the next scheduled meeting of the Planning Board to be held at least thirty (30) days after the date of the application. The Board shall hold a public hearing on the sketch plat, and the applicant shall provide notice of the public hearing as provided in Section 3.2(E) of these regulations. The Planning Board shall recommend to the City Council the approval, conditional approval, or the disapproval of the sketch plat within ninety (90) days from the official date of the plat. The City Council shall then approve, conditionally approve, or disapprove the sketch plat within ninety (90) days after the first regular meeting of the City Council following receipt of the recommendation of the Planning Board. The City Clerk shall notify the developer as to the date of such approval, conditional approval, or disapproval and the reasons therefore, within ten (10) days of the date of such decision by the City Council.

Subsequent to an approval or conditional approval by the City Council, the applicant may proceed directly to the filing of an application for approval of a final subdivision plat, as provided in Section 3.5 of these regulations. The applicant shall have one (1) year from the date that the sketch plat is approved by the City Council to submit a final subdivision plat as provided in these regulations, after which time a new sketch plat must be submitted for approval.

2. *Major Subdivision.* If the sketch plat constitutes a major subdivision, and upon receipt of a formal application for sketch plat approval and all accompanying material, the City Planner shall call a public meeting for the next scheduled meeting of the Planning Board to be held at least thirty (30) days after the date of the application.. The Board shall hold a public hearing on the sketch plat, and the applicant shall provide notice as provided in Section 3.2(E) of these regulations. The Planning Board shall recommend to the City Council the approval, conditional approval, or the disapproval of the sketch plat within ninety (90) days from the official date of the plat. The City Council shall then approve, conditionally approve, or disapprove the sketch plat within ninety (90) days after the first regular meeting of the City Council following receipt of the recommendation of the Planning Board. The City Clerk shall notify the developer as to the date of such approval, conditional approval, or disapproval and the reasons therefore, within ten (10) days of the date of such decision by the City Council.

Subsequent to an approval or conditional approval by the City Council, the applicant may proceed directly to the filing of an application for approval of a preliminary plat, as provided in these regulations. The applicant shall have one (1) year from the date that the sketch plat is approved by the City Council to submit a preliminary subdivision plat as provided in Section 3.3 of these regulations, after which time a new sketch plat must be submitted for approval.

- D. Referral of Sketch Plat. The City Planner shall transmit the sketch plat for review, within ten (10) days of the application date, to appropriate officials or agencies of the City, adjoining counties or municipalities, school and special districts, and other official bodies as he/she deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law. The City Planner shall request that all officials and agencies to whom a request for review has been made, submit their report to the City Planner within ten (10) days after receipt of the request. Prior to or at the time of the public hearing, the City Planner shall transmit to the Planning Board all the reports concerning the sketch plat, as submitted by the aforesaid officials and agencies.
- E. Public Notification of Hearing. The applicant shall be required to submit a notice for publication in one (1) local newspaper of general circulation to be published not less than ten (10) days nor more than thirty (30) days prior to the public hearing and mail notices to all property owners of all land immediately adjacent to the subject property, as shown in the Kankakee County Assessor's files. The notice shall advise that the sketch plat for the subdivision and related documents are on file with the City Planner and may be reviewed by members of the public who may then appear at such hearing and/or submit written comment on whether sketch plat approval should be granted. The notice shall include a deadline for receipt of written comments and shall include the date, time and place of the public meeting at which sketch plat approval will be considered.

Prior to or at the time of the public hearing, the applicant shall submit a publisher's certificate as proof of public notification, and an affidavit stating that notices of the public meeting have been sent by the applicant to all property owners, as specified in this Section 3.2(E).

**3. 19 Preliminary Plat.** No later than one (1) year after the date of approval of the sketch plat by the City Council, the applicant may apply for preliminary plat approval. If the applicant fails to apply for preliminary plat approval within the one (1) year period, a new sketch plat must be submitted.

- A. Application Procedure and Requirements. The applicant shall file with the City Planner an application for approval of a preliminary plat if he/she elects to proceed. The preliminary plat shall conform substantially with the sketch plat submitted by the applicant and approved or conditionally approved by the City Council. The application shall:
1. Be made on forms available at the office of the City Planner together with a fee of two hundred and fifty (\$250.00) dollars plus ten (\$10.00) dollars per lot for Minor Subdivisions; or, five hundred (\$500.00) dollars plus twenty (\$20.00) dollars per lot for Major Subdivisions;
  2. Include all land which the applicant proposes to subdivide and all land immediately adjacent to the subject property, with the names and addresses of owners as shown in the Kankakee County Assessor's files. This information may be shown on a separate current ariel tax parcel map reproduction from the Assessor's Office.
  3. Be accompanied by a minimum of ten (10) copies of the preliminary plat as described in Section 7.2 of these regulations;
  4. Be accompanied by a minimum of ten (10) copies of the construction plans as described in Section 7.3 of these regulations;
  5. Comply in all respects with the sketch plat; and,
  6. Be submitted to the City Planner at least thirty (30) days prior to a regular scheduled meeting of the Planning Board.
- B. Public Hearing. Upon receipt of a formal application for preliminary plat approval and all accompanying material, the City Planner shall call a public meeting for the next scheduled meeting of the Planning Board to be held at least thirty (30) days after the date of the application. The applicant shall submit a notice for publication in one (1) local newspaper of general circulation to be

published not less than ten (10) days nor more than thirty (30) days prior to the public hearing. The notice shall advise that the preliminary plat for the subdivision and related documents are on file with the City Planner and may be reviewed by members of the public who may then appear at such hearing and/or submit written comment on whether preliminary plat approval should be granted. The notice shall include a deadline for receipt of written comments and shall include the date, time and place of the public meeting at which preliminary plat approval will be considered. Prior to or at the time of the public hearing, the applicant shall submit a publisher's certificate as proof of public notification, as specified in this Section 3.3(B).

- C. Preliminary Approval. After the Planning Board has reviewed the preliminary plat and construction plans, the report of the City Planner and other appropriate officials and agencies, any municipal recommendations and testimony and exhibits submitted at the public hearing, the applicant shall be advised of any recommended or required changes and/or additions. The Planning Board shall recommend the approval, conditional approval, or disapproval of the preliminary plat within ninety (90) days from the official date of the plat, as specified in Section 3.1(B)(1).

The City Council, upon recommendation of the Planning Board, shall approve, conditionally approve, or disapprove the preliminary plat within ninety (90) days from the receipt of the Board's recommendation. The City Clerk shall notify the developer as to the date of such approval, conditional approval, or disapproval and the reasons therefore, within ten (10) days of the date of such decision by the City Council.

- D. Standards for Approval of Preliminary Plats. No preliminary plat of a proposed subdivision shall be recommended for approval by the Planning Board or approved by the City Council unless the applicant proves by clear and convincing evidence that:

1. Definite provision has been made for a public water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;
2. Adequate provision has been made for a public sewage system and that such a system will comply with federal, state, and local laws and regulations;
3. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions;
4. The subdivider has the financial ability to complete the proposed subdivision in accordance with all applicable federal, state, and local laws and regulations;
5. The proposed subdivision will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels; and,
6. The subdivider has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.

The Planning Board or City Council is hereby authorized to disapprove the preliminary plat even though the land proposed for subdivision is zoned for the use to which the proposed subdivision will be put and the proposed use is consistent with the City's Comprehensive Plan.

- E. Public Improvements. The Planning Board or City Council may require that all public improvements be installed and dedicated prior to the signing of the final subdivision plat, as provided in these regulations. If the Planning Board or City Council does not require that all public improvements be installed and dedicated prior to signing of the final subdivision plat, the City Council may require that the applicant execute a "Subdivision Improvement Agreement," as defined in Section 2.2 of these regulations, and provide security for the Agreement as provided in Section 4.1(B)(3) herein. The Planning Board or City Council shall require the applicant to indicate on the plat all streets and public improvements to be dedicated, all utility improvements which shall be required to be established or

extended, and any other special requirements deemed necessary by the Planning Board or City Council.

- F. Effective Period of Preliminary Plat Approval. The approval of a preliminary plat shall be effective for a period of two (2) years from the date that the preliminary plat is approved by the City Council, at the end of which time the applicant must have submitted a final subdivision plat for approval. If a subdivision plat is not submitted for final approval within the two (2) year period, the preliminary plat approval shall be null and void, and the applicant shall be required to submit a new sketch plat review subject to the then existing zoning restrictions and subdivision regulations.
- G. Zoning and Subdivision Regulations. Every preliminary plat shall conform to existing zoning and subdivision regulations applicable at the time that the proposed preliminary plat is submitted for the approval of the Planning Board unless the Board has taken official action toward amending the applicable zoning and subdivision regulations and the applicant has reason to know of that action.
- H. Model Homes and Buildings. For the purpose of allowing the early construction of model homes or other such buildings in a proposed subdivision, the Planning Board or City Council may permit such construction on a portion of a major subdivision involving no more than two (2) lots of the proposed subdivision to be created and provided no future street or other improvement is anticipated where the lots are proposed. Subsequent to preliminary plat approval, the model homes or other such buildings may be constructed, subject to such additional requirements as the Planning Board or City Council may require. The sale, lease or permanent occupancy of such homes or buildings, and/or any additional development on such lots shall be prohibited prior to recording of the final plat, as provided in Section 3.7 of these regulations.

**3. 20 Amendments to Preliminary Plat.** At any time after preliminary plat approval and before submission of a final plat, the applicant may request that an amendment be made in the approval or conditional approval of the preliminary plat. Under these regulations the City Council may agree to proposed amendments that are deemed to be minor. If the proposed amendment is deemed to be major, the Planning Board shall hold a public hearing on the proposed major amendment in accordance with the same requirements for preliminary plat approval found in Section 3.2(B) of these regulations. Any public hearing on a proposed major amendment shall be limited to whether the proposed major amendment should or should not be approved. The Board shall recommend to approve or disapprove any proposed major amendment and may recommend any modifications in the terms and conditions of preliminary plat approval reasonably related to the proposed amendment. If the applicant is unwilling to accept the proposed major amendment under the terms and conditions recommended by the Planning Board or required by the City Council, the applicant may withdraw the proposed major amendment.

A major amendment shall include, but is not limited to, any amendment that results in or has the effect of decreasing open space in the subdivision by ten (10) percent or more or increasing density in the subdivision by ten (10) percent or more. The Planning Board shall make a recommendation on the proposed major amendment within ninety (90) days after the meeting at which the public hearing was held, including any adjourned session, was closed, and the City Council shall render a decision within ninety (90) days from the receipt of the Board's recommendation.

**3. 21 Final Subdivision Plat.**

- A. Application Procedure and Requirements. Following the approval of the sketch plat in the case of a minor subdivision, or of the preliminary plat in the case of a major subdivision, the applicant, if he/she wishes to proceed with the subdivision, shall file with the City Planner an application for final approval of a subdivision plat. The application shall:
  - 1. Be made on forms available at the Office of the City Planner;
  - 2. Include the entire subdivision, or section thereof, which derives access from an existing state, county, or city highway;
  - 3. Be accompanied by a minimum of ten (10) copies of the construction plans and final plat, as described in Sections 7.3 and 7.4 of these regulations;

4. Comply in all respects with the sketch plat or preliminary plat, as approved, whichever is applicable, depending upon the classification of the subdivision;
5. Be presented to the City Planner at least thirty (30) days prior to a regular scheduled meeting of the Planning Board;
6. Be accompanied by all formal irrevocable offers of dedication to the public of all streets, municipal uses, utilities, parks, and easements, in a form acceptable to the City Attorney; and the subdivision plat shall be marked with a notation indicating the formal offers of dedication as follows:

---

*The owner, or his/her representative, hereby irrevocably offers for dedication to the City all the streets, municipal uses, easements, parks, and required utilities shown on the subdivision plat and construction plans in accordance with an irrevocable offer of dedication dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and recorded in the Clerk and Recorder's Office of Kankakee County, Illinois.*

*By*

*Date*

---

*(Owner or Representative)*

---

The applicant shall deliver a full covenant and warranty deed to all such dedicated lands and improvements in proper form for recording, together with a title policy for the City in the sum *not less* than ten thousand (\$10,000) dollars, or as otherwise determined by the City Attorney, before signing of the final subdivision plat by the applicable City officials.

7. Be accompanied by the subdivision improvement agreement and security, if required, in a form satisfactory to the City Attorney and in an amount established by the City Council upon recommendation of the City Engineer, and shall include a provision that the subdivider shall comply with all the terms and conditions, if any, of the final subdivision plat approval, as determined by the City Council, which shall include, but not be limited to, the performance of all required subdivision and off-site improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the City free and clear of all liens and encumbrances on the premises;
  8. Be accompanied by a fifty (\$50.00) dollar fee, or as otherwise determined by the Superintendent of the City's Department of Public Works, for each street sign shown in the construction plans, which street signs shall be installed by the City.
- B. Public Hearing. Upon receipt of a formal application for final plat approval and all accompanying material, the City Planner shall call a public meeting for the next scheduled meeting of the Planning Board to be held at least thirty (30) days after the date of the application. Further notice of the meeting, either by publication or mail, shall not be required.
- C. Final Approval. After the Planning Board has reviewed the final plat and construction plans, the report of the City Planner and other appropriate officials and agencies, and any municipal recommendations, the Planning Board shall recommend to the City Council the approval, conditional approval, or disapproval of the final plat within ninety (90) days from the application date.

No final approval shall be endorsed on the plat until a review has indicated that all requirements, if any, of the approval have been met.

The City Council, upon recommendation of the Planning Board, shall approve, conditionally approve, or disapprove the final plat within ninety (90) days after the first regular meeting of the City Council following receipt of the Planning Board's recommendation. The City Clerk shall notify the developer as to the date of such approval, conditional approval, or disapproval and the reasons therefore, within ten (10) days of the date of such decision by the City Council.

- D. Endorsement of Officials and Agencies. The final subdivision plat shall be properly endorsed by the following City officials and agencies and the developer and his/her authorized representatives, with respect to all public improvements and that same comply with all rules, regulations, and requirements of City, regional, state and federal authorities:
1. The Developer and/or Land Owner;
  2. The Developer's and/or Owner's Engineer and Licensed Land Surveyor; and,
  3. The Mayor, City Clerk, City Engineer and Planning Board Chairman.

### **3.22 Vested Rights and Development Agreements.**

- A. Effect of Approval. Except as otherwise provided in this Section 3.6, no vested rights shall accrue to the owner or developer of any subdivision by reason of preliminary or final plat approval until the actual signing of the final plat by the Mayor and City Clerk.
- B. Effect of Recording. Except as otherwise provided in this Section 3.6, no vested rights shall accrue to the owner or developer of any subdivision by virtue of the recording of a final plat.
- C. Applicable Laws. To obtain final plat approval, the applicant shall be in compliance with all federal, state and local laws applicable at the time that the final plat is considered for approval by the City Council. The applicant also shall be in compliance with all local laws and regulations applicable at the time that the preliminary plat was submitted to the Planning Board in accordance with Section 3.3(G), except that the applicant shall comply with those local laws and regulations in effect at the time that the final plat is considered for approval by the Planning Board if the City Council makes a determination that compliance with any of those local laws and regulations is reasonably necessary to protect public health and safety. If the Planning Board or City Council required the applicant to complete public improvements in the subdivision prior to final plat approval, and the improvements have, in fact been completed, the applicant may be required to comply with local laws and regulations in effect at the time that the final plat is considered for approval only if the City Council determines that such compliance is necessary to prevent a substantial risk of injury to public health, safety and general welfare.
- D. Development Agreements. The City may, but under no circumstances is it required to, enter into a Development Agreement, as defined in Section 2.2 of these regulations:
1. *General.* The Development Agreement shall constitute a binding contract between the subdivider of the proposed subdivision and the City (the "parties") and shall contain those terms and conditions agreed to by the parties and those required by this Section 3.6(D). The City Attorney or his/her designee is authorized to negotiate Development Agreements on behalf of the City.
  2. *Covenants.* Any covenant by the City contained in the Development Agreement to refrain from exercising any legislative, quasi-legislative, quasi-judicial or other discretionary power, including re-zoning or the adoption of any rule or regulation that would affect the proposed subdivision, shall be limited to a period of five (5) years. The covenant shall also contain a proviso that the City may, without incurring any liability, engage in action that otherwise would constitute a breach of the covenant if it makes a determination that the action is necessary to avoid a substantial risk of injury to public health, safety, and general welfare. The covenant shall contain the additional provision that the City may, without incurring any

liability, engage in action that otherwise would constitute a breach of the covenant if the action is required by federal or state law.

3. *Third Party Rights.* Except as otherwise expressly provided in the Development Agreement, the Development Agreement shall create no rights enforceable by any party who/which is not a party to the Development Agreement.
4. *Limitation on Liability.* The Development Agreement shall contain a clause that any breach of the Development Agreement by the City shall give rise only to damages under state contract law and shall not give rise to any liability for violation of the fifth (5<sup>th</sup>) and fourteenth (14<sup>th</sup>) amendments of the U.S. Constitution or similar State constitutional provisions.
5. *Developer's Compliance.* The Development Agreement shall include a clause that the government's duties under the Agreement are expressly conditioned upon the subdivider's substantial compliance with each and every term, condition, provision, and covenant of the Agreement, all applicable federal, state and local laws and regulations, and its obligations under the subdivision improvement agreement.
6. *Adoption.* The Development Agreement shall be adopted by the City Council pursuant to applicable state and local laws and shall be recorded in the Clerk and Recorder's Office of Kankakee County, Illinois.
7. *Incorporation as Matter of Law.* All clauses, covenants, and provisos required by these regulations to be included in a Development Agreement shall be incorporated into the Development Agreement as a matter of law without respect to the intent of the parties.

### **3. 23 Signing and Recordation of Subdivision Plat.**

#### **A. Signing of Plat**

1. When a subdivision improvement agreement and security are required, the appropriate officials or agencies of the City, as provided in Section 3.5(B) of these regulations, shall endorse approval on the final plat after the agreement and security have been approved by the City Council, and all the conditions, if any, pertaining to approval of the final plat have been satisfied.
2. When installation of improvements is required prior to recordation of the final plat, the appropriate officials or agencies of the City, as provided in Section 3.5(B) of these regulations, shall endorse approval on the final plat after all terms and conditions, if any, of the final plat approval have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the City as shown by a certificate signed by the City Engineer and City Attorney stating that the necessary dedication of public lands and improvements has been accomplished.

#### **B. Recording of Plat**

1. The appropriate officials or agencies of the City, as provided in Section 3.5(B) of these regulations, will sign the three (3) copies of the approved final subdivision plat. Two (2) signed copies of the final plat will be returned to the applicant's engineer for recordation.
2. It shall be the responsibility of the applicant to file the final plat with the Kankakee County Clerk and Recorder's Office within thirty (30) days of the date of signature. Simultaneously with the filing of the final plat, the applicant shall record the agreement of dedication together with such other legal documents as shall be required to be recorded by the City Attorney.

- C. Sectionalizing Major Subdivision Plats. Prior to granting final approval of a major subdivision plat, the Planning Board or City Council, may permit the plat to be divided into two (2) or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. The Planning Board or City Council may require that the subdivision improvement agreement and security be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining amount of the security until the remaining sections of the plat are offered for filing. The developer may also file irrevocable offers to dedicate streets and public improvements in the sections offered to be filed and defer filing offers of dedication for the remaining sections until those sections, subject to any conditions imposed by the Planning Board or City Council, shall be granted concurrently with final approval of the plat. If sectionalizing is approved, the entire approved subdivision plat including all sections shall be filed within ninety (90) days after the date of final approval and such sections as have been authorized by the City Council shall be filed with the County Clerk and Recorder's Office. Such sections must contain at least ten (10) percent of the total number of lots contained in the approved plat. The approval of all remaining sections not filed with the Clerk and Recorder's Office shall automatically expire unless such sections have been approved for filing by the City Council, all fees paid, all instruments and offers of dedication submitted and subdivision improvement agreements, security and performance bonds, if any, approved and actually filed with the Clerk and Recorder's Office within three (3) years of the date of final subdivision approval of the subdivision plat.

**3. 24 Time Periods for Action.** Whenever these regulations establish a time period for action by the City Council or Planning Board, or any other person, agency or entity and the action is not taken within the time period, the applicant shall have a right to file an action in mandamus to compel action. The government's duty to act is not dependent on the applicant's substantial compliance with all applicable application and approval procedures.

**3. 25 Suspension and Invalidation of Final Plat.** If the City suspends final plat approval for any subdivision plat under these regulations, it shall record a document with the Clerk and Recorder's Office of Kankakee County, Illinois, declaring that final approval for the subdivision is suspended and that the further sale, lease, or development of property within the subdivision is prohibited except that this prohibition shall not apply to persons or parties who have acquired property from the subdivider unless the person or party acquiring property meets the definition of "common ownership" as provided in Section 2.2 of these regulations. If any court of competent jurisdiction invalidates final plat approval for any subdivision, the City shall record a document with the Clerk and Recorder's Office for Kankakee County, Illinois, declaring that the final plat for the subdivision is no longer valid and that further subdivision activity is prohibited.

[Reserved]

**4.26 Improvements and Subdivision Improvement Agreement.**

- A. Completion of Improvements. Before the final subdivision plat is signed by the appropriate City officials and agencies, as provided in Section 3.5(B) of these regulations, all applicants shall be required to complete, in accordance with the City Council's decision and to the satisfaction of the City Engineer, all the street, sanitary and other public improvements, including lot improvements on the individual lots of the subdivision, as required in these regulations, specified in the final subdivision plat and as approved by the City Council, and to dedicate those public improvements to the City, free and clear of all liens and encumbrances on the dedicated property and public improvements.
- B. Subdivision Improvement Agreement and Guarantee.
1. *Agreement.* The City Council, upon recommendation of the Planning Board, may waive the requirement that the applicant complete and dedicate all public improvements prior to approval of the final subdivision plat and, as an alternative, permit the applicant to enter into a Subdivision Improvement Agreement, as defined in Section 2.2 of these regulations, by which the subdivider covenants to complete all required public improvements no later than two (2) years following the date on which the proper City officials and agencies, as provided in these regulations, signs the final subdivision plat. The applicant shall warrant that all required public improvements will be free from defect for a period of two (2) years following the acceptance by the City Council of the dedication of the last completed public improvement. The subdivision improvement agreement shall contain such other terms and conditions agreed to by the applicant and the City Council.
  2. *Covenants to Run.* The subdivision improvement agreement shall provide that the covenants contained in the agreement shall run with the land and bind all successors, heirs, and assignees of the subdivider. The subdivision improvement agreement will be adopted by the City Council, pursuant to applicable state and local laws and shall be recorded in the Clerk and Recorder's Office of Kankakee County, Illinois.
  3. *Security.* Whenever the City Council permits an applicant to enter into a subdivision improvement agreement, it may require the applicant to provide a letter of credit or cash escrow as security for the promises contained in the subdivision improvement agreement. Either security shall be in an amount equal to one hundred and twenty (120) percent of the estimated cost of completion of the required public improvements, including lot improvements, or as otherwise approved by the City Council, upon recommendation of the City Engineer. The issuer of the letter of credit or the escrow agent, as applicable, shall be acceptable to the City Attorney.
    - a. *Letter of Credit.* If the applicant posts a letter of credit as security for its promises contained in the subdivision improvement agreement, the credit shall: (1) be irrevocable; (2) be for a term sufficient to cover the completion, maintenance and warranty periods in Section 4.2 (B)(1); and, (3) require only that the government present the credit with a sight draft and an affidavit signed by the City Attorney attesting to the City's right to draw funds under the credit.
    - b. *Cash Escrow.* If the applicant posts a cash escrow as security for its promises contained in the subdivision improvement agreement, the escrow instructions shall provide: (1) that the subdivider will have no right to a return of any of the funds except as provided in Section 4.2 (B)(2); and, (2) that the escrow agent shall have a legal duty to deliver the funds to the City whenever the City Attorney presents an affidavit to the agent attesting to the City's right to receive funds whether or

not the subdivider protests that right. If and when the City accepts the offer of dedication for the last completed required public improvement, the City shall execute a waiver of its right to receive all but twenty-five (25) percent of the funds represented by the letter of credit or cash escrow if the subdivider is not in breach of the subdivision improvement agreement. The residual funds shall be security for the subdivider's covenant to maintain the required public improvements and its warranty that the improvements are free from defect.

- C. Costs of Improvements. All required improvements shall be made by the developer, at his/her expense, without reimbursement by the City, unless otherwise agreed to by the developer and the City as part of a Development Agreement as provided in Section 3.5(D) of these regulations.
- D. Governmental Units. Governmental units to which these contract and security provisions apply may file, in lieu of the contract and security, a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Chapter 4.
- E. Failure to Complete Improvement. For subdivisions for which no subdivision improvement agreement has been executed and no security has been posted, if the improvements are not completed within the period specified by the City Council in approving the final plat, the sketch plat or preliminary plat approval shall be deemed to have expired. In those cases where a subdivision improvement agreement has been executed and security has been posted and required public improvements have not been installed within the terms of the agreement, the City may then: (1) declare the agreement to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the agreement is declared to be in default; (2) suspend final subdivision plat approval until the improvements are completed and record a document to that effect for the purpose of public notice; (3) obtain funds under the security and complete improvements itself or through a third party; (4) assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision for which improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete improvements in the subdivision; or, (5) exercise any other rights available under the law.
- F. Acceptance of Dedication Offers. Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by Ordinance of the City Council. The approval of a subdivision plat by the City Council, whether sketch, preliminary or final, shall not be deemed to constitute or imply the acceptance by the City of any street, easement, or park shown on the plat. The City Council may require the plat to be endorsed with appropriate notes to this effect.

#### **4. 27 Inspection of Improvements.**

- A. General Procedure and Fees. The City Engineer shall provide for inspection of required improvements during construction and ensure their satisfactory completion. The applicant shall pay to the City an inspection fee based on the estimated cost of inspection, as determined by the City Engineer, and where the improvements are completed prior to final plat approval, the subdivision plat shall not be signed by the proper City officials and agencies, as provided in these regulations, unless the inspection fee has been paid at the time of application. These fees shall be due and payable upon demand of the City and no building permits or certificates of occupancy shall be issued until all fees are paid. If the City Engineer finds upon inspection that any one or more of the required improvements have not been constructed in accordance with the City's construction standards and specifications, the applicant shall be responsible for properly completing the improvements.
- B. Release or Reduction of Security.
  - 1. *Certificate of Satisfactory Completion.* The City Council will not accept dedication of required improvements, nor release nor reduce the amount of any security posted by the subdivider until the City Engineer has endorsed a certificate on the final subdivision plat stating that all required improvements have been satisfactorily completed and until: (A) the applicant's engineer or surveyor has certified to the City Engineer, through submission of a detailed "as-built" survey plat of the subdivision, indicating location, dimensions,

materials, and other information required by the City Council, City Attorney or City Engineer, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision; and, (B) a title insurance policy has been furnished to and approved by the City Attorney indicating that the improvements have been completed, are ready for dedication to the City, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation by the City Engineer and City Attorney, the City Council shall thereafter accept the improvements for dedication in accordance with the established procedure.

2. *Reduction of Escrowed Funds and Security.* If the security posted by the subdivider was a cash escrow, the amount of that escrow shall be reduced upon actual acceptance of the dedication of public improvements and then only to the ratio that the cost of the public improvement for which dedication was accepted bears to the total cost of public improvements for the subdivision. In no event shall a cash escrow be reduced below twenty-five (25) percent of the principal amount. Funds held in the escrow account shall not be released to the subdivider, in whole or in part, except upon express written instructions of the City Attorney. At the end of the maintenance and warranty periods, all escrowed funds, if any, shall be released to the subdivider. If the security provided by the subdivider was a letter of credit, the City Attorney shall execute waivers of the City's right to draw funds under the credit upon actual acceptance of the dedication of public improvements and then only to the ratio that the cost of the public improvement for which dedication was accepted bears to the total cost of public improvements for the subdivision. In no event shall waivers be executed that would reduce the security below twenty-five (25) percent of its original amount

**4.28 Maintenance of Improvements.** The developer shall be required to maintain all required public improvements on the individual subdivided lots, until acceptance of the improvements by the City Council. If there are any certificates of occupancy on a street not dedicated to the City, the City may on twenty-four (24) hours notice effect emergency repairs and charge those costs to the developer. Following the acceptance of the dedication of any public improvement by the City, the government may, in its sole discretion require the subdivider to maintain the improvement for a period of one (1) year from the date of acceptance.

**4.29 Deferral or Waiver of Required Improvements.**

- A. The City Council may defer or waive at the time of final approval, subject to appropriate conditions, and upon recommendation of the City Engineer, the provision of any or all public improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of the inadequacy or in existence of connecting facilities. Any determination to defer or waive the provision of any public improvement must be made on the record and the reasons for the deferral or waiver also shall be expressly made on the record.
- B. Whenever it is deemed necessary by the City Council to defer the construction of any improvement required under these regulations because of incompatible grades, future planning, inadequate or nonexistent connecting facilities, or for other reasons, the subdivider shall pay his/her share of the costs of the future improvements to the City prior to signing of the final subdivision plat, or the developer may execute a separate subdivision improvement agreement secured by a letter of credit guaranteeing completion of the deferred improvements upon demand of the City.

**4.30 Issuance of Building Permits and Certificates of Occupancy.**

- A. When a subdivision improvement agreement and security have been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the required public improvements and the acceptance of the dedication of those improvements by the City, as required in the City Council's approval of the final subdivision plat.
- B. The extent of street improvement shall be adequate for vehicular access by the prospective occupant(s) and by police and fire equipment prior to the issuance of an occupancy permit. The developer shall, at the time of the offer of dedication, submit monies in escrow to the City in a sum

determined by the City Engineer for the necessary final improvement of the street.

- C. No building permit shall be issued for the final ten (10) percent of lots in a subdivision, or if ten (10) percent be less than two (2), for the final two (2) lots of a subdivision, until all public improvements required by the City Council for the subdivision have been fully completed and the City has accepted the developer's offer(s) to dedicate the improvements.

#### **4. 31 Consumer Protection Legislation and Conflicts of Interest Statutes.**

- A. No building permit or certificate of occupancy shall be granted or issued if a developer or its authorized agent has violated any federal, state or local law pertaining to: (1) consumer protection; (2) real estate land sales, promotion, or practices; or, (3) any applicable conflicts-of-interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate until a court of competent jurisdiction so orders.
- B. With respect to any lot or parcel of land described in the immediately preceding Section, if a building permit or certificate of occupancy has been granted or issued, it may be revoked by the City until a court of competent jurisdiction orders otherwise, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.
- C. Any violation of a federal, state, or local consumer protection law, including, but not limited to: Postal Reorganization Act of 1970; the Federal Trade Board Act of 1970; Interstate Land Sales Full Disclosure Act; the Truth in Lending Act; the Uniform Commercial Credit Code; state "Blue Sky" laws; state subdivision disclosure acts, or any conflicts of interest statute, law, or ordinance shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in Section 1.13.

**5.32 General Improvements.**

- A. Conformance to Applicable Rules and Regulations. In addition to the requirements established in these regulations, all subdivision plats shall comply with the following laws, rules, and regulations:
1. All applicable statutory provisions;
  2. The building and housing codes, and all other applicable laws of the appropriate jurisdictions;
  3. The Zoning Ordinance and Comprehensive Plan of the City of Kankakee;
  4. The special requirements of these regulations and any rules of the appropriate federal, state or local agencies;
  5. The rules and regulations of the *Illinois Department of Transportation* if the subdivision or any lot contained therein abuts a state highway or connecting street;
  6. The standards and regulations listed in Appendix "A" (*Referenced Standards*) of these regulation or as otherwise adopted by the City and all boards, agencies, and officials of the City;
  7. Plat approval may be withheld if a subdivision is not in conformity with the above laws, regulations, guidelines and policies as well as the purposes of these regulations as established in Section 1.3 of these regulations.
- B. Design and Construction Standards. All public improvements shall be designed and constructed in accordance with the standards established in Chapter 8 (*Design & Construction Standards*) or referenced in Appendix "A" (*Referenced Standards*) of these regulations.
- C. Adequate Public Facilities. No preliminary plat shall be approved unless the City Council determines that public facilities will be adequate to support and service the area of the proposed subdivision. The applicant shall, at the request of the City Council, submit sufficient information and data on the proposed subdivision to demonstrate the expected impact on and use of public facilities by possible uses of said subdivision. Public facilities and services to be examined for adequacy shall include, but not be limited to, streets and public transportation facilities, sewerage, and water service.
1. The applicant for a preliminary plat must, at the request of the City Council, submit sufficient information and data on the proposed subdivision to demonstrate the expected impact on and use of public facilities and services by possible uses of said subdivision.
  2. Proposed public improvements shall conform to and be properly related to the City's Comprehensive Plan and all applicable capital improvements plans.
  3. All habitable buildings and buildable lots shall be connected to a public water system capable of providing water for health and emergency purposes, including adequate fire protection.
  4. All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment.
  5. Drainage improvements shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent increases in downstream flooding. The City

- may require the use of control methods such as retention or detention, and/or the construction of offsite drainage improvements to mitigate the impacts of the proposed development.
6. Proposed streets shall provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation, and shall be appropriate for the particular traffic characteristics of each proposed development.
  7. All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, water lines, wastewater systems, drainage facilities, electric lines, and telecommunications lines shall be constructed through new development to promote the logical extension of public infrastructure. The City may require the applicant of a subdivision to extend offsite improvements to reach the subdivision or oversize required public facilities to serve anticipated future development as a condition of plat approval.
- D. Self-imposed Restrictions. If the owner places restrictions on any of the land contained in the subdivision greater than those required by the City's Zoning Ordinance or these regulations, such restrictions or reference to those restrictions may be required to be indicated on the subdivision plat, or the City Council may require that restrictive covenants be recorded with the Kankakee County Recorder of Deeds in a form to be approved by the City Attorney. When allowed by law, the subdivider shall grant to the City the right to enforce the restrictive covenants.
- E. Plats Straddling Municipal Boundaries. Whenever access to the subdivision is required across land in another City, the City Council may request assurance from the City Attorney that access is legally established, and from the City Engineer that the access road is adequately improved, or that a guarantee has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal boundary lines.
- F. Monuments. The applicant shall place permanent reference monuments in the subdivision as required in these regulations or as otherwise approved by the City Engineer.
1. Monuments shall be located on street right-of-way lines, at street intersections and angle points of curve and block corners. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the street right-of-way limits.
  2. The external boundaries of a subdivision shall be monumented in the field by monuments of stone or concrete, not less than thirty (30) inches in length, not less than four (4) inches square or five (5) inches in diameter, and marked on top with a cross, brass plug, iron rod, or other durable material securely embedded therein; or by iron rods or pipes at least thirty (30) inches long and one (1) inch in diameter. These monuments shall be placed not more than one thousand (1,000) feet apart in any straight line and at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line, and at all angle points along the meander line, those points to be not less than twenty (20) feet back from the bank of any river or stream, except that when such corners or points fall within a street, or proposed future street, the monuments shall be placed in the side line of the street.
  3. All internal boundaries and those corners and points not referred to in the preceding paragraph shall be monumented in the field by like monuments as described above. These monuments shall be placed at all block corners, at each end of all curves, at a point where a river changes its radius, and at all angle points in any line.
  4. The lines of lots that extend to rivers or streams shall be monumented in the field by iron pipes at least thirty (30) inches long and one (1) inch in diameter or by round or square iron bars at least thirty (30) inches long. These monuments shall be placed at the point of intersection of the river or stream lot line, with a meander line established not less than twenty (20) feet back from the bank of the river or stream. All monuments required by these regulations shall be set flush with the ground and planted in such a manner that they will not be removed by frost.

5. All monuments shall be properly set in the ground and approved by the City Engineer prior to the time the City Council approves the final plat.
- G. Character of the Land. Land that the City Council finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features that will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the City Council, upon recommendation of the City Engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses that shall not involve any danger to public health, safety, and welfare.
- H. Subdivision Name. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision located within Kankakee County, Illinois and/or which is covered by these regulations. The City Council, upon recommendation of the Planning Board, shall have final authority to designate the name of the subdivision, which shall be determined at sketch plat approval.

### 5.33 Lot Improvements.

- A. Lot Arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the City's Zoning Ordinance and in providing driveway access to buildings on the lots from an approved street.
- B. Lot Dimensions. Lot dimensions shall comply with the minimum standards of the City's Zoning Ordinance. Where lots are more than double the minimum required area for the zoning district, the City Council may require that those lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots, all in compliance with the Zoning Ordinance and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall have a minimum of ten (10) feet of additional width to allow for erection of buildings, observing the minimum front-yard and corner side-yard setback as established in the Zoning Ordinance. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance.
- C. Lot Orientation. The shortest lot line common to the street right-of-way, as measured in linear feet, shall be the front line. All lots shall face the front line and a similar line across the street. Wherever feasible, lots shall be arranged so that the rear line does not abut the side line of an adjacent lot.
- D. Double Frontage Lots and Access to Lots.
1. *Double Frontage Lots.* Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.
  2. *Access from Major and Minor Arterials.* Lots shall not in general, derive access exclusively from a major or minor street. Where driveway access from a major or minor street may be necessary for several adjoining lots, the City Council may require that such lots be served by a combined access drive in order to limit possible traffic hazards on the street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on major and minor arterials.
- E. Soil Preservation, Grading, and Seeding.

1. *Soil Preservation and Final Grading.* No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved final subdivision plat and the lot precovered with soil with an average depth of at least six (6) inches which shall contain no particles more than two (2) inches in diameter over the entire area of the lot, except that portion covered by buildings or included in streets, or where the grade has not been changed or natural vegetation seriously damaged. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover on the lots and at least four (4) inches of cover between the sidewalks and curbs, and shall be stabilized by seeding or planting.
  2. *Lot Drainage.* Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
  3. *Lawn-Grass Seed and Sod.* All lots shall be seeded from the street-side edge of the unpaved right-of-way back to the rear corner of the principal residence or building on the lot. No certificate of occupancy shall be issued until re-spreading of soil and seeding of lawn has been completed; except that between October 1<sup>st</sup> and March 15<sup>th</sup>, and between May 15<sup>th</sup> and August 15<sup>th</sup>, the applicant may submit a binding agreement in writing signed by the developer and the property owner, with a copy to the Building and Zoning Inspector, that re-spreading of soil and seeding of lawn will be done during the immediate following planting season as set forth in this Section. Sod may be used to comply with any requirement of seeding set forth herein.
- F. Debris and Waste. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of a certificate of occupancy, and removal of those items and materials shall be required prior to issuance of any certificate of occupancy on a subdivision. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time of expiration of any subdivision improvement agreement or dedication of public improvements, whichever is sooner.
- G. Water bodies and Watercourses. If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The City Council may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a City responsibility. No more than twenty-five (25) percent of the minimum area of a lot required under the Zoning Ordinance may be satisfied by land that is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure, of a design approved by the City Engineer.
- H. Subdivision Improvement Agreement and Security to Include Lot Improvement. The applicant, if required by the Planning Board of City Council, shall enter into a separate subdivision improvement agreement secured by a letter of credit or cash escrow to guarantee completion of all lot improvement requirements including, but not limited to, soil preservation, final grading, lot drainage, lawn grass seeding, removal of debris and waste, fencing, and all other lot improvements required by the City Council. Whether or not a certificate of occupancy has been issued, the City may enforce the provisions of the subdivision improvement agreement where the provisions of this Section 5.2 or any other applicable law, ordinance, or regulation have not been met.

## 5.34 Streets.

- A. General Requirements.
1. *Frontage on Improved Streets.* No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing municipal street unless such street is:

- a. An existing state, county, or township highway; or
- b. A street shown upon an existing plat previously approved by the City Council and recorded in the County Recorder of Deeds' office. Such street or highway must be suitably improved as required by the highway rules, regulations, specifications, or orders, or be secured by a performance bond required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations or as otherwise required by the City Engineer.

Wherever the area to be subdivided is to utilize existing street frontage, the street shall be suitably improved as provided above.

2. *Grading and Improvement Plan.* Streets shall be graded and improved and conform to the standards established in Chapter 8 (*Design & Construction Standards*) of these regulations, or as otherwise required by the City Engineer, and in accordance with the construction plans required to be submitted prior to final plat approval.
3. *Classification.* All streets shall be classified as either an expressway, major arterial, minor arterial, collector, or local street.
4. *Topography and Arrangement.*
  - a. Streets shall be related appropriately to the topography. Local streets shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many building sites as possible at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.
  - b. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way;
  - c. All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
  - d. Collector or local streets shall be laid out to conform as much as possible to the topography to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
  - e. The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged where such use will result in a more desirable layout.
  - f. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the City Council, upon recommendation of the City Engineer, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracks.
  - g. In commercial and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

5. *Blocks.*
  - a. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width may be permitted in blocks adjacent to major streets, railroads, or waterways.
  - b. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed one thousand two hundred-fifty (1,250) feet or twenty-five (25) times the minimum lot width required in the zoning district, whichever is less, nor be less than four hundred (400) feet in length. Wherever practicable, blocks along arterials and collector streets shall be not less than one thousand (1,000) feet in length.
  - c. In long blocks the City Council may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.
  - d. Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the City Council through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the City Council for prospective use.
6. *Access to Major Arterials.* Where a subdivision borders on or contains an existing or proposed major arterial, the City Council may require that access to such streets be limited by one of the following means:
  - a. The subdivision of lots so as to back onto the major arterial and front onto a parallel local street; no access shall be provided from the major arterial, and screening shall be provided in a strip of land along the rear property line of such lots;
  - b. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the major arterial; or,
  - c. A marginal access or service road (separated from the major arterial by a planting or grass strip and having access at suitable points).
7. *Street Names.* The sketch plat as submitted shall indicate any proposed street names. The City Council shall have final authority to name all streets at the time of preliminary approval. Names shall be sufficiently different in sound and spelling from other street names in the City so as not to cause confusion. A street which is (or is planned as) a continuation of an existing street shall bear the same name.
8. *Street Regulatory Signs.* The applicant shall deposit with the City at the time of final subdivision approval the sum of fifty (\$50.00) dollars, or as otherwise specified by the City Engineer, for each street sign required by the City Engineer at all street intersections. The City shall install all street signs before issuance of certificates of occupancy for any residence on the streets approved. Street name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which to be approved by the City Engineer.
9. *Street Lights.* Installation of street lights shall be required in accordance with the standards established in Chapter 8 (*Design & Construction Standards*) of these regulations. Street lights shall be located at all street intersections, or at closer intervals, but in no case shall such street lights be located more than one thousand (1,000) feet apart. However, the City

Engineer may authorize or require a deviation from this standard if in his/her professional opinion another arrangement more satisfactorily complies with the standard set forth in this Section 5.3(A)(9).

10. *Reserve Strips.* The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to the street.

11. *Construction of Streets and Dead-End Streets.*

a. Construction of Streets. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when the continuation, in the opinion of the City Engineer, is necessary for convenient movement of traffic, effective fire protection, and efficient provision of utilities. If the adjacent property is undeveloped and the street must temporarily be a dead-end street, the right-of-way shall be extended to the property line.

A temporary T-shaped turnabout shall be provided on all temporary dead-end streets which exceed five hundred (500) feet in length, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The pavement for the cross of the "T" shall be at right angles to the street, be twenty (20) feet in width and paved for a distance of at least forty (40) feet out on both sides of the street from the pavement edge. However, the City Engineer may authorize or require a deviation from this standard if in his/her professional opinion another arrangement more satisfactorily complies with the standard set forth in this Section 5.3(A)(11)(a).

b. Dead-End Streets (Permanent). Where a street does not extend beyond the boundary of the subdivision and its continuation is not required by the City Council for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the City Council may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, provide a cul-de-sac turnaround at the end of a permanent dead-end street, which shall consist of a paved surface of not less than ninety (90) feet in diameter and a right-of-way width of not less than one hundred twenty (120) feet in diameter, or as otherwise acceptable to the City Engineer and City Fire Chief when such dead-end street is five hundred (500) feet or more in length.

B. Design Standards.

1. *General.* In order to provide for streets of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, snow removal, sanitation, and street-maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, the design standards for streets, as provided in Section 5.1(B) of these regulations, are hereby required.

2. *Street Surfacing and Improvements.* After sewer and water utilities have been installed by the developer, the developer shall construct curbs and gutters and shall surface or cause to be surfaced proposed roadways to the widths prescribed in these regulations. All surfacing shall be of a character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavement shall be as determined by the City Engineer. Adequate provision shall be made for culverts, drains, and bridges. All street pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications as provided in these regulations or as otherwise adopted by the City and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

3. *Excess Right-of-Way.* Right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three-to-one (3-1).
4. *Railroads and Limited Access Highways.* Railroad rights-of-way and limited access highways, where so located as to affect the subdivision of adjoining lands, shall be treated as follows:
  - a. In residential zoning districts a buffer strip at least ten (10) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures on this land is prohibited"
  - b. In districts zoned for commercial or industrial uses the nearest street extending parallel or approximately parallel to the railroad right-of-way shall, wherever practicable, be at a sufficient distance from the railroad right-of-way to ensure suitable depth for commercial or industrial sites; and,
  - c. When streets parallel to the railroad right-of-way intersect a street which crosses the railroad right-of-way at grade, they shall, to the extent practicable, be at a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.
5. *Intersections.*
  - a. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the City Council, upon recommendation of the City Engineer.
  - b. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center-line offsets of less than one hundred fifty (150) feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be continuous. Intersection of major streets shall be at least eight hundred (800) feet apart.
  - c. Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
  - d. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two (2) percent rate at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.
  - e. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an

adequate sight distance.

- f. The cross-slopes on all streets, including intersections, shall be three (3) percent or less.

6. *Bridges.* Bridges of primary benefit to the applicant, as determined by the City Council, shall be constructed at the full expense of the applicant without reimbursement from the City. The sharing expense for the construction of bridges not of primary benefit to the applicant, as determined by the City Council, may be fixed by special agreement between the City Council and the applicant. The cost of bridges that do not solely benefit the developer may be charged to the developer pro rata based on the percentage obtained by dividing the service area of the bridge into the area of the land being developed by the subdivider.

7. *Alleys.*

- a. Alleys shall not be permitted except that the City Council may require such alleys where other definite and assured provisions are not made for service access, such as off-street loading, unloading and parking, consistent with and adequate for the proposed use of the subdivision.
- b. The width of an alley, where required, shall be a thirty (30) foot right-of-way and pavement shall not be less than twenty (20) feet in width.
- c. Alley intersections and sharp changes in alley alignment shall be avoided, but where necessary, corners may be modified, upon approval of the City Engineer, to allow the vehicle types anticipated adequate space to perform turning maneuvers safely.
- d. Alleys, where required or allowed, shall be constructed of the same materials as the proposed street in the subdivision.
- e. Dead-end alleys shall be prohibited.

C. Street Dedications and Reservations.

1. *New Perimeter Streets.* Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The City Council may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within its own subdivision boundaries.

2. *Widening and Realignment of Existing Streets.* Where a subdivision borders an existing narrow street or when the Comprehensive Plan or Zoning setback regulations indicate plans for realignment, or widening a street that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at its expense those areas for widening or realignment of those streets. Frontage streets and streets as described above shall be improved and dedicated by the applicant at its own expense to the full width as required by these subdivision regulations when the applicant's development activities contribute to the need for the street expansion. Land reserved for any street purposes may not be counted in satisfying yard or area requirements of the Zoning Ordinance whether the land is to be dedicated to the City in fee simple or an easement is granted to the City.

**5.35 Drainage and Storm Sewers.**

- A. General Requirements. The City Council shall not approve any plat of subdivision that does not make adequate provision for storm and flood water runoff channels or basins. The storm water drainage

system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by the *Rational Method*, as defined in Section 2.2, or other methods as approved by the City Engineer, and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than six hundred (600) feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.

B. Nature of Storm Water Facilities.

1. *Location.* The applicant may be required by the City Council to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications adopted by the City Council.
2. *Accessibility to Public Storm Sewers.*
  - a. Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the City Engineer. However, in subdivisions containing lots less than fifteen thousand (15,000) square feet in area and in commercial and industrial zoning districts, underground storm sewer systems shall be constructed throughout the subdivisions and be conducted to an approved out-fall. Inspection of facilities shall be conducted by the City Engineer.
  - b. If a connection to a public storm sewer will be provided eventually, as determined by the City Engineer, the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the subdivision improvement agreement required for the subdivision plat.
3. *Accommodation of Upstream Drainage Areas.* A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The City Engineer shall determine the necessary size of the facility, based on the provisions of the adopted construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.
4. *Effect on Downstream Drainage Areas.* The City Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. City drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the City Council may withhold approval of the subdivision until provision has been made for the expansion of the existing downstream drainage facility. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.
5. *Areas of Poor Drainage.* Whenever a plat is submitted for an area that is subject to flooding, the City Council may approve such subdivision provided that the applicant fills the affected area of the subdivision to an elevation sufficient to place the elevation of streets and lots at a minimum of twelve (12) inches above the elevation of the one hundred (100) year flood-plain, as determined by the City Engineer and in accordance with applicable federal, state and local laws and regulations. The plat of the subdivision shall provide for an

overflow zone along the bank of any stream or watercourse, in a width that shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed in the overflow zone. The boundaries of overflow zone shall be subject to approval by the City Engineer. The City Council may deny subdivision approval for areas of extremely poor drainage.

6. *Flood Plain Areas.* The City Council, when it deems it necessary for the health, safety, the present and future population of the area and necessary other conservation of water, drainage, and sanitary facilities, shall prohibit the subdivision of any portion of the property that lies within the floodplain of any stream or drainage course unless such subdivision is determined to be in full compliance with the provisions established in "An Ordinance Regulating Development in Special Flood Hazard Areas" (Ordinance No. 93-06). These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material or stumps, except at the discretion of the City Council.

C. Dedication of Drainage Easements.

1. *General Requirements.* When a subdivision is traversed by a watercourse, drainage-way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
2. *Drainage Easements.*
  - a. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual, unobstructed easements at least fifteen (15) feet in width for drainage facilities shall be provided across property outside the street lines and with satisfactory access to the street. Easements shall be indicated on the plat. Drainage easements shall extend from the street to a natural watercourse or to other drainage facilities.
  - b. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
  - c. The applicant shall dedicate, either in fee or by a drainage or conservation easement, land on both sides of existing watercourses to a distance to be determined by the Governing Bod, upon recommendation of the City Engineer.
  - d. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the number of lots to be utilized for average density procedures nor for computing the area requirement of any lot.

**5.36 Water Facilities.**

A. General Requirements.

1. For the purpose of providing a water-supply system capable of providing for domestic water use and fire protection, the developer shall install adequate water facilities (including fire hydrants) subject to the specifications of state or local authorities. All water mains shall be at least six (6) inches in diameter.
2. Water main extensions shall be approved by the officially designated agency of the state or

City.

3. The location of all fire hydrants, all water supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing same shall be borne by the developer and included in the subdivision improvement agreement and security to be furnished by the developer.
- B. Mandatory Connection to Public Water System. A connection to a public water main shall be provided as a condition to subdivision plat approval. Performance or cash bonds may be required by the City Council to ensure compliance.
- C. Individual Wells. It shall be unlawful for any owner or occupant of a lot in the subdivision to maintain upon any such property an individual well, unless, at the discretion of the City Council, upon recommendation of the City Engineer, approval is granted to maintain such a well only as a source of non-potable water.
- D. Fire Hydrants. Fire hydrants shall be required and shall be approved by the City Engineer, upon recommendation of the City Fire Chief, for all subdivisions, except those coming under Section 5.5(B) of these regulations. Such hydrants shall be installed in accordance with the design and specification standards provided in the "National Fire Codes" *National Fire Protection Association*, as adopted by the City, and which shall be considered part of the requirements of these regulations to the prescribed extent of each such reference, or as otherwise specified in this Section 5.5(D) or with the standards established in Chapter 8 (*Design & Construction Standards*) of these regulations. Fire hydrants shall be located no more than three hundred (300) feet apart, be marked in a uniform manner, be located within three (3) feet of the curb line of the street, and, unless otherwise required, have American National Fire Hose Connection Screw Threads and be equipped with thread adaptors if the City Fire Department thread is different.

All installed fire hydrants shall be supplied by not less than a six (6) inch diameter main installed on a looped system or not less than a eight (8) inch diameter main if the system is not looped or the fire hydrant is installed on a dead-end main exceeding three hundred (300) feet in length. Dead-end mains shall not exceed six hundred (600) feet in length for main sizes under ten (10) inches in diameter. However, the City Engineer, upon recommendation of the City Fire Chief, may authorize or require a deviation from this standard if in his/her professional opinion another arrangement more satisfactorily complies with the standards set forth in this Section 5.5(D).

To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements shall be installed before any final paving of a street as shown on the subdivision plat.

### **5.37 Sewerage Facilities.**

- A. General Requirements. The applicant shall install sanitary sewer facilities in a manner prescribed in Chapter 8 (*Design & Construction Standards*) of these regulations. All plans shall be designed and approved in accordance with the rules and regulations of the City Engineer, and other appropriate agency, and the standards set forth in the "Municipal Utility Ordinance" *Chapter 34, City of Kankakee Municipal Code*, which shall be considered part of the requirements of these regulations to the prescribed extent of each such reference.
- B. Residential and Nonresidential Districts. Sanitary sewerage facilities shall connect with public sanitary sewerage systems. Sewers shall be installed to serve each lot and to grades and sizes required by approving officials and agencies. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted. Sanitary sewerage facilities (including the installation of laterals in the right-of-way) shall be subject to the rules, regulations, standards and guidelines of the City, and appropriate federal, state and local agency.
- C. Mandatory Connection to Public Sewer System. If a public sanitary sewer is accessible and a sanitary sewer is located within two hundred (200) feet of the property, the owner of the property shall be

required to connect to the sewer for the purpose of disposing of waste, and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system.

D. Design Criteria for Sanitary Sewers.

1. *General Guidelines.* These design criteria are not intended to cover extraordinary situations. Deviations may be allowed and/or required in those instances when considered justified by the City Engineer.
2. *Design Factors.* Sanitary sewer systems should be designed for the ultimate tributary population and capacities should be adequate to handle the anticipated maximum hourly quantity of sewage together with an adequate allowance for infiltration and other extraneous flow. The unit design flows presented below should be adequate in each case for the particular type of development indicated. Sewers shall be designed for the total tributary area using the criteria specified in Table 5-1.

The design factors specified in Table 5-1 shall apply to watersheds of three hundred (300) acres or less. Design factors for watersheds larger than three hundred (300) acres and smaller than one thousand (1,000) acres shall be computed on the basis of a linear decrease from the applicable design factor for an area of three hundred (300) acres to a design factor of .01 c.f.s./acre for an area of one thousand (1,000) acres unless otherwise directed by the City Engineer. Design factors for watersheds larger than one thousand (1,000) acres shall be .01 c.f.s./acre unless otherwise directed by the City Engineer.

<b>Table 5-1 Unit Design Flows for Sanitary Sewers</b>	
<b>Dwellings</b>	
One- and Two-Family	.02 cubic feet per second (c.f.s.)/acre
<b>Apartments</b>	
One and Two Story	.02 c.f.s./acre
Three through Six Story	.03 c.f.s./acre
<b>Commercial</b>	
Small Stores, Offices, and Miscellaneous Business	.02 c.f.s./acre
Shopping Centers	.02 c.f.s./acre
High Rise	As directed by Local Govt. Agency
<b>Industrial</b>	
Industrial Buildings and Uses	As directed by Local Govt. Agency

3. *Maximum Size.* The diameter of proposed sewers shall not exceed the diameter of the existing or proposed outlet, whichever is applicable, unless otherwise approved by the City Engineer.
4. *Minimum Size.* No public sewer shall be less than eight (8) inches in diameter.
5. *Minimum Slope.* All sewers shall be designed to give mean velocities when flowing full of not less than 2.7 feet per second. All velocity and flow calculations shall be based on the Manning Formula using an N-value of 0.013. The design slopes shall be evenly divisible by

four (4). The slopes shall be minimum for the size indicated. Exceptions to these minimum slopes shall be made at the upper end of lateral sewers serving under thirty (30) houses. Sewers at the upper end shall have a minimum slope of 0.76 percent. When lateral sewers serve less than ten (10) houses, the minimum slope shall be not less than one (1) percent (See Table 5-2 ).

6. *Alignment.* All sewers shall be laid with straight alignment between manholes, unless otherwise directed or approved by the City Engineer.
7. *Manhole Location.* Manholes shall be installed at the end of each line; at all changes in grade, size, or alignment; at all intersections; and at distances not greater than four hundred (400) feet for sewers fifteen (15) inches and smaller, and five hundred (500) feet for sewers eighteen (18) inches in diameter and larger.
8. *Manholes.* The difference in elevation between any incoming sewer and the manhole invert shall not exceed twelve (12) inches except where required to match crowns. The use of drop manholes will require approval by the City Engineer. The minimum inside diameter of the manholes shall conform to those specified by the City Engineer. Inside drop manholes will require special considerations; however, in no case shall the minimum clear distance be less than that indicated above. When a smaller sewer joins a larger one, the crown of the smaller sewer shall not be lower than that of the larger one. The minimum drop through manholes shall be 0.2 feet.

<b>Table 5-2 Unit Design Flows for Sanitary Sewers</b>	
<b>SEWER SIZE (INCHES)</b>	<b>MINIMUM SLOPE (FEET PER 100 FEET)</b>
8	0.60
10	0.44
12	0.36
15	0.28
18	0.24
21	0.20
24	0.16

9. *Sewerage Locations.* Sanitary sewers shall be located within street or alley rights-of-way unless topography dictates otherwise. When located in easements on private property, access shall be provided to all manholes. A manhole shall be provided at each street or alley crossing. End lines shall be extended to provide access from street or alley right-of-way when possible. Imposed loading shall be considered in all locations. Not less than six (6) feet of cover shall be provided over the top of pipe in street and alley rights-of-way or three (3) feet in all other areas., or as otherwise directed by the City Engineer.
10. *Clean-outs and Lamp-holes.* Clean-outs and lamp-holes shall not be permitted.
11. *Water Supply Interconnections.* There shall be no physical connection between a public or private potable water supply system and a sewer which will permit the passage of any sewage or polluted water into the potable supply. Sewers shall be kept removed from water supply wells or other water supply sources and structures.
12. *Relation of Sewers to Water Mains.* A minimum horizontal distance of ten (10) feet shall

be maintained between parallel water and sewer lines. At points where sewers cross water mains, the sewer shall be constructed of cast iron pipe or encased in concrete for a distance of ten (10) feet in each direction from the crossing, measured perpendicular to the water line. This shall not be required when the water main is at least two (2) feet above the sewer.

**5. 38 Sidewalks.**

- A. Required Improvements.
  - 1. Sidewalks shall be included within the dedicated non-pavement right-of-way of all streets.
  - 2. Concrete curbs shall be required for all streets when sidewalks are required by these regulations or when required in the discretion of the City Council.
  - 3. Sidewalks shall be improved as required in Section 5.3(B)(2) and in accordance with the standards established in Chapter 8 (*Design & Construction Standards*) of these regulations. A median strip of grassed or landscaped areas at least two (2) feet wide shall separate all sidewalks from adjacent curbs.
- B. Pedestrian Accesses. The City Council may require, in order to facilitate pedestrian access from the streets to schools, parks, playgrounds, or other nearby streets, perpetual unobstructed easements at least twenty (20) feet in width. Such easements shall be indicated on the plat.

**5. 39 Utilities.**

- A. Location. All utility facilities, including but not limited to gas, electric power, telephone, and CATV cables, shall be located underground throughout the subdivision. Whenever existing utility facilities are located above ground, except when existing on public streets and rights-of-way, they shall be removed and placed underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the City Council, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.
- B. Easements.
  - 1. Easements centered on rear lot lines shall be provided for utilities (private and municipal) and such easements shall be at least fifteen (15) feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements established in adjoining properties.
  - 2. When topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least fifteen (15) feet in width shall be provided along side lot lines with satisfactory access to the street or rear lot lines. Easements shall be indicated on the plat.

**5. 40 Public Uses.**

- A. Parks, Playgrounds, and Recreation Areas.
  - 1. *Recreation Standards.* The City Council may require that land be reserved for parks and playgrounds or other recreation purposes where such reservations would be appropriate. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate street access for the particular purposes envisioned by the City Council. The area shall be shown and marked on the plat, "Reserved for Park and/or Recreation Purposes." When recreation areas are required, the City Council shall determine the number

of acres to be reserved from the criteria specified in Table 5-3, which has been prepared on the basis of providing ten (10) acres of recreation area for every one thousand (1,000) ultimate population, as determined by the City Council, which shall refer such proposed reservations to the local park district official or department in charge of parks and recreation for recommendation. The developer shall dedicate all such recreation areas to the City as a condition of final subdivision plat approval.

2. *Minimum Size of Park and Playground Reservations.* In general, land reserved for recreation purposes shall have an area of at least four (4) acres. When the percentages from the Recreation Standards table (Table 5-3) would create less than four (4) acres, the City Council may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an area of less than two (2) acres be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its area. Where recreation land in any subdivision is not reserved, or the land reserved is less than the percentage in Section 5.9(A)(1), the provisions of Section 5.9(A)(4) shall be applicable.
  
3. *Recreation Sites.* Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field, or for other recreation purposes, and shall: (A) be relatively level and dry; (B) be reasonably accessible and centrally located to the population within the service area of the site; (C) be adjacent to a public school site if a school is located within said subdivision; (D) include storm water detention or retention area, only if the design and development and of such an area shall be acceptable to the local park district; (E) meet the guidelines for the function and classification of open space and the park site design standards and construction guidelines as approved and adopted by the City or local park district; and, (F) shall be improved by the developer to the standards required by the City Council which improvements shall be included in the subdivision improvement agreement and security. The City Council shall refer any subdivision proposed to contain a dedicated park to the City or local park district in charge of parks and recreation for a recommendation. All land to be reserved for dedication to the City for park purposes shall have prior approval of the City Council and shall be shown marked on the plat, "Reserved for Park and/or Recreation Purposes".

<b>Table 5-3 Recreation Standards (per 1,000 population)</b>	
Neighborhood Park	4.0 acres/1,000 population
Community Park	6.0 acres/1,000 population
Total Parks	10.0 acres/1,000 population

4. *Alternative Procedure. Money in Lieu of Land.* Where, with respect to a particular subdivision, the reservation of land required pursuant to this Section does not equal the percentage of total land required to be reserved in Section 5.9(A)(1), the City Council may require, prior to final approval of the subdivision plat, that the applicant deposit with the City Council a cash payment in lieu of land reservation. Such deposit shall be placed in a Neighborhood Park and Recreation Improvement Fund to be established by the City or local park district in charge of parks and recreation. The deposit shall be used by the City or local park district for improvement of a neighborhood park, playground, or recreation area including the acquisition of property. The deposit must be used for facilities that actually will be available to and benefit the persons in the subdivision for which payment was made and be located in the general neighborhood of subdivision. The City Council shall determine the amount to be deposited, upon recommendation of the City or local park district, based on the following formula:

The amount of park land donation (in acres) multiplied by the fair market value of the land as subdivided or developed within the specified subdivision or development less a credit for the amount of land actually reserved for recreation purposes, if any, as the land reserved bears in proportion to the land required for reservation in Section 5.9(A)(1), but not including any lands reserved through density zoning.

5. *Other Recreation Reservations.* The provisions of this Section 5.9(A) are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this Section.

**B. Other Public Uses.**

1. *Plat to Provide for Public Uses.* Except when an applicant utilizes planned unit development procedures in which land is set aside by the developer as required by the provision of the Zoning Ordinance, whenever a tract to be subdivided includes a school, recreation uses (in excess of the requirements of Section 5.9(A)) or other public use, the space shall be suitably incorporated by the applicant into its sketch plat. After proper determination of its necessity by the City Council and the appropriate City official or other public agency involved in the acquisition and use of each such site and a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the applicant into the preliminary and final plats.
2. *Referral to Public Body.* The City Council shall refer the sketch plat to the public body concerned with acquisition for its consideration and report. The City Council may propose alternate areas for such acquisition and shall allow the public body or agency fifteen (15) days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.
3. *Notice to Property Owner.* Upon a receipt of an affirmative report, the City Council shall notify the property owner who shall designate on the preliminary and final plats that area proposed to be acquired by the public body.
4. *Duration of Land Reservation.* The acquisition of land reserved by a public agency on the final plat shall be initiated within one (1) year of notification, in writing, from the owner that he intends to develop the land. Such letter of intent shall be accompanied by a sketch plat of the proposed development and a tentative schedule of construction. Failure on the part of the public agency to initiate acquisition within the prescribed one (1) year shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development in accordance with these regulations.

**5. 41 Preservation of Natural Features and Amenities.**

- A. General. Existing features that would add value to residential development or to the community as a whole, such as trees, watercourses, beaches, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the sketch plat (for minor subdivisions) or preliminary plat (for major subdivisions) has been granted. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The sketch plat shall show the number and location of existing trees as required by these regulations and shall further indicate all those marked for retention and the location of all proposed shade trees required along the street side of each lot as required by these regulations.

**B. Shade Trees Planted by Developer.**

1. As a requirement of subdivision approval, the applicant shall plant shade trees within the established street right-of-way of the street within and abutting the subdivision. Such trees shall be planted within five (5) feet of the curb of such streets. One (1) tree shall be planted

for every fifty (50) feet of frontage along each street unless the City Council shall grant a waiver. The waiver shall be granted only if there are trees growing along the right-of-way or on the abutting property which, in the opinion of the City Council, comply with these regulations.

2. New trees to be provided pursuant to these regulations shall be planted in accordance with the regulations of the Superintendent of the Department of Public Works. The trees shall have a minimum trunk diameter (as measured twelve (12) inches above ground level) of not less than two (2) inches. Only Oak, Linden, Locust, Ash, Hard Maples, or other long-lived shade trees, acceptable to the Superintendent of the Department of Public Works, shall be planted.

#### **5. 42 Nonresidential Subdivisions.**

- A. General. If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to the land shall make provision as the City Council may require. A nonresidential subdivision shall also be subject to all the requirements as set forth in the City's Zoning Ordinance. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the City Council. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the City Council, and shall conform to the proposed land use standards established in the City's Comprehensive Plan and Zoning Ordinance.
- B. Standards. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the City Council that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
  1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated;
  2. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon;
  3. Special requirements may be imposed by the City with respect to street, curb, gutter, and sidewalk design and construction;
  4. Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer, and storm water drainage;
  5. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary; and,
  6. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential areas.

**6.43 Resubdivision of Land.**

- A. Procedure for Resubdivision. Whenever a developer desires to resubdivide an already approved final subdivision plat, the developer shall first obtain approval for the resubdivision by the same procedures prescribed in these regulations for the subdivision of land.
- B. Resubdivision. Resubdivision shall include:
1. Any change in any street layout or any other public improvement;
  2. Any change in any lot line;
  3. Any change in the amount of land reserved for public use or the common use of lot owners; and
  4. Any change in any easements shown on the approved plat.
- C. Waiver. Whenever the purposes of these regulations may be served by permitting resubdivision by the procedure established in this Section 6.1(C), the City Council, upon recommendation of the Planning Board, may waive the requirement of Section 6.1(A). The applicant, after an application for resubdivision that includes an express request for waiver, shall publish notice of the application in a local newspaper of general circulation and shall provide personal notice to property owners in and adjacent to the subdivision as specified in Section 3.3(A)(2). The notice shall include:
1. The name and legal description of the subdivision affected by the application;
  2. The proposed changes in the final subdivision plat;
  3. The place and time at which the application and any accompanying documents may be reviewed by the public;
  4. The place and time at which written comments on the proposed resubdivision may be submitted by the public; and
  5. The place and time of the public meeting at which the Planning Board will consider whether to approve, conditionally approve, or disapprove the proposed resubdivision. No sooner than ten (10) days and no later than thirty (30) days after notice is published, the Planning Board shall consider the application for resubdivision at a public meeting and shall recommend the approval, conditional approval, or disapproval the application.
- D. Procedure for Subdivisions When Future Resubdivision is Indicated. Whenever land is subdivided and the subdivision plat shows one or more lots containing more than one (1) acre of land and there is reason to believe that such lots eventually will be resubdivided, the City Council may require that the applicant allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of streets may be made a requirement of plat approval.

**6.44 Plat of Vacation.**

- A. Owner Initiated Plat Vacation. The owner or owners of lots in any approved subdivision, including the developer may apply to the City Council to vacate the plat with respect to their properties. The application shall be filed on forms available at the office of the City Planner.

1. *Notice and Hearing.* The applicant shall publish notice in a newspaper of general circulation and provide personal notice of the application for vacation to all owners of property in and within two hundred (200) feet of the affected subdivision and shall state in the notice the time and place for a public hearing on the vacation application. The public hearing shall be no sooner than ten (10) days and no later than twenty (20) days after the published and personal notice.
2. *Criteria.* The City Council shall approve the application for vacation on such terms and conditions as are reasonable to protect public health, safety, and welfare; but in no event may the City Council approve a application for vacation if it will materially injure the rights of any non-consenting property owner or any public rights in public improvements unless expressly agreed to by the City Council.
3. *Recordation of Revised Plat.* Upon approval of any application for vacation, the City Council shall direct the applicants to prepare a Revised Final Subdivision Plat in accordance with these regulations. The Revised Final Subdivision Plat may be recorded only after having been signed by the City Clerk.
4. *Developer Initiated Vacation.* When the developer of the subdivision, or its successor, owns all of the lots in the subdivision, the developer or successor may apply for vacation of the subdivision plat and the application may be approved, conditionally approved, or disapproved at a regular public meeting of the City Council subject to the criteria in Section 6.2(A)(2). The application shall be made on forms available at the office of the City Planner. Regardless of the Planning Board's or City Council's action on the application, the developer or its successor will have no right to a refund of any monies, fees, or charges paid to the City nor to the return of any property or consideration dedicated or delivered to the City except as may have previously been agreed to by the City Council, and the developer.

B. Government Initiated Plat Vacation.

1. *General Conditions.* The City Council, on its motion, may vacate the plat of an approved subdivision when:
  - a. No lots within the approved subdivision have been sold within five (5) years from the date that the plat was signed by the City Clerk or other authorized City official;
  - b. The developer has breached a subdivision improvement agreement and the City is unable to obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by the developer or its successor; and
  - c. The plat has been of record for more than five (5) years and the City Council determines that the further sale of lots within the subdivision presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots owned by the developer or its successor.
2. *Procedure.* Upon any motion of the City Council to vacate the plat of any previously approved subdivision, in whole or in part, the developer shall publish notice in a newspaper of general circulation and provide personal notice to all property owners within the subdivision. The notice shall state the time and place for a public hearing on the motion to vacate the subdivision plat. The public hearing shall be no sooner than ten (10) days and no later than thirty (30) days from the date of the published and personal notice. The City Council shall approve the vacation only if the criteria in Section 7.2(A)(2) are satisfied.

3. *Recordation of Plat.* If the City Council adopts a ordinance or resolution vacating a plat in whole, it shall record a copy of the ordinance or resolution with the Clerk and Recorder's Office of Kankakee County, Illinois. If the City Council adopts a ordinance or resolution vacating a plat in part, it shall record a copy of the ordinance or resolution as described above and cause a Revised Final Subdivision Plat to be recorded by the developer which shows that portion of the original subdivision plat that has been vacated and that portion that has not been vacated.

[Reserved]

**7. 45 Sketch Flat.** Sketch plats submitted to the City, shall be drawn to a convenient scale of not more than one (1) inch equals one hundred (100) feet and shall show the following information:

A. Name.

1. Name of subdivision if property is within an existing subdivision;
2. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded; and
3. Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)

B. Ownership.

1. Name and address, including telephone number, of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference;
2. Citation of any existing legal rights-of-way or easements affecting the property;
3. Existing covenants on the property, if any; and
4. Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys.

C. Description. Location of property by government lot, section, township, range and county, graphic scale, north arrow, and date, and the following:

1. Location of property lines, existing easements, burial grounds, railroad rights-of-way, watercourses, and existing wooded areas or trees eight (8) inches or more in diameter, measured four (4) feet above ground level; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract;
2. Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent building and utility poles on or immediately adjacent to the site and utility rights-of-way.
3. Approximate topography, at the same scale as the sketch plat;
4. The approximate location and widths of proposed streets;
5. Preliminary proposals for connection with existing water supply and sanitary sewage systems;
6. The approximate location, dimensions, and areas of all proposed or existing lots;
7. The approximate location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision;'
8. The location of temporary stakes to enable the City Council to find and appraise features of the sketch plat in the field;

9. Whenever the sketch plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred (200) feet to the inch, a sketch of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street system, and an indication of the probable future street and drainage system of the remaining portion of the tract; and
10. A vicinity map showing streets and other general development of the surrounding area.

**7.46 Preliminary Plat.**

- A. General. The preliminary plat shall be prepared by a licensed land surveyor at a convenient scale not more than one (1) inch equals one hundred (100) feet, and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as is acceptable for filing in the office of the Kankakee County Recorder of Deeds.
- B. Features. The preliminary plat shall show the following:
  1. The location of the property with respect to surrounding property and streets; the names of adjoining developments; and, the names of adjoining streets;
  2. The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot;
  3. The location of existing streets, easements, water bodies, streams, and other pertinent features such as railroads, buildings, parks, cemeteries, drainage ditches, and bridges;
  4. The location and width of all existing and proposed streets and easements, alleys, and other public ways, and easement and proposed street rights-of-way and building set-back lines;
  5. The locations, dimensions, and areas of all proposed or existing lots;
  6. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose of those set asides, and conditions, if any, of the dedication or reservation;
  7. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor;
  8. The date of the plat, approximate true north point, scale, and title of the subdivision;
  9. Sufficient data acceptable to the City Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground; the location of all proposed monuments;
  10. Names of the subdivision and all new streets as approved by the City Council;
  11. Indication of the use of any lot (single-family, two-family, multifamily) and all uses other than residential proposed by the subdivider;
  12. Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions;
  13. All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order. If blocks are numbered or lettered, outlots shall be lettered in alphabetical order within each block;

14. All information required on sketch plat should also be shown on the preliminary plat and the following notation shall also be shown:
  - a. Explanation of drainage easements, if any.
  - b. Explanation of site easements, if any.
  - c. Explanation of reservations, if any.
15. Certificates for endorsement as provided in Appendix "B" (*Certifications*) of these regulations.
16. A statement, near the Owner's name to read:
 

"PRELIMINARY PLAT. NOT TO BE RECORDED"
17. A table of the following information: Total acreage of the subdivision, acreage of streets, total number of lots, and acreage of public lands to be dedicated other than streets.
18. The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause for disapproval of a preliminary plat.

**7.47 Construction Plans.** Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the preliminary plat. The following shall be shown:

- A. Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing road or streets, the elevation along the center line of the existing road or streets within one hundred (100) feet of the intersection, shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets shall be shown;
- B. The Planning Board or City Council may require, upon recommendation of the City Engineer, where steep slopes exist, that cross-sections of all proposed streets at one hundred (100) foot stations be shown at five (5) points as follows: On a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, each property line, and points twenty-five (25) feet inside each property line;
- C. Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, servitudes, rights-of-way, manholes, and catch basins; the locations of street trees, street lighting standards, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures;
- D. Location, size, elevation, and other appropriate descriptions of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, and other such features, at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of eight (8) inches or more, as measured four (4) feet above ground level. The water elevations of adjoining rivers, lakes or streams at the date of the survey, and the approximate high- and low-water elevations of such rivers, lakes or streams. All elevations shall be referred to the *United States Geological Survey (U.S.G.S.)* datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such waterways;
- E. Topography at the same scale as the sketch plat with a contour interval of two (2) feet, referred to sea-level datum. The datum provided shall be latest applicable "U.S. Coast and Geodetic Survey" *U.S. Department of Commerce* datum and should be so noted on the plat;

- F. All specifications and references prescribed in Chapter 8 (*Design & Construction Standards*), including a site-grading plan for the entire subdivision; and,
- G. Title, name, address, and signature of professional engineer and surveyor, and revision dates.

**7. 48 Final Subdivision Plat.**

- A. General. The final subdivision plat shall be presented at the same scale and contain the same information, except for any changes or additions required by the City Council as a condition of approval, as shown on the preliminary plat. The preliminary plat may be used as the final subdivision plat if it meets these requirements and is revised in accordance with the changes or additions, if any, required by the City Council as a condition of approval. All revision dates must be shown as well as the following:
  - 1. Notation of any self-imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the Planning Board or City Council in accordance with these regulations;
  - 2. Endorsement on the plat by every person having a security interest in the subdivision property that they are subordinating their liens to all covenants, servitudes, and easements imposed on the property;
  - 3. Lots numbered as approved by the County Assessor; and
  - 4. All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.
  - 5. Endorsed certifications as provided in Appendix "B" (*Certifications*) of these regulations.
- B. Preparation. The final subdivision plat shall be prepared by a land surveyor licensed by the State of Illinois.
- C. GIS Controls. State Plane coordinates, accurate to within one (1) foot, shall be provided for at least four (4) monuments on each plat submitted to the City. The final subdivision plat shall also be submitted to the City in electronic format.

8. 49 Streets & Alleys.

A. Expressways, Arterials, Collectors & Local Streets.

In accordance with "Minimum Standards for Street Design" Tables 8-1A & 8-1B.

<b>Table 8-1A</b> <b>Minimum Standards for Street Design</b> <i>(Measured in Feet)</i>					
<b>STREET</b>	<b>RIGHT OF WAY WIDTH</b>	<b>ROADWAY WIDTH (FACE OF CURB TO FACE OF CURB)</b>	<b>RADIUS OF HORIZONTAL CURVES</b>	<b>LENGTH OF VERTICAL CURVES</b>	<b>TANGENTS BETWEEN REVERSE CURVES</b>
<b>Expressways*</b>	200	n/a	500	200	200
<b>Local Expressways*</b>	100	n/a	500	200	200
<b>Arterial, Major*</b>	80-100	n/a	500	200	200
<b>Arterial, Minor*</b>	70	40	400	200	200
<b>Collector</b>	70	36	400	150	150
<b>Local, for Row Houses &amp; Apt's</b>	60	34	300	150	150
<b>Local, for Single Family Residence</b>	60	34	100	100	100
<b>Cul-de-sac</b>	70	55	200	100	100
<b>Marginal Access</b>	40	20	200	100	100
<b>In Commercial Districts*</b>	80-100	56	500	200	200

\* *Minimum standards shall be as indicated or as otherwise determined by the City Engineer.*

B. Combination Concrete Curb and Gutter.

1. The material shall be Class X Portland Cement Concrete per the "Standard Specifications for Road and Bridge Construction" (January 1, 1997) *Illinois Department of Transportation.*
2. The curb and gutter shall conform to Illinois Department of Transportation. (IDOT) Type M 3:12 for minor streets and cul-de-sacs in residential areas. The curb and gutter type in other areas and street classifications shall be as specified by the City Engineer.

C. Concrete Valley Gutter.

1. The material shall be Class X Portland Cement Concrete per the "Standard Specifications for Road and Bridge Construction" (January 1, 1997) *Illinois Department of Transportation.*
2. The curb and gutter shall conform to IDOT Type M 3:12, depressed curb.

**Table 8-1B**  
**Minimum Standards for Street Design**

STREET	MAXIMUM GRADIENT	MINIMUM GRADIENT	CLEAR SIGHT DISTANCE	TANGENT PROPERTY LINES AT STREET INTERSECTIONS
<b>Expressways*</b>	5%	0.35%	500 ft.	n/a
<b>Local Expressways*</b>	5%	0.35%	500 ft.	n/a
<b>Arterial, Major*</b>	5%	0.35%	500 ft.	25 ft.
<b>Arterial, Minor*</b>	5%	0.35%	400 ft.	20 ft.
<b>Collector</b>	6%	0.35%	300 ft.	20 ft.
<b>Local. for Row Houses &amp; Apt's</b>	6%	0.35%	200 ft.	15 ft.
<b>Local. for Single Family Residence</b>	6%	0.35%	200 ft.	15 ft.
<b>Cul-de-sac</b>	6%	0.35%	200 ft.	15 ft.
<b>Marginal Access</b>	6%	0.35%	200 ft.	15 ft.
<b>In Business Districts*</b>	6%	0.35%	500 ft.	25 ft.

\* Minimum standards shall be as indicated or as determined by the City Engineer.

D. Pavement Design. Design of the pavement structure shall conform to the “Bureau of Design & Environment (BDE) Manual” (2000 Edition) *Illinois Department of Transportation*. The design period shall be twenty (20) years, and the estimated average-daily-traffic count (ADT) shall be subject to the approval of the City Engineer. The design shall meet the following minimum requirements:

1. *Publically Maintained. Residential.* The base shall be crushed stone. Minimum thickness shall be ten (10) inches. The surfacing shall be bituminous concrete binder and surface courses. The binder course shall be one and one-half (1-½) in thickness, and the surface course shall be one and one-half (1-½) inches in thickness. The total asphalt surfacing shall total three (3) inches.
2. *Publically Maintained. Commercial.* The base shall be crushed stone. Minimum thickness shall be twelve (12) inches. The surfacing shall be bituminous concrete binder and surface courses. The binder course shall be three (3) inches in thickness, and the surface course shall be one and one-half (1-½) inches in thickness. The total asphalt surfacing shall total four and one-half (4-½) inches.
3. *Truck Route.* Truck Route pavement shall be one and one-half (1-½) inches bituminous surface course, over one and one-half (1-½) inches bituminous binder course, over six (6) inches bituminous base course, over ten (10) inches IDOT gradation CA-6 base course Type B. The total asphalt thickness shall be nine (9) inches.
4. *Alleys.* Alley pavement design shall conform to the design for publicly maintained residential streets.
5. *Privately Maintained (Off-Street Parking).* The subdivider may select one of the following options for this pavement structure:

- a. The base shall be crushed stone. Minimum thickness shall be ten (10) inches. The surfacing shall be bituminous concrete binder and surface courses. The binder course shall be one and one-half (1-½) inches in thickness, and the surface course shall be one and one-half (1-½) inches in thickness. The total asphalt surfacing shall be three (3) inches.
- b. The base shall be crushed stone. Thickness shall be four (4) inches. The surface shall be Class X concrete with welded wire mesh six (6) inches by six (6) inches, and shall be seven (7) inches in thickness.

E. Pavement Base.

- 1. *Flexible Pavement.* The materials and methods of construction shall conform to the “Standard Specifications for Road and Bridge Construction” (January 1, 1997) *Illinois Department of Transportation.*
- 2. *Rigid Pavement.* Not applicable

F. Surface Course. The materials and methods of construction shall conform to the “Standard Specifications for Road and Bridge Construction” (January 1, 1997) *Illinois Department of Transportation.*

**8.50 Driveways & Sidewalks.**

A. Driveways. The materials and methods of construction shall conform to the “Standard Specifications for Road and Bridge Construction” (January 1, 1997) *Illinois Department of Transportation.*

- 1. The subdivider may select one of the following options for driveway construction:
  - a. Material shall be base course consisting of IDOT gradation CA-6 or CA-10, nine (9) inches in thickness, and surface course consisting of bituminous concrete surface course two and one-half (2-½) inches in thickness (asphalt) (all thicknesses measured with materials in place, compacted);
  - b. Material shall be base course consisting of IDOT gradation CA-6 or CA-10, three (3) inches in thickness, and Class X Portland cement concrete, six (6) inches in thickness, reinforced with six (6) inch by six (6) inch 10/10 welded wire paving mesh (all thicknesses measured with materials in place, compacted);
  - c. Material shall be base course consisting of IDOT gradation CA-6 or CA-10, three (3) inches in thickness, and Class X Portland Cement Concrete, four (4) inches in thickness, with bituminous concrete surface course (asphalt), two (2) inches in thickness (all thicknesses measured with materials in place, compacted).

Any alternate materials in addition to those described above shall be presented to City Engineer for approval prior to inclusion in the construction drawings and specifications. No bituminous surface treatment (oil and chip surfaces) will be allowed.

- 2. All curb cuts necessary for driveways accessing on City streets shall be completed as follows:
  - a. The complete existing combination concrete curb and gutter shall be removed and then replaced with a new combination concrete curb and gutter (depressed) according to the “Standard Specifications for Road and Bridge Construction” (January 1, 1997) *Illinois Department of Transportation.* At no time shall any

portion of the combination concrete curb and gutter be poured as an integral part of the driveway. A joint using three-quarter (3/4) inch preformed bituminous expansion joint filler shall be provided between the back of the curb and the driveway portion.

- b. Driveways may be finished off to match the top of the existing curb without a curb-cut, if and only if such curb is a modified Mountable Type M 3:12 or at a height less than three (3) inches measured up from the gutter pan flow line.

All gutter pans or gutters shall be kept clear of all materials. No concrete, asphalt or any other material will be permitted in the gutter pan. This prohibitive restriction also applies to pipes or any other device placed in the gutter pans to provide a better approach to the driveway.

No driveway shall be constructed at a grade that exceeds eight (8) percent from the garage to the street unless the City Engineer specifically approves a greater slope.

- B. Sidewalks. Sidewalks are to be located on the right-of-way, the nearest edge being one (1) foot from the property line. The sidewalks are to be five (5) inches higher than the curb on the side close to the curb, and six (6) inches higher than the curb on the side farthest from the curb.
- C. Public Sidewalks Intersecting with Street Curb and Gutter. The back of the curb at this point of intersection shall be depressed and shall not exceed one and one-half (1-1/2) inches elevation over the flow line of the gutter pan.

The materials and methods of construction shall conform to the “Standard Specifications for Road and Bridge Construction” (January 1, 1997) *Illinois Department of Transportation*.

- 1. Material shall be base course consisting of IDOT gradation CA-6 or CA-10, four (4) inches in thickness, and Class X Portland Cement Concrete, five (5) inches in thickness. The thickness of the concrete shall be increased to six (6) inches where the sidewalk crosses a driveway. (All thicknesses measured with materials in place, and compacted, where applicable);
  - 2. Width shall be five (5) feet except where the City Engineer may deem a wider sidewalk necessary.
- D. Pedestrian Walkways. Pedestrian walkways improvements shall conform to the specifications for sidewalk, including the width requirement. The sidewalk shall generally be centered in the pedestrian walkway.

## **8. 51 Drains & Sewers.**

- A. French Drains. Minimum pipe diameter shall be eight (8) inches laid at a minimum slope of zero point four (0.40) percent. Where larger pipe sizes are necessary, the minimum slope shall conform to *Illinois Environmental Protection Agency (IEPA)* requirements. These drains shall be perforated drain tile, except in special cases where the City Engineer requires these drain pipes to be solid wall.
  - 1. The french drain tiles shall be provided an easement separate from the public utilities easement provided for gas, electric, or telephone, etc.
  - 2. The material for the french drain tile shall be Advanced Drainage Systems, Inc.® (ABS) Type N-12 smooth interior storm sewer pipe or equivalent. In areas where the minimum slope cannot be maintained, ABS N-12 pipe shall be used at a slope approved by the City Engineer.
  - 3. The french drain tile, where perforated tile is utilized, shall have bedding, and backfill to six (6) inches over the top of the pipe, of one (1) inch clean stone.

4. An inlet shall be installed at all locations where the pipe changes direction, changes pipe size at a multiple pipe connection, or an endpoint.
5. A six (6) inch magnetic locator strip shall be installed above all drain pipe and extended into the inlets, to aid in future efforts to determine pipe location.

B. Storm Sewers. All streets shall be provided with inlets and underground drainage facilities having a design capacity adequate to carry off surface water falling or coming on the streets in a ten (10) year storm as that term is used in publications of the "Illinois State Water Survey" *Illinois Department of Natural Resources*. Sufficient inlets shall be provided so that no pavement is designed to allow water to drain across the crown of an intersecting street or is carried in the gutter for more than four hundred (400) feet. Storm sewer systems shall be constructed with bell and spigot or tongue and groove pipe of such type as required to provide adequate strength for the load to be carried.

1. *Pipe Materials.* For any storm sewer which crosses public streets shall be reinforced concrete pipe of the appropriate class for the conditions under which it will be installed or ductile iron. Storm sewers in other areas may be reinforced concrete pipe, or High Density Polyethylene (HDPE) pipe, Type N-12 or equivalent, with smooth interior walls, of the appropriate class for the condition under which it will be installed.
2. *Manholes.* Manholes shall be precast concrete, with plastic steps, and poured inverts.
3. *Detention Ponds.* Detention pond improvements shall including the following in addition to the requirements of "An Ordinance Providing Standards and Controls for Storm Water Management, Erosion and Sedimentation" (Ordinance No. 2000-61).
  - a. Underdrains. Underdrains with an inlet shall be provided at all storm sewer outfalls into a detention pond to accommodate residual storm flows.
  - b. End Sections. End sections shall be installed at all storm sewer outfalls into a detention pond. The end section shall be precast concrete.
  - c. Concrete Swales. A concrete paved swale or paved ditch may be required by the City Engineer in detention ponds where the slope of the bottom is less than one (1) percent.
  - d. Turf. Turf improvements shall include installation of a minimum of four (4) inches of topsoil, fertilizer, and seeding. Final acceptance of the improvements may be withheld until the turf is established.

C. Sanitary Sewers.

1. Pipe materials shall be Polyvinyl Chloride (PVC) Standard Dimension Ratio (SDR) 35 minimum, bell and spigot type, or approved alternate, and shall be bedded with IDOT gradation CA-7 in accordance with the "Standard Specifications for Water and Sewer Main Construction in Illinois" (May 1996, Fifth Edition) *IEPA Standard Specifications Committee*.
2. Pipe testing shall be performed in accordance with IEPA requirements. The pipe for all sanitary sewer mains shall be deflection tested and air tested. All sections shall be air tested to detect leakages.
3. Sanitary services may be installed either at the time of installation of the sanitary sewer main, or they may be cut in using a PVC saddle, attached to the main using stainless steel straps and utilizing an elastomeric gasket. The saddle shall be silicone caulked to assure water-tightness of the system. Service pipe for each service shall be PVC, SDR 35 minimum, push-on type with elastomeric gaskets. No glue joints between sanitary sewer main and the house will be allowed.

4. Sanitary sewer manholes shall be precast concrete with plastic steps, and poured concrete inverts. All sanitary sewer manhole frames & lids shall be gasketed with a lid measuring twenty-two and three-quarters (22- 3/4) inches in diameter. Sanitary sewer manholes shall be installed in accordance with the "Standard Specifications for Water and Sewer Main Construction in Illinois" (May 1996, Fifth Edition) *IEPA Standard Specifications Committee*.

## **8. 52 Water Mains & Fire Hydrants.**

### **A. Water Mains.** Water main improvements shall conform to the following:

1. Water main disinfection shall be accomplished by gas or tablet chlorination in accordance with IEPA requirements;
2. Pressure testing shall be accomplished at the same time as disinfection, with pressure reaching one hundred and fifty (150) percent of normal operating pressure or one hundred (100) psi minimum for one (1) hour;
3. Water main pipe shall be Ductile Iron Pipe (DIP), Pressure Class 350 minimum, with an eight (8) mil polywrap encasement, and be of the gasketed bell-spigot type. Valves and fittings shall be as follows:
  - a. Tapping sleeves shall be Mueller® Mechanical Joint Sleeve or equivalent for all sizes;
  - b. Tapping valves shall be Mueller® SUPER-SEAL™ Resilient Seat Type Tapping Valve (RSV), Non-rising Stem (NRS) with Mechanical-joint flanged end;
  - c. System valves shall be Mueller® SUPER-SEAL™ RSV NRS with Slip-joint ends.
4. System valves shall be manufactured by Mueller® and shall be as follows:
  - a. Stem valves for eight (8) inches or smaller shall be gate valves;
  - b. System valves for larger than twelve (12) inches shall be butterfly or gate valves.
5. An end of main extension shall have a system valve and one (1) eighteen (18) foot length of pipe, capped, provided at an unlooped end of all mains.
6. System valve boxes shall extend from thirty-nine (39) to sixty (60) inches, top section length of twenty-six (26) inches, and bottom section length of thirty-six (36) inches, with the lid marked "water";

### **B. Fire Hydrants.**

1. Fire hydrants shall be Mueller® SUPER CENTURION 200™, five and one-quarter (5-1/4) inch main valve opening, three way (two (2) hose nozzles and one (1) pumper nozzle). Hydrants shall be connected to the main utilizing restrained joints as required by the City Engineer or local water company.
2. Blow-offs shall be two (2) inch galvanized steel pipe with cap, and shall be provided at the end of main extensions where a hydrant is not available for flushing purposes. A steel pipe extension to the surface shall be provided.
3. Services shall be as follows:
  - a. Corporation stops and shut-off valves shall be Mueller® 110 Compression

Connection.

- b. Service shut-off valve box shall extend from forty-one (41) inches to sixty-four (64) inches, top section length of thirty (30) inches and bottom section length of thirty-nine (39) inches, marked "water";
- c. Service pipe shall be minimum diameter of one (1) inch, type "K" copper, bedded in sand.

**8. 53 Street Name Signs.** Required at all intersections or per the Planning Board.

**8. 54 Street Lighting.**

A. General Requirements. All street lighting shall be sodium vapor lamps and shall conform to the following specifications:

- 1. All wiring shall be buried.
- 2. The luminaires shall be high pressure sodium Type III with a maximum of two hundred and fifty (250) watts and a maximum of two hundred and forty (240) volts.
- 3. Street lights shall be controlled singularly with photo-electric cells.
- 4. The luminaire mounting height shall be thirty (30) feet minimum.
- 5. A statement shall be submitted to the City Engineer prior to starting work stating that the street lights will be installed in accordance with the specifications set forth herein and in accordance with local power company specifications.
- 6. Street lighting shall be installed by the Developer in accordance with the City specifications set out herein.

B. Galvanized Steel Pole.

- 1. The pole shall be set plumb on the foundation with the use of leveling nuts and with proper orientation of the access hand-hole. The mast arm or arms shall be set at right angles to the centerline of the pavement.
- 2. The poles and hardware shall be galvanized according to *American Association of State Highway & Transportation Officials* (AASHTO) Designation M 111. The selected steel shall have a silicone content suitable for galvanizing. The pole shaft shall be manufactured from not less than 0.12 inch (No. 11 gauge) steel. The steel shall be according to *American Society for Testing and Materials* (ASTM) Designation A 595, Grade A or B. The shaft shall be smooth circular, tubular with a tapered design.
- 3. The bottom portion of the shaft shall be fitted with a base plate. The plate shall be welded to the shaft and be free from cracks and pores. The plate shall conform to AASHTO Designation M 183 and shall have a minimum yield strength of thirty-six thousand (36,000) psi. Anchor bolt slots shall be provided in the plate to accommodate the required fifteen (15) inch bolt circle. The slots shall be one and one-quarter (1-¼) inch by two (2) inches. The bolts shall have covers according to ASTM 300 series designation.

4. Pole shafts for mounting heights greater than thirty (30) feet but less than thirty four (34) feet shall have an eight (8) inch outside bottom diameter tapering to a four (4) inch outside top diameter. Pole shafts for mounting heights greater than thirty-four (34) feet but less than forty (40) feet shall have a ten (10) inch outside bottom diameter tapering to a four (4) inch outside top diameter. The pole and mast arm shall be designed to withstand loadings up to and including a seventy-five (75) pound luminaire having an effective area of two (2) square-feet on a fifteen (15) foot mast arm. The actual length of the mast arm shall conform to the standards shown in *Figure 9-A "City of Kankakee Street Light Standard"* of this Section 9.6.

C. Concrete Foundations.

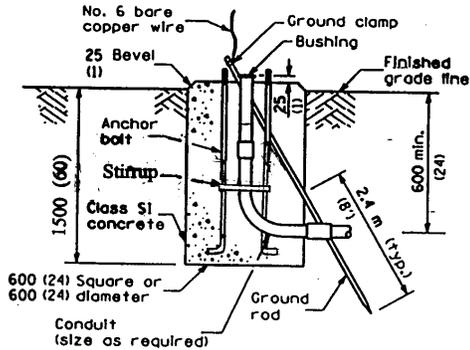
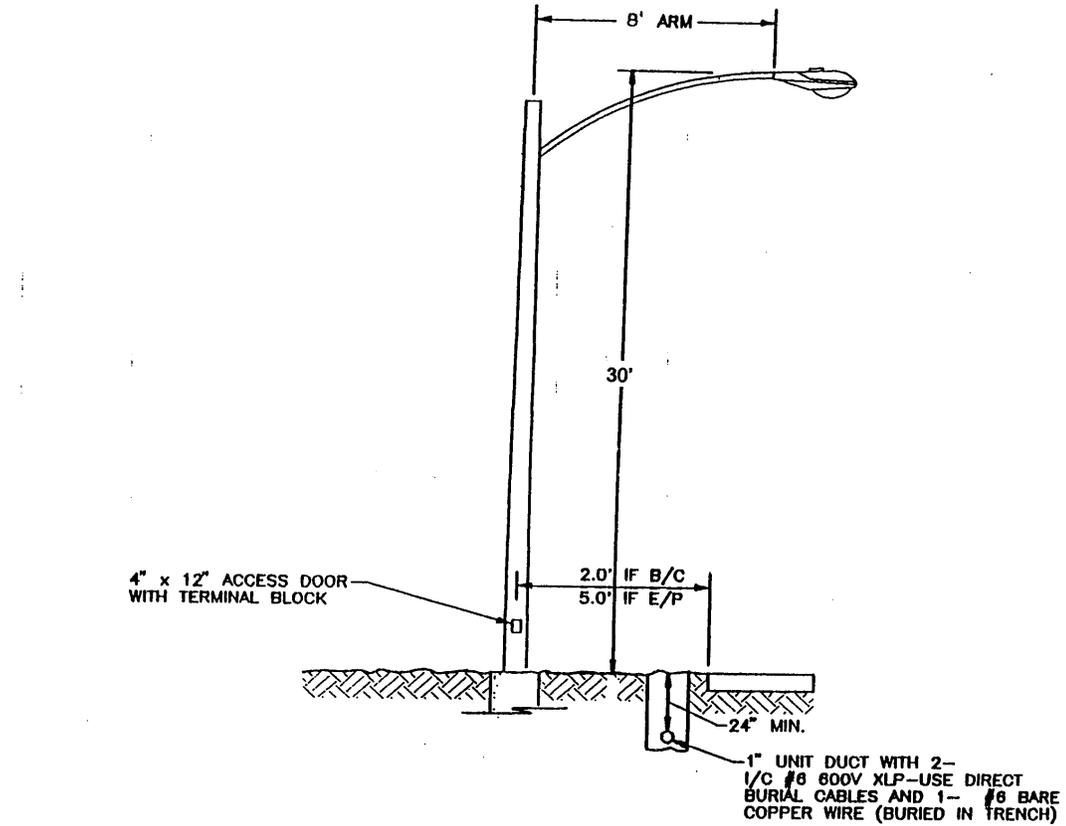
1. All foundations shall be cast in place. The depth of the foundation shall be a minimum of five (5) feet below grade.
2. Steel reinforcement shall be secured before any concrete is poured. The anchor bolts shall consist of four (4) No. 4 bars in a square pattern matching the slots in the base plate. The anchor bolts shall extend to within three (3) inches of the foundation bottom. Four (4) No. 3 stirrups shall be secured to the anchor bolts and be spaced evenly in the foundation providing six (6) inches of concrete cover at the top and bottom. The stirrups shall be tied around the outside of the anchor bolts.

D. Accessory Items for Street Lighting Specifications.

1. All luminaires shall be General Electric® Model M 250 A2 (M2AR) with power door, or of an approved equivalent with prior written approval of the City Engineer. The luminaires shall be installed with magnetic regulator ballasts and multivolt taps, although the one hundred and twenty (120) volt tap only shall be utilized. The bottom of the housing shall be marked with black on yellow number decals three (3) inches in height with fifteen "15" to indicate one hundred and fifty (150) watt and twenty-five "25" to indicate two hundred and fifty (250) watt luminaires.
2. In residential areas, two hundred and fifty (250) watt luminaires shall be used at all street intersections, and one hundred and fifty (150) watt luminaires shall be used mid-block. The luminaires shall have a glass lens with a gasket to protect against entry of moisture, dirt, and insects. The distribution shall be long, non-cutoff, Type III.
3. In commercial and industrial areas, only two hundred and fifty (250) watt luminaires shall be used. The spacing shall be as directed by the City Engineer. The luminaires shall have glass lens with a gasket to protect against entry of moisture, dirt, and insects. The distribution shall be medium, semi-cutoff, Type III.
4. The photoelectric cell shall be manufactured by Area Lighting Research, In. Model SST-IES 3900 or of an approved equivalent with prior written approval of the City Engineer. The photocell shall be designed to turn on at three (3) foot-candles and turn off at sixty (60) percent of the turn on value. The photocell shall operate over a range of one hundred and five (105) to two hundred and eighty-five (285) volts with no change in the turn on or turn off values. A forty-five (45) second delay shall be built into the photocell to prevent false turn off due to momentary brightness.
5. The fuseholder shall be quick disconnect waterproof, and double pole. A tab shall be included on the fuseholder to prevent accidental switching of terminals. Labels shall be included on the fuseholder to distinguish load and line sides. When disconnected, the fuses shall remain in the load side to prevent shorting of the circuit.
6. A surge arrestor shall be installed between the fuseholder and the luminaires. The surge arrestor shall be a Edco, Inc. Model SHA-2403 or an approved equivalent.

7. Luminaire lamps shall be high pressure sodium. Minimum requirements for the one hundred and fifty (150) watt luminaires shall include a rated life of 24,000 hours with 15,000 lumens of output. Minimum requirements for the two hundred and fifty (250) watt luminaires shall include a rated life of twenty-four thousand (24,000) hours with twenty-seven thousand five hundred (27,500) lumens of output.
8. Street lights shall conform to the standards established in this Section 9.6. The developer shall be responsible for determining the local requirements for service and connection and for arranging hookup with the local power company.

**Figure 8-A**  
**City of Kankakee Light Standard**



**CONCRETE FOUNDATION DETAILS**

All dimensions are in millimeters (inches) unless otherwise shown.

CATALOG CUTS MUST BE SUBMITTED AND APPROVED BY THE CITY ENGINEER PRIOR TO INSTALLATION OF STREET LIGHTS.

[Reserved]

This Appendix lists the design and construction standards that are referenced in various Sections of these regulations. Whenever any provision of these regulations refers to or cites a standard referenced therein, and that standard is later amended or superseded, these regulations shall be deemed amended to refer to the amended standards or the standard that most nearly corresponds to the superseded standard. The application of the referenced standards shall be as specified in Section 1.14.

- ccc. “An Ordinance Providing Standards and Controls for Storm Water Management, Erosion and Sedimentation” (Ordinance No. 2000-61) *City of Kankakee, Illinois*
- ddd. “An Ordinance Regulating Development in Special Flood Hazard Areas” (Ordinance No. 93-06) *Chapter 14 ½, City of Kankakee Municipal Code*
- eee. “Municipal Utility Ordinance” *Chapter 34, City of Kankakee Municipal Code*
- fff. “Standard Specifications for Road and Bridge Construction” (January 1, 2002) *Illinois Department of Transportation*
- ggg. “Bureau of Design & Environment (BDE) Manual” (2000 Edition) *Illinois Department of Transportation*
- hhh. “Standard Specifications for Water & Sewer Main Construction in Illinois” (May 1996, Fifth Edition) *IEPA Standard Specifications Committee*
- iii. “Illinois State Water Survey” *Illinois Department of Natural Resources*
- jjj. *American Association of State Highway & Transportation Officials*
- kkk. *American Society for Testing and Materials*
- lll. “National Fire Codes” *National Fire Protection Association*
- mmm. “U.S. Coast and Geodetic Survey” *U.S. Department of Commerce*
- nnn. “U. S. Geological Survey”

The following certificates shall appear on all final plats:

OWNERSHIP CERTIFICATE

STATE OF ILLINOIS )SS  
COUNTY OF KANKAKEE )

This is to certify that the undersigned are the Owners of the land described in the annexed plat, and that they have caused the same to be surveyed and subdivided as indicated thereon, for the uses and purposes therein set forth, that they hereby dedicate to the public for use as streets any right or title they may have to any land noted on the plat as streets, and do hereby acknowledge and adopt the same under the style and title thereon indicated; and, To the best of the undersigned Owner's knowledge, the aforesaid described subdivision known as " \_\_\_\_\_ " lies within \_\_\_\_\_ School District No. \_\_\_\_\_ Grade School & High School District.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

\_\_\_\_\_, Owner

NOTARY CERTIFICATE

STATE OF ILLINOIS ) SS  
COUNTY OF KANKAKEE )

I, \_\_\_\_\_, a Notary Public, in and for said County, in the State aforesaid, do hereby certify that the people whose signatures appear in the "Ownership Certificate" are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Owners and that they appeared before me this day in person and acknowledged that they signed and delivered the subdivision plat as their own free and voluntary act for the purposes therein set forth.

Given under my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

\_\_\_\_\_, Notary Public

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS )SS  
COUNTY OF KANKAKEE )

This is to certify that I, \_\_\_\_\_, Illinois Professional Land Surveyor No. \_\_\_\_\_, have surveyed and subdivided the following described property: \_\_\_\_\_, dividing the same into lots as shown by the annexed plat which is a correct representation of said survey and subdivision. All distances are shown in feet and decimals thereof. I further certify that all regulations enacted by the City Council relative to subdivisions have been complied with in the preparation of this plat.

Given under my hand and Notarial Seal, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

\_\_\_\_\_, I.P.L.S.# \_\_\_\_\_

TOPOGRAPHY

To the best of my knowledge no part of this subdivision is located within a special flood hazard area as identified by the Federal Emergency Management Agency, FIRM Maps, Panel Number \_\_\_\_\_ dated \_\_\_\_\_.

Dated this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_. \_\_\_\_\_, I.P.L.S. # \_\_\_\_\_

COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS                    )SS  
COUNTY OF KANKAKEE            )

TO WHOM IT MAY CONCERN:

I, \_\_\_\_\_, County Clerk of Kankakee County, Illinois, and custodian of the records and files of said office, do hereby certify that I find from such records and files, no delinquent general taxes, no unpaid current general taxes, no delinquent special assessments on file against the tract of land described on the attached plat of "\_\_\_\_\_" and that there are no unpaid deferred installments of special assessments outstanding against the said property or any part thereof.

Dated at Kankakee, Illinois this \_\_\_\_ day of \_\_\_\_\_, A.D., 19\_\_\_\_.  
\_\_\_\_\_, County Clerk

CITY ENGINEER'S CERTIFICATE

STATE OF ILLINOIS                    )SS  
COUNTY OF KANKAKEE            )

Approved by the City Engineer of Kankakee, Illinois, on the \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.  
\_\_\_\_\_, City Engineer

PLANNING BOARD CERTIFICATE

STATE OF ILLINOIS                    )SS  
COUNTY OF KANKAKEE            )

Approved by the Planning Board of the City of Kankakee, Illinois, at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.  
\_\_\_\_\_, Planning Board Chairman

CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS                    )SS  
COUNTY OF KANKAKEE            )

Approved by the City Council of the City of Kankakee, Illinois at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.  
\_\_\_\_\_, Mayor \_\_\_\_\_, City Clerk