

Madison County Subdivision Ordinance



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§Chapter 92: Subdivision Ordinance

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§ 92.01 Short Title.

These regulations shall be known and cited as the Land Subdivision Control Regulations of Madison County, Illinois. ('77 Code, § 151.01) (Ord. passed 10-17-56; Am. Ord. passed 10-18-78)

§ 92.02 Purpose.

In accordance with state law, these regulations control the subdivision and future development of land in order to assist in achieving the following objectives:

- (A) To preserve, protect, and promote the public health, safety and welfare;
- (B) To implement the Madison County Transportation Plan;
- (C) To ensure a pleasant living environment by furthering the orderly layout and use of land;
- (D) To avoid legal and other problems by requiring that subdivided land be properly monumented and recorded;
- (E) To conserve and increase the value of land, improvements, dwellings and other buildings throughout the county;
- (F) To preserve the county's natural beauty and topography to the maximum feasible extent;
- (G) To protect against injury or damage causes by fire, pollution, storm water runoff, erosion and sedimentation, and other hazards;
- (H) To provided safe and convenient access to new developments, and to avoid traffic congestion and unnecessary public expenditures by requiring the proper location, design and construction of street and sidewalks;
- (I) To ensure the proper installation and maintenance of adequate water mains, sanitary sewers, storm water sewers and other utilities and services; and
- (J) To provided a means for making adequate parks, schools and other public facilities available to the residence of new developments.
('77 Code, §151.02) Ord. passed 10-17-56; Am. Ord. passed 10-18-78)

§ 92.03 Interpretation.

- (A) *Considered minimal.* These regulations shall be construed liberally in favor of the county, and the requirements hereof shall be deemed minimal.
- (B) *Incorporate state law.*
 - (1) These regulations incorporate all current provisions of and future amendments to:
 - (a) ILCS Ch. 765, Act 205 § 1 et seq.;
 - (b) ILCS Ch. 55, Act 5 § 5-1041; and
 - (c) ILCS Ch. 55, Act 5 § 3-5029.
 - (2) These regulations and said statutes shall be construed together in such manner as to give full effect to both the regulations and statutes, except in a case of irreconcilable conflict. In case of irreconcilable conflict, the statutes passes by the Illinois General Assembly are controlling to the extent of the conflict. ('77 Code, § 151.03) (Ord. passed 10-17-56; Am. Ord. passed 10-18-78; Am. Res. 84-1, passed 3-21-84)

§ 92.04 JURISDICTION

These regulations shall be applicable in all unincorporated portions of Madison County, provided, that special procedures shall be applicable to subdivisions located within one and one-half miles of the corporate limits of any municipality which exercises extraterritorial subdivision jurisdiction. ('77 Code, § 151.04) (Ord. passed 10-17-56; Am. Ord. passed 10-18-78) Penalty, see § 92.99. Cross-reference: Special procedure regarding subdivisions near municipalities, § 92.46(G)

§ 92.05 INCOPORATION OF FIGURES BY REFERENCE.

- (A) Certain design concepts, improvements standards, and related matters addressed herein, because of their highly technical nature are exceedingly difficult to express clearly in narrative fashion. Accordingly, the following illustrations (figures) are incorporated into these regulations by reference:
 - Figure 1 "Sight Lines at Corners";
 - Figure 2 "Horizontal Curves";
 - Figure 3 "Reverse Curves";
 - Figure 4 "Typical Street Cross-sections";
 - Figure 5 "Curb and Gutter"; and
 - Figure 6 "Inlets."

- (B) The requirements indicated in the illustrations shall be as effective and binding as the narrative portions of these regulations. ('77 Code, § 151.05) (Ord. passed 10-17-56; Am. Ord. passed 10-18-78) Penalty, see § 92.99. Cross-reference: Drainage and storm sewers (§ 92.31), Street design standards (§92.23), Street improvement standards (§92.24).

§ 92.06 DISCLAIMER OF LIABILITY.

Except as may be provided otherwise by statute or ordinance, no official, board member, agent or employee of the county shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under these regulations.

Any suit brought against any official, board member, agent, or employee of the County, as a result of any act required or permitted in the discharge of his duties under these regulations shall be defended by the State's Attorney until the final determination of legal proceedings. ('77 Code, § 151.06) (Ord. passed 10-18-78) Statutory reference: Local governmental and governmental employees tort immunity act, see ILCS Ch.745, Act 10 § 1-101

§ 92.07 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. The director of the Madison County Planning and Development Department in his role as the chief administrator of these regulations, or his duly authorized representative.

ALLEY. A public access way which affords a secondary means of vehicular access to the site or rear of premises that front on a nearby street.

AMENDMENT. A change in the provisions of these regulations enacted by the Madison County Board in accordance with state law and the procedures set forth herein.

AREA, GROSS. The entire area within the lot lines of the property proposed for subdivision development, including any areas to be dedicated or reserved for street and alley right-of-way or other public uses.

AREA, NET. The entire area within the boundary lines of the tract proposed for subdivision, less the area to be dedicated for street and alley rights-of-way or other public purposes.

AREA SERVICE HIGHWAY. Any road which connects and provides direct access to major traffic generators; provides secondary service to small communities; provides access to abutting property; or has an estimated ADT at full development of the subdivision of greater than 5,000 vehicles.

CATCHBASIN. See *INLET*.

CENTER LINE OFFSET. The distance between the center lines of two roughly parallel street, measured along the third street with which both parallel streets intersect.

COLLECTOR STREET. A street which carries or is proposed to carry intermediate (ADT 1000-5000) volumes of traffic from land access streets to arterial streets or area service highways.

COUNTY. Madison County, Illinois.

COUNTY BOARD. The County Board of Madison County, Illinois.

COUNTY ENGINEER. Generally, the County Engineer; but in certain instances, another licensed professional engineer designated by the County Board to perform specified professional engineering services for the county.

CROSS-SLOPE. The degree of inclination measures across a right-of-way rather than in the direction traffic moves on the right-of-way.

CURB AND GUTTER, INTEGRAL. The rim forming the edge of a street plus the channel for leading off surface water, constructed of poured concrete as a single facility.

CUL-DE-SAC. A short street having only one outlet for vehicular traffic, and having the other end permanently terminated by a turn around for vehicles; the term may also be used to refer solely to the turnaround.

DEDICATE. To transfer the ownership of a right-of-way, parcel of land or improvement to the county or other public entity without compensation.

DESITY, NET. The total number of dwelling units divided by the total amount of residential acreage, not including the area for street and alley rights-of-way public uses.

DEVELOP. To erect any structure or to install any improvements on a tract of land, or to undertake any activity, such as grading, in preparation therefore.

DISTRICT, ZONING. A portion of the territory of the county wherein certain uniform requirements or various combinations thereof apply to structures, lots and uses under the terms of the Zoning Code, Chapter 93.

DRAINAGEWAY. A watercourse, gully, dry stream, creek, or ditch which naturally carries storm water runoff, or which is fed by street or building gutters or by storm water sewers.

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

FRONTAGE. The lineal extent of the front (street side) of a lot.

FRONTAGE ROAD. A minor street roughly paralleling an arterial street or highway, used for access to abutting lots.

GONE ON RECORD. Officially adopted by the legislative body of a municipality, township, county, state, or other governmental entity; or officially adopted by a department of the state (e.g. IDOT). Generally, materials which are on record may be found in the office of the Recorder of Deeds, but certain other matters such as state regulations or municipal ordinances which cannot be found in the Recorder of Deeds office shall nonetheless be deemed on record.

GRADE. The degrees on inclination of the site or right-of-way, expressed as percentage. Synonym for **SLOPE**.

IMPROVEMENTS. Site grading of any street, curb and gutter, sidewalk, drainage ditch, sewer, catchbasin, newly-planted tree, off-street parking areas or other facility necessary for the general use of property owners in a subdivision.

IMPROVEMENTS PLANS. The engineering plans showing types of materials and construction details for the facilities to be installed in, or in conjunction with, a subdivision.

INLET. A receptacle, located where a street gutter opens into a storm water sewer, designed to retain matter that would not readily pass through the sewer, and to allow storm water runoff to enter the sewer.

INTERSECTION. The point at which two or more public right-of-way (generally streets) meet.

LAND ACCESS STREET. A street serving limited (ADT less than 1000) amounts of residential traffic, and used for access to abutting property.

LAND USE COMMITTEE. The Land Use Committee of the County Board of Madison County, Illinois.

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

LOT, CORNER. A lot having at least two adjacent sides that abut for their full length upon streets. Both side lines shall be deemed front lot lines.

LOT, TROUGH. A lot having a pair of approximately parallel lot lines that abut two approximately parallel streets. Both lot lines shall be deemed front lot lines.

LOT AREA. The area of a horizontal plane bounded by the front, side and rear lines of a lot.

LOT OF RECORD. An area of land designated as a lot on a plat of a subdivision recorded with the Recorder of Deeds of Madison County, Illinois, in accordance with state law.

MAINTENANCE BOND. A surety bond, posted by the developer and approved by the county, guaranteed the satisfactory condition of installed improvements for a specified time period following their dedication.

MAPS AND PLATS DEPARTMENT. The Maps and Plats Division of the Supervisor of Assessments of Madison County, Illinois.

MARGINAL ACCESS STREET. See **FRONTAGE ROAD.**

METES AND BOUNDS DESCRIPTION. A description of real property not by reference to a lot or block shown on a recorded subdivision plat, but in terms of a known point, and the bearings and distances of the lines forming the boundaries of the property.

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

PERCOLATION TEST. A subsurface soil test at a depth of a proposed seepage system or similar component of a sewage disposal system to determine the water absorption capability of the soil.

PERFORMANCE BOND. A surety bond, posted by the developer and approved by the county, guaranteeing the satisfactory installation of required improvements within, or in conjunction with, a subdivision.

PLAT, FINAL. The final survey and engineering maps, drawings, and supporting material indicating the subdivider's plan of the subdivision which, if approved, may be filed with the Madison County Recorder of Deeds.

PLAT, PRELIMINARY. The preliminary survey and engineering maps, drawings, and supportive material indicating the proposed layout of a subdivision.

PRIVATE LANE. A privately owned and maintained access easement intended to be used to access not more than four (4) recorded dwelling units and meets minimum standards proscribed within §92.23.

RESERVE. To set aside a parcel of land in anticipation of its acquisition by the county or other government entity for public purposes.

RESERVE CURVE. A curve in a street heading in approximately the opposite direction from the curve immediately preceding it so as to form an S-shape.

RESERVE STRIP. A narrow strip of land between a public street and adjacent lots which is designated on a recorded subdivision plat or property deed as land over which vehicular travel is not permitted.

RIGHT-OF-WAY, PUBLIC. A strip of land which the owner or subdivider has dedicated to the country or other unit of government for streets, alleys and other public improvements.

SETBACK LINE. A line that is roughly parallel to the front, side or rear lot line establishing the minimum space to be provided as the front, side or rear yard.

SEWERAGE SYSTEM, PRIVATE CENTRAL. A sewer system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.

SIDEWALK. A pedestrian way constructed in compliance with the standards of these regulations, generally abutting or near the curb line of the street.

SOIL AND WATER CONSERVATION DISTRICT. The Madison County Soil and Water Conservation District.

STOP ORDER. An order used by the Administrator to halt work in progress that is in violation of these regulations.

STREET. A public or private way for motor vehicle travel. The term **STREET** includes highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or a way for pedestrian use only.

STRUCTURE. Anything constructed or erected on the ground, or attached to something having a fixed location on the ground. All buildings are structures, but not all structures are buildings.

STUB STREET. A street that is temporarily terminated, but that is planned for future continuation.

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

SUBDIVISION. Any division of land into two or more lots, except as provided otherwise in the list of exceptions set forth in the Plats Act, Ill. Rev. Stat., Chapter 109 α 1. The term **SUBDIVISION** includes resubdivisions.

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

TOPOGRAPHY. The relief features or surface configuration of an area of land.

VACATE. To terminate the legal existing of a right-of-way or subdivision, and to so note on the final plat recorded with the Recorder of Deeds.

VARIANCE, SUBDIVISION. A relaxation in the strict application of the design and improvement standards set forth in these regulations. ('77 Code, α 151.07) (Ord. passed 10-17-56; Am. Ord. passed 10-18-78; Am. Ord. passed 9-18-02)

§ 92.08 (RESERVED).

§ 92.09 MINIMUM SPECIFICATIONS FOR PUBLIC ROADS IN DEVELOPMENTS WITH LOTS OF TWO ACRES OR MORE.

- (A) Minimum rights-of way shall be 50 feet in width; 60 feet in width where open ditches are provided;
- (B) Roadway areas shall be cored to a depth of three inches for the full length of the road; Lime or Fly Ash modification of soils to a depth of twelve inches is required. Lime or Fly

Ash modification shall extend twelve inches beyond the edge of the aggregate roadway surface. Lime or Fly Ash modification shall be done in accordance with IDOT standards.

- (C) Roadways shall have a well-compacted sub-base, achieved by rolling with a minimum six-ton roller to the approval of the county Engineer; a compaction test shall be provided certifying the adequacy of the sub grade. The compaction test must be performed by a geotechnical professional and approved by the County Engineer prior to placing any paving material;
- (D) Roadway bases shall be comprised of eight inches of machine spread pug milled CA-06 or Grade 8 placed in two 4-inch lifts, each lift being compacted with a minimum six ton roller to the approval of the county Engineer. A compaction test shall be performed certifying the adequacy of the roadway base in accordance with IDOT standards;
- (E) Roadway street surfaces shall consist of an A-3 multiple course bituminous surface treatment, which is a primer coat; two separate applications of a bituminous cover coat material, a cover coat aggregate, each aggregate application shall be rolled with a minimum six-ton roller. All material shall be of the type, grade, size and rate approved by the County Engineer.
- (F) Finished roadway surfaces shall be minimum of 28 feet in width with four-foot shoulders adjacent to the edge of pavement; The maximum/minimum grades of streets shall be in conformity with section 92.23 (A).
- (G) Curb and gutter. Where curb and gutter is installed, all streets shall be bounded by unreinforced concrete curb and gutters in conformity with the specifications illustrated in Figure 5. All other drainage structures shall be the type and size approved by the county Engineer;
- (H) All road side ditches shall have a two-foot bottom with no greater than 3:1 front and back slopes and be a minimum of eighteen inches in depth;
- (I) The terminus of a dead end road shall have a cul-de-sac turnaround, having a minimum right-of-way radius of 50 feet and a minimum pavement radius of 40 feet;
- (J) The entire right-of-way shall be cleared of all brush and trees unless previously discussed and approved by the county Engineer.
- (K) Naming of roads shall be approved by the 911 Coordinator, as well as being approved by the county Engineer.
- (L) Street signs and signposts shall be of the type and specifications as required in section 92.26(B)(1) and (2). All traffic control signs shall be of a type approved by the county County Engineer.
- (M) Responsibility for maintenance. The subdivider shall assume responsibilities for maintaining all streets including seeding; removal of earth, crushed stone or other

debris from the pavement, curb and gutter and other drainage facilities, for the time periods indicated in Section 92.62, that is, for two years after dedication of the street.

§ 92.20 SUITIBILITY FOR SUBDIVISION.

- (A) The design and improvements standards set forth in this subchapter shall be deemed the minimum requirements for public health, safety and general welfare. Nothing contained in this subchapter shall be construed to mean that the subdivider cannot construct additional improvements or improvements of higher quality.
- (B) Any tract of land that is unsuitable for development due to probable flooding, poor drainage, rough topography, adverse soil conditions or other conditions which, in the opinion of the Land Use Committee, will prove harmful to the health, safety, or general welfare of the future inhabitants of that tract or adjacent parcels shall not be subdivided unless the subdivider formulates plans or methods which the Committee deems adequate to solve the potential problems engendered by the adverse land conditions.
(’77 Code, ∞ 151.10) (Ord. passed 10-17-56; Am. Ord. passed 10-18-78) Penalty, see ∞ 92.99

§ 92.21 REFERENCE MONUMENTS.

Reference monuments shall be set in the field and at the corners of all platted lots in accordance with ILCS Ch. 765, Act 202 ∞ 1 et seq., as amended from time to time. (’77) Code, ∞ 151,11) (Ord. passed 10-18-78) Penalty, see ∞ 92.99

§ 92.22 LOT REQUIREMENTS.

- (A) *Conformity with zoning.* All lots in the subdivision shall conform to the minimum lot area and dimensions requirements of the zoning district in which the subdivision is located. Any land which is underwater or located within the public right-of-way shall not be counted in determining compliance with this requirement.
- (B) *Multiple-frontage lots.* The creation of through lots should be avoided where possible. Every lot having multiple frontages (e.g., corner lots, through lots) shall be large enough to permit compliance with the zoning district’s front setback requirement on every side of the lot abutting a street.
- (C) *Length/width ratio.* The length of any lot shall not be greater than 3 times the width of the lot; provided that the Land Use Committee or the County Board of Supervisors may vary this requirement in accordance with ∞ 92.77 but only if warranted by topographical or other considerations.
- (D) *Lot remnants.* All lot remnants shall be added to adjacent lots to avoid the creation of nonconforming lots. (See division (A) above.)
- (E) *Relationship of side lot lines to street lines.* All side lot lines shall be at right angles to straight street right-of-way lines and radial to the curved street right-of-way lines, except where a deviation from this rule will result in a better street or lot design.

- (F) *Access.* Land shall be subdivided in such a way that each lot abuts or has satisfactory access to a street which meets the requirements of ∞ 92.23. Land shall not be subdivided in such a way that any other parcel's sole means of access to a public road is eliminated.
- (G) *Satisfactory building sites.* The design and arrangement of lots shall be such that each lot will provide a satisfactory building site, properly related to topography.
- (H) *Natural or historical features.* Whenever any tract is to be subdivided, the most restrictive measures consistent with the anticipated development of the tract should be taken to protect such natural features as tree growth, wetlands, steep slopes and watercourses, as well as any historically, architecturally, or archaeologically significant structures or sites.
- (I) *Lot numbering.* Lots shall be numbered consecutively throughout all phases or additions of the subdivision, and the same basic subdivision name shall be given to all parts thereof. ('77 Code, ∞ 151.12) (Ord. passed 10-17-56; Am. Ord. passed 10-18-78) Penalty, see ∞ 92.99.

§ 92.23 STREET DESIGN STANDARDS.

The arrangement, character, extent, width and locations of all streets within any subdivision shall be properly related to existing and planned streets as indicated in the Madison County Transportation Plan; to reasonable circulation of traffic; to topographic conditions; to runoff of storm water; to public convenience and safety; and to the proposed uses of the land to be served by the streets.

Minimum specifications. The following minimum specifications apply specifically to residential subdivisions. At the recommendation of the County Engineer, higher standards comporting with accepted engineering practices may be imposed for street in non residential subdivisions.

Type of Street	Minimum Right-of-Way	Minimum Pavement
Alley	20 feet	18 feet
Private Lane	25 (access easement)	20
Marginal	40	22
Land Access	60	32
Collector	60	36

- (A) *Topographical considerations.* Grades of streets shall conform as closely as possible to the natural topography, but shall not exceed the maximum grade nor be less than the minimum grade indicated in division above. All streets shall be arranged so that as many as possible of the potential building sites are at or above street grade.
- (B) *Through traffic discouraged.* Marginal access and land access streets shall be laid out as to discourage use through traffic. To effect a more desirable street layout, the use of curvilinear streets, cul-de-sacs or u-shaped streets is encouraged; the rigid rectangular gridiron street pattern should be avoided.

(C) Limited access to area service highways. Where a subdivision abuts or contains an existing or proposed area service highway, the subdivider may be required to limit access to the highway by one of the following reasons:

- 1) The subdivision of lots so that they back onto the highway, and front onto a parallel marginal access or land access street (double frontage), coupled with the installation of screening along the rear lot lines of such lots;
- 2) A series of cul-de-sacs, u-shaped streets or short loop streets entered from and generally at right angles to the highway, with the rear lot lines of the lots at the terminal of the streets backing onto the highway; or
- 3) A frontage road separated from the highway by a planting strip, but having access thereto at suitable points.

(D) Dead-end streets.

- 1) Temporary stub streets. Streets shall be arranged to provide the continuation of collector streets between adjacent properties when such continuation comports with the county transportation plan, or is necessary for adequate traffic circulation, effective fire and police protection, and efficient provision of utilities. If a street must dead-end temporarily because the adjacent property is undeveloped, the right-of-way shall be extended to the property line, and no strip that would prevent connections with future streets shall be reserved. A temporary turnabout shall be provided at the terminus of any temporary dead-end street.
- 2) Permanent dead-end streets. The terminus of a permanent dead-end street shall not be closer than 50 feet to the boundary of an adjacent tract. A cul-de-sac turnaround, having a minimum right-of-way radius of 50 feet and a minimum pavement radius of 40 feet, shall be provided at the end of every permanent dead-end street.

(E) Alleys. Alleys may be built in single-family districts at the subdividers option. Alleys may be required in multiple family districts and in commercial or industrial districts unless other adequate provisions for service access are made. Alleys should not intersect with one another nor change sharply in alignment. Adequate vehicular turnaround space shall be provided at the terminus of any dead-end street.

(F) Intersections:

- 1) Only two streets. Not more than two streets shall intersect at any point.
- 2) Right angles. Streets shall be laid out to intersect as nearly as possible at right angles. In no case shall two streets intersect at an angle less than 75 degrees. An oblique street shall be curved approaching an intersection, and shall be approximately at right angles with the intersection for at least 100 feet therefrom, unless the subdivider's engineer recommends, and the county engineer concurs, that a lesser distance would be in accordance with safe and accepted traffic engineering practices.
- 3) Proper alignment. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersection on the

opposite side of the street. Street jogs with center line offsets of less than 125 feet are prohibited, unless the intersected street has divided lanes without median breaks at either intersection.

- 4) Rounded corners. Returns at intersections shall be made concentric, and shall be rounded by a radius of not less than 20 feet at the right-of-way line.
- 5) Flat grade. An area having not greater than 3% slope for a distance of 100 feet from the nearest right-of-way line of the intersecting street shall be provided at the approach to any intersection.
- 6) Maximum cross slope. The cross slope on all streets, including intersections, shall not exceed 3%.
- 7) Adequate sight lines. Whenever any proposed intersection involves earth banks or existing vegetation on the area shown in figure 1, the ground or vegetation, including trees, shall be cut in connection with the grading of the public right-of-way to the extent necessary to provide an adequate sight distance.

(G) Horizontal curves. Where a street changes direction (for example, where a center line deflection angle occurs), a circular curve having a minimum center line radius indicated below shall be introduced.

- 1) Land Access Street: 75 feet
- 2) Collector Street: 250 feet

(H) Reverse curves. A tangent at least 100 feet long shall be introduced between reverse curves on land access and collector streets.

(I) Dedication or reservation of right-of-way.

1) When right-of-way must be dedicated. (This division does not apply to private streets.)

(a) The subdivider shall dedicate at the minimum right-of-way indicated in division above whenever he proposes to build any of the listed streets.

(b) Whenever the subdivider proposes to build any of the listed streets, he shall dedicate a right-of-way in excess of the stated minimum where, in the county engineer's professional opinion:

- 1) Due to topography, additional width is necessary to provide adequate sight lines; or
- 2) Due to the location of streams, railroad tracks, and other topographical features, additional width is needed to construct bridges, underpasses, or safe approaches thereto.
- 3) When right-of-way must be reserved. The subdivider shall reserve a right-of-way in the instances stated below. If the governmental entity requiring the reservation has not purchased the right-of-way or acquired it through

condemnation proceedings within one year from the date the final plat is recorded, the reservation shall cease to legally bind the subdivider.

- (c) Whenever the state, Madison County, or any township or municipality within the county has gone on record as desiring to relocate or construct any street or highway through or adjacent to any proposed subdivision, the subdivider shall reserve sufficient right-of-way in the locations prescribed by the governmental entity
 - (d) Whenever a subdivision abuts an existing street that does not meet the standards set forth in division above, the subdivider shall reserve sufficient right-of-way along the side of the street abutting the subdivision so that, when additional right-of-way is acquired on the other side, it will be possible to comply with the standards.
 - (e) Right-of-way is not part of minimum requirement for setbacks. As noted 92.22, any land that is dedicated or reserved for public right-of-way shall not be counted in determining compliance with the lot size and setback requirements set forth in the zoning code.
- (J) Private Lanes. In cases where lots do not directly abut or have direct access to a public street, a private lane may be utilized provided the lane serves no more than four (4) dwelling units but more than a single unit. If an additional lot is platted or desires to access the private lane, all properties must be resubdivided and meet all platting requirements herein, including but not limited to, the minimum street specifications and improvement standards and drainage requirements.
- 1) The private lane may be constructed in a manner consistent with typical driveway construction by using gravel or clean rock in lieu of concrete or asphalt provided the lane remains maintained and passable.
 - 2) A maintenance agreement shall be recorded establishing the arrangement for which the private lane will be maintained.
 - 3) The final plat shall include an access easement (as per § 92.30)
 - 4) The final plat shall show the location and the width of the private street.
 - 5) The final plat shall include a certificate stating essentially as follows:

I, _____, owner of tract and the private road or street shown hereon, declare that the private road or street is not dedicated to the public, but shall remain private, to be maintained by and for the adjoining lot owners until such time that said street(s) is accepted by the appropriate township or Madison County, Illinois.

(K) Private Streets. A commercial or residential subdivision street may remain private without being dedicated to the public under the following circumstances:

- 1) Minimum street specifications and improvement standards have been met.
- 2) Adequate easement and maintenance agreements are in place.
- 3) The final plat shall include a certificate stating essentially as follows:

I, _____, owner of tract and the private road or street shown hereon, declare that the private road or street is not dedicated to the public, but shall remain private, to be maintained by and for the adjoining lot owners until such time that said street(s) is accepted by the appropriate township or Madison County, Illinois.

§ 92.24 STREET IMPROVEMENT STANDARDS.

All streets and alleys shall be improved in accordance with the standards of the Illinois Department of Transportation, and the requirements of this section (See Figure 4).

(A) Pavement.

- (1) All streets and alleys shall be paved across the entire width stated in section 92.23 above (as measured from back to back of curbs). Streets shall be designed in accordance with IDOT Pavement Design Standards with a minimum:
 - a) Lime modification of soils at a depth of twelve inches. Lime modification shall extend beyond twelve inches of the curb and gutter. Lime Modification shall be done in accordance with IDOT standards;
 - b) Eight inches or reinforced class SI concrete on a compacted subgrade;
or
 - c) Class I type B state approved asphalt mix at the following depths: one and one half of surface and one and one half inch binder, and six inches of bituminous aggregate material (BAM), or,
 - d) Equivalents to the above as determined by the County Engineer.
 - e) Roadways shall have a well-compacted sub-base, achieved by rolling with a minimum six-ton roller to the approval of the county engineer; a compaction test shall be provided certifying the adequacy of the subgrade. The compaction test must be performed by a geotechnical professional and approved by the County Engineer prior to placing any material;
 - f) For rigid pavements, a concrete strength test shall be performed and certified by an engineer that the pavement meets IDOT standards.
 - g) For flexible pavements, a compaction test shall be performed and certified by an engineer that the pavement meets IDOT standards.

h) Expansion joints shall be installed for all rigid pavements in accordance with IDOT standards.

(2) "Oil and chip" surfacing is not acceptable, except as provided in Section 92.09, Minimum Specifications for Roads in Two to Five Acre Developments.

(B) Curb and gutter. All streets shall be bounded by integral reinforced concrete curb and gutters in conformity with the specifications illustrated in Figure 5; provided that the Planning and Development Committee may vary this requirement in accordance with Section 92.77 if the subdivider is proposing a design that is deemed adequate by the County Engineer. All drainage structures shall be designed to in accordance with IDOT standards. The engineer shall certify the structures are adequate to handle stormwater drainage in accordance with the standards.

(C) Responsibility for maintenance. The subdivider shall assume responsibilities for maintaining all streets including seeding; removal of earth, crushed stone or other debris from the pavement, curb and gutter and other drainage facilities, for the time periods indicated in Section 92.62, that is, two years after dedication of the street.

§ 92.25 SIDEWALK CONSTRUCTION STANDARDS.

Sidewalks may be required in subdivisions located within one and one-half miles of the corporate limits of certain municipalities, pursuant to their extraterritorial subdivision control jurisdiction. Elsewhere in the county, sidewalks are not required, but may be installed at the sub divider's option. If sidewalks are provided, however, they shall be built in conformity with the following standards.

(A) *Relationship to curb.* The street-side edge of every sidewalk shall either abut the curb or be located at least four feet from the curb to allow sufficient space for tree planting. If the sidewalk abuts the curb, tree wells shall be provided.

(B) *Width.* Residential sidewalks shall be at least four feet wide. Nonresidential sidewalks shall be at least five feet wide.

(C) *Thickness of concrete.* All sidewalks shall be constructed of concrete at least four inches thick.

(D) *Grade.* No sidewalk shall be constructed at a grade steeper than 10%. ('77 Code, §151.15) (Ord. passed 10-17-56; Am. Ord. passed 10-18-78)

§ 92.26 STREET NAMES AND STREET MARKERS.

(A) *Street names.*

(1) Every proposed street which is obviously in alignment with an existing named street shall be given the same name as the existing street.

(2) The name assigned to any proposed street which is not in alignment with an existing named street shall not duplicate nor be phonetically similar to the

name of any existing street, irrespective of any difference in designation such as "avenue," "boulevard," "drive," "place," or other descriptive term.

- (3) The Planning and Development Committee shall hereafter require all proposed subdivision plats to be reviewed by the Madison County 911 Department, and the 911 Coordinator shall certify in writing his approval of the street names and addresses to the Planning and Development Committee, prior to the recordation of the plat, and designation of street names and street addresses shall not be thereafter altered or changed without the approval of the County Board. (Res. passed 4-4-89)
- (B) *Street markers.* At street all street intersections within or abutting any subdivision, the subdivider shall install markers in conformity with the following standards:
- (1) Street name signs shall be made of aluminum blanks measuring six inches by variable lengths with green engineer grade reflective background and four inch high silver intensity letters; or other signs approved by the County Engineer. The County Highway Department will supply these signs and posts to the subdivider for the cost of the material and labor.
 - (2) Street name signs shall be mounted on four-inch creosoted wood posts or 1 ¾ -inch case, the support telespar (or equivalent) steel posts. In either case, the support shall be set to a depth of three feet below ground surface and shall extend approximately seven feet above the ground surface to the bottom of the lowest placed sign.
(’77 Code, § 151.16) (Ord. passed 10-17-56; Am. Ord. passed 10-18-78; Am. Ord. 92-8, passed-; Am. Ord. passed 9-18-02)

§ 92.27 ELECTRICAL POWER, TELEPHONE, AND CABLE ANTENNA TELEVISION (CATV) LINES.

- (A) Service lines and connections underground. Electrical power, telephone, and CATV (if any) service lines shall be installed underground throughout every residential or commercial subdivision, and underground service connections shall be provided at the property line of every platted lot.
- (B) Within easements or public rights-of-way. The conduits or cable shall be located within easements or public rights-of-way in such a manner that they do not interfere with other underground services. If the conduits or cables are to be installed in public rights-of-way, the precise location thereof must be approved by the County Engineer.
(’77 Code §151.17) (Ord. passed 10-17-56; Am. Ord. passed 10-18-78) Penalty, see 92.99

§ 92.28 WATER FACILITIES

- (A) *Extension of public system.* Whenever the public water distribution system is reasonably accessible (that is, when the distance from any boundary of the tract to be subdivided to the nearest public water main with available capacity does not exceed 600 feet), the in accordance with accepted engineering practices and the regulations of the Illinois

Department of Public Health, the subdivider shall provide individual wells or install a private central water system.

- (C) *Distribution lines.* In any subdivision, all water distribution lines shall be at least six inches in diameter.
(’77 Code § 151.18) (Ord. passed 10-17-56; Am. Ord. passed 10-18-78) Penalty, see § 92.99

§ 92.29 FIRE HYDRANTS.

- (A) *When and type required.* When a public or private central water distribution system is provided in a subdivision, the subdivider shall install fire hydrants of the type approved by the fire chief of the district having jurisdiction.
- (B) *Location.* Hydrants shall be located in accordance with state requirements and the regulations of the operating authority.
(’77 Code § 151.19) (Ord. passed 10-17-56; Am. Ord. passed 10-18-78) Penalty, see 92.99

§ 92.30 EASEMENTS.

- (A) *Sewer and utilities easements.* Unless utilities are to be installed in public rights-of-way, an easement not less than 15 feet wide shall be provided where necessary for storm and sanitary sewers; gas, water, and other mains; and for underground electric and telephone lines. Normally, in the case of abutting lots, seven and one-half feet of the easement shall be on one lot, and the other seven and one-half feet shall be on the abutting lot. In any event, the total easement shall be 15 feet.
- (B) *Drainage easements.* Adequate easements for storm water drainage shall be established along any natural drainage channel, or in such other locations as may be necessary to provide the satisfactory disposal of storm water runoff from streets, alleys and all other portions or the subdivision. The precise locations and minimum widths of drainage easements must be approved by the County Engineer.
- (C) *Obstructions prohibited.* No person shall erect any structure, plant any tree or shrub, or place any obstruction in any easement or within any public right-of-way, except at the property owner’s risk with respect to all costs for demolition, removal, reconstruction or replacement thereof.
- (D) *Access Easements.* Easements for access shall be established for private lanes and streets, cross access, and shared driveways. The easement shall equally provide access to all parties and shall be irrevocable and run with the land.

§ 92.31 SANITARY SEWERS.

All proposed sanitary sewer facilities shall comply with the regulations of the Illinois Department of Public Health and the Illinois Environmental Protection Agency, and with all pertinent requirements of the divisions below. Sewage collection lines shall not be smaller than eight inches in diameter.

- (A) *When public system available.* Whenever the public sanitary sewer system is reasonably accessible, that is, whenever the distance from any boundary of the subdivision to the nearest public sewer with available capacity does not exceed 600 feet, the subdivider shall extend the public system throughout the subdivision, and provide each platted lot with a connection thereto at the lot line.
- (B) *When public system planned.* In areas where the public sanitary sewer system is not reasonably accessible, but where plans for the installation of the system have been approved by the Illinois Environmental Protection Agency, the developer shall provide sanitary sewers in accordance with such plans and temporarily cap them.
- (C) *Private central sewage systems.* Except as provided in division (D) below, whenever the public sanitary sewer system is not reasonably accessible, the subdivider shall install a private central sewer collection and treatment system in conformity with all applicable provisions of the State Environmental Protection Agency. All private central sewer systems shall comply with the maintenance provisions of §92.62.
- (D) *Individual disposal systems.* Individual sewage disposal systems shall be permitted only in instances specified in Chapter 93, Zoning Code, and Chapter 110, the Madison County On-Site Sewage Disposal Ordinance. If permitted, all individual sewage disposal systems shall be designed and installed in conformity with all applicable provisions of the aforementioned ordinances.
(’77 Code, §151.21) (Ord. passed 10-17-56; Am. Ord. passed 10-18-78; Am. Ord. 2001-06, passed 6-14-01) Penalty, see §92.99

§ 92.32 DRAINAGE AND STORM SEWERS.

- (A) Every residential subdivision shall be provided with facilities which can satisfactorily accommodate the runoff incident to the ten-year design storm. The drainage facilities in any commercial or industrial subdivision shall be designed to handle the runoff from the 25-year design storm.
- (B) *General design considerations.*
 - (1) *Underground or surface system.* The drainage system may provide for the design storm indicated above by either an underground or surface drainage system, or a combination of both. If an underground system is utilized, it shall at least accommodate the 5-year design storm, and adequate surface drainage (swales, ditches, and the like) facilities shall be provided to handle the additional flow.
 - (2) *Consistency with plans or regulations.* Drainage facilities shall be designed in conformity with any adopted local, regional, or levee, or sanitary district plans or regulations, including the Madison County Stormwater Drainage and Detention and Sediment Control Ordinance.

- (3) *Accommodation of upstream drainage areas.* Drainage facilities large enough to accommodate potential runoff from the entire drainage area upstream from the proposed subdivision shall be provided in accordance with the County Engineer's specifications. Potential runoff shall be determined on the basis of the maximum development of the upstream area that is permitted under the current zoning district regulations.
- (4) *Retention discharge.* The volume and rate of stormwater runoff leaving the subdivision shall not substantially exceed what would have occurred under natural, undeveloped conditions if it appears that existing or potential downstream developments would be damaged by a greater or faster flow. Thus, if necessary in the opinion of the Planning and Development Committee and the County Engineer, the subdivider shall install stormwater retention facilities in his subdivision.
- (5) *Technical requirements.* Subdivision drainage facilities shall be designed or installed in accordance with the following requirements in such a way that natural drainage is impeded as little as possible during construction.
 - 1) *Pipe*
 - (a) All pipes shall be sized according to the "Rational Method," "USGS Small Watershed Method," "USDA Soil Conservation Services Method," or other recognized engineering method.
 - (b) Crossroad pipe shall meet the requirements of the "Standard Specifications for Road and Bridge Construction" and the "Administrative policy Manual" of the bureau of local Roads and Streets, Illinois Department of Transportation.
 - 2) *Inlets.* Inlets shall be installed whenever necessary so that surface water is not carried across any street or intersection, nor for a distance of more than 600 feet in the gutter. Inlets shall be built to the specification indicated in figure 6.
 - 3) *Storm sewers.*
 - (a) Any storm sewer system shall be separated from and independent of the sanitary sewer system.
 - (b) Storm sewers shall be built in accordance with current engineering practices. They shall be at least 12 inches in diameter, and an inlet or manhole shall be installed at each change of alignment or grade.
 - 4) *Ditches.*

- (a) Ditches shall be designed and built to the specifications established by the county, unless the County Engineer approves an alternative design.
 - (b) Adequate measures (seeding, sodding, riprap, paving or other techniques) shall be taken to prevent erosion of ditch banks.
 - (c) The natural drainage system shall be used as far as feasible for the storage and flow of runoff, but no existing ditch, stream, drain, slough, retention basin or drainage channel shall be deepened, widened, filled, or rerouted without the County Engineer's written permission.
- 5) *High water table.* Whenever special drainage problems resulting from a high water table are encountered, the subdivider shall take reasonable remedial or compensatory measures in accordance with current engineering practices, as determined by the County Engineer. Such measures might include anchoring of water or sewer lines, subsurface drain tiles, added sub-base or pavement thickness, or other measures.

§ 92.33 GRADING, EROSION CONTROL.

- (A) All grading in streets and alleys shall be done in accordance with "Standard Specifications for Road and Bridge Construction in the State of Illinois."
- (B) Other site grading shall comply with the following regulations:
 - (1) *Subgrade.* Before grading is started, the entire area shall be cleared of all tree stumps, roots, bush and other objectionable materials, and of all trees not intended for preservation. Subsequently, the subgrade shall be properly shaped, rolled, and uniformly compacted.
 - (2) *Cuts.* In cuts, all tree stumps, boulders, and other objectionable materials shall be removed to a depth of at least two feet below the graded surface.
 - (3) *Tree preservation.* Existing vegetation, especially trees having a diameter of four inches or more when measured 12 inches from the ground, should be retained and protected to the maximum extent consistent with development of the site.
 - (4) *Erosion control.* The design of every subdivision shall be consistent with the natural limitations presented by topography and soil as to create the least potential for soil erosion. Soil shall be exposed for the shortest feasible period of time. Temporary vegetation or, where appropriate, mulching or other covering shall be used to protect exposed areas.

- (5) *Sedimentation control.* Appropriate devices, such as sediment basins, or silt traps, shall be installed and maintained to remove sediment from surface waters leaving the subdivision.
- (6) *Requirements.* All grading and sediment and erosion control shall conform with the requirements of the Madison County Storm water Drainage and Detention and Sediment Control Ordinance. ('77 Code § 151.23) (Ord. passed 10-17-56; Am. Ord. passed 10-18-78; Am. Ord. passed 9-18-02) Penalty see §92.99

§ 92.34 RESERVATION FOR PUBLIC PURPOSES.

When a school board, park board, municipality or the county has gone on record as desiring to purchase a parcel in a proposed subdivision for a school, park, or other public purpose, the owner or subdivider shall reserve the parcel for acquisition by the public entity for a period of 12 months beginning on the date the final plat is recorded. If, within this 12-month period, an acquisition price cannot be agreed upon or condemnation proceedings have not been instituted, the owner or subdivider may sell, subdivide, or otherwise dispose of the parcel. ('77 Code, §151.24) (Ord. passed 10-17-56; Am. Ord. passed 10-18-78) Penalty, see §92.99

§92.45 PREAPPLICATION CONFERENCE.

Before submitting a preliminary plat, the subdivider is encouraged to confer with the Zoning Administrator, Planning and Development Committee, other county officials of other units of government which would be affected by the proposed subdivision to initiate preplanning activities, and to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of detailed plans, surveys and other data. A sketch plan is extremely useful at this stage. ('77 Code, §151.30) (Ord. passed 10-17-56; Am. Ord. passed 10-18-78) Penalty, see §92.99

§ 92.46 PRELIMINARY PLATS.

- (A) Information Required: Every preliminary plat shall be prepared by a land surveyor registered in Illinois. The preliminary plat should be drawn to scale of not more than one hundred (100) feet to one (1) inch. If the plat is shown on two or more sheets, an index shall be provided on each sheet. The preliminary plat, together with the supporting data, shall provide all the following information:

On the Plat itself:

- (a) Small key map showing the proposed subdivision in relation to section or U.S. Survey lines and to platted subdivisions and dedicated streets within three hundred (300) feet of the proposed subdivision, and also showing the location of any municipal corporate limits situated within one and one-half (1-1/2) miles of the subdivision;
- (b) Name of the proposed subdivision;
- (c) North arrow, graphic scale, and date;

- (d) Names and addresses of the owner, subdivider, and registered land surveyor who prepared the plat;
- (e) A statement to the effect that “this plat is not for record”;
- (f) Locations and lengths of the boundaries of the tract to be subdivided;
- (g) Zoning district classification(s) of proposed subdivision and adjoining land (if more than one zoning district is involved, the dividing lines must be shown);
- (h) Topography of the tract to be subdivided as indicated by two (2) – foot contour data for land having slopes of zero-four percent (0-4%), five (5)-foot contour data for land having slopes between four-twelve percent (4-12%); and ten (10)-foot contour data for land having slopes of twelve percent (12) or more;
- (i) Locations, elevations, and direction of flow of major watercourses, natural drainageways, and ponding areas;
- (j) Locations of rock outcrops, sinkholes, forested areas, and other major natural features;
- (k) Locations of existing parks, railroads, cemeteries, and buildings/structures within the subdivision and within one hundred fifty (150) feet of any boundary thereof;
- (l) Locations and right-of-way widths of all existing and proposed streets and alleys;
- (m) Locations, widths, and purposes of all existing and proposed easements;
- (n) Locations, sizes, grades, and invert elevation of all existing sewers, water mains, drains, culverts, etc. on the tract to be subdivided and adjoining tracts if said facilities are to be used or extended;
- (o) Identification and location of all proposed sanitary sewers and storm sewers within the subdivision and on adjoining tracts if said facilities are to be used or extended;
- (p) In the case of subdivision wherein individual sewage disposal systems are proposed, locations of all percolation tests;
- (q) Location and types of all other existing and proposed utilities;
- (r) Locations and dimensions of all parcels (if any) to be reserved for schools, parks, playgrounds, or other public/semi-public purposes;
- (s) Locations of all mined out areas; and

- (t) Certificate of approval by East Side Levee and Sanitary District (or other similar agency if applicable).

Separate Submission Items:

- (a) Locations and/or description of all existing and proposed erosion/sedimentation control measures;
- (b) Soil information indicating soil classification according to the Unified System (and USDA textual classification, if available) for surface, subsoil, and substrata conditions
- (c) Area in square feet of every proposed lot;
- (d) Ground water information:
 - a. In the American Bottoms, water table depths from the Illinois State Water Survey (in lieu of boring)
 - b. In other areas of Madison County, ground water levels ascertained by boring from recorded ground water levels;
- (e) In the case of a resubdivision, a copy of the existing plat;
- (f) Where individual sewage disposal systems are proposed, the results of soil percolation tests;
- (g) Where land exceeds fifteen percent (15%) slope, the depth to bedrock, and the location of bedrock outcrops (Illinois State Geological Survey Maps will suffice);
- (h) In multi-family, business, or manufacturing zoning districts, the results of a soil foundation investigation conducted by a registered professional engineer with experience in soil mechanics.
- (i) In all planned residential and planned unit development districts:
 - a. A project or project phase development schedule indicating (1) the approximate data when construction of the project can be expected to begin, (2) the stages in which the project will be built and the approximate date when construction of each stage will begin, (3) the approximate dates when the development of each of the stages in the development will be substantially completed, and (4) the area and location of the common or public open space that will be provided at each stage;
 - b. The final land use plan for all sites in the project or project phase area under consideration;

- c. The gross and net area (acres) of the proposed development, and area of street rights-of-way, and the area of any parcels reserved for public use or for the common use of the property owners; and
 - d. The text of all agreements or covenants which will guarantee the conveyance, uses, proper maintenance, and continued protection of the proposed development and any of its common facilities or open spaces.
- (B) Filing and Transmittal: The subdivider shall file six (6) copies of the preliminary plat and supporting information with the Administrator. The Administrator shall retain two (2) copies in the Maps and Plats Department and forward one (1) copy to each of the following:
 - a. Land Use Committee;
 - b. Building and Zoning Department;
 - c. Madison County Superintendent of Highways; and
 - d. Highway Commissioner of the township in which the proposed subdivision is located.
- (C) Zoning-Related Matters: The subdivider shall check with the Director of Building and Zoning Department to determine whether the proposed subdivision is located within the zoning district stated in the submitted information and whether said subdivision complies with all applicable provisions of the County Zoning Ordinance. If the proposed subdivision cannot be built without a rezoning, special use permit, or variance, the subdivider should either first secure necessary "zoning action" through the Building and Zoning Department or apply for same at the time he submits the preliminary plat. In the latter case, preliminary plat approval shall be conditional until the rezoning, special use permit, or zoning variance has been granted.
- (D) Review by Other Agencies: The subdivider shall submit one (1) copy of the preliminary plat to the Madison County Soil and Water Conservation District and one (1) copy to the East Side Levee and Sanitary District (or other levee, sanitary, or drainage district if the proposed subdivision is located within such district and that district requests a copy) at the same time he submits copies of said plat to the Administrator. Said Districts may comment on the preliminary plat within thirty (30) days after receiving it. Any comments either District wishes the County to consider must be in writing, and must be filed with the Administrator. If written comments are not filed within thirty (30) days, the Land Use Committee shall assume that said District(s) has no objections to the proposed preliminary plat.
- (E) Review and Action by Land Use Committee:

The Land Use Committee Shall Review the preliminary plat and, after consultation with technically qualified persons as necessary, shall either approve (with or without

modification/conditions) or disapprove said plat within sixty (60) days from the date it was submitted to the Administrator or the last item of supporting information as filed, whichever occurred later, unless the subdivider and the Land Use Committee mutually agree to extend this time limit. The committee shall state its reasons for their actions (including the nature of any conditions/modifications) in writing, and attach said written statement to the preliminary plat. One copy of the plat and attached statement shall be returned to the Administrator and field, and one copy shall be returned promptly to the subdivider by first class mail. IMPORTANT: Approval by the Land Use Committee does not qualify a preliminary plat for recording.

(F) Effect of Preliminary Plat Approval:

Preliminary plat approval shall confer upon the subdivider the following rights and privileges:

- (a) That the preliminary plat approval will remain effective for a period of two (2) years. During this period the subdivider may submit all of part(s) of said preliminary plat for final approval. In the event that the subdivision is being developed in stages, the applicant may, by written permission of the Land Use Committee, postpone submission of the final plat of the last part of the proposed submission for not more than ten (10) years from the date the preliminary plat approval.
- (b) That the general terms and conditions under which the preliminary plat approval was granted will not be changed prior to or during the final plat review process.
- (c) That the subdivider may proceed with any detailed improvement plans for all required facilities. Actual construction of such improvements may commence prior to final plat approval, however, only if the detailed improvement plans have been approved by the County Engineer.

(G) Special Procedures Regarding Subdivisions Near Municipalities:

Every proposed subdivision located within one and one-half (1-1/2) miles of the corporate limits of any municipality which exercise extraterritorial subdivision jurisdiction shall, at a minimum, comply with the design and improvement standards imposed herein and with the County Transportation Plan. Moreover, said subdivisions shall meet any more restrictive requirements that the municipality may impose.

Whenever a proposed subdivision is located within a municipality's extraterritorial subdivision jurisdiction, the subdivider shall first submit the preliminary plat thereof to such municipality. Subsequently, the subdivider shall submit a copy of the preliminary plat as approved by the municipality to the Administrator for review and comment by the Land Use Committee. If such preliminary plat indicates that the subdivision will be designed or improved to standards less restrictive than those set forth in this ordinance or will not conform with the County Transportation Plan, the Land Use Committee shall not approve the plat. In such instances, the Administrator shall promptly inform the municipality in writing of the specific instances of non-compliance. They shall also notify

the County Superintendent of Highways and the Township Highway Commissioner. Said official(s) may refuse to accept any nonconforming road or street for incorporation into the County or township (as the case may be) road system.

Any final plat of a proposed subdivision located within a municipality's extraterritorial subdivision jurisdiction must have a certificate executed thereon in conformance §92.48 of these regulations

§92.47 IMPROVEMENTS PLANS

After the Land Use Committee has approved the preliminary plat, but prior to the submission of the final plat, the subdivider shall file with the Zoning Administrator three copies of the plans, specifications, and supporting data for all improvements to be installed in or in conjunction with the proposed subdivision, and two copies of the approved preliminary plat and related information. The Administrator shall retain one copy, and promptly forward one copy of each of the listed documents (for example, the plans, the approved preliminary plat, and all supporting information related to either) to the County Engineer and one copy to the appropriate township highway commissioner. Filing fees are required.

- (A) Information required. All improvements, plans (black or blue prints), and supporting data shall be prepared, signed, and sealed by the subdivider's registered professional engineer. The plans and the supporting data shall provide all of the information listed below. (All dimensions shall be to the nearest 1/100 foot, and all angles shall be to the nearest minute.) Plans, profiles, and cross-sections of streets (at one hundred feet intervals) showing names, right-of-way and pavement widths, elevations, paving details, grades, curbs and gutters, catch basins, sidewalks, and any other improvements to be constructed within or in conjunction with the street right way.
- (1) Title page, with a key map showing the relationship of the subdivision to the surrounding area, including portions of the subdivision previously developed plus adjacent streets;
 - (2) Title block showing names and addresses of the subdivider and the engineering firm, as well as the engineer's seal;
 - (3) North arrow, graphic scale and date;
 - (4) List of the standards and specifications followed, citing volume, section, page or other reference;
 - (5) One or more bench marks, in or near the subdivision, to which the subdivision is referenced (elevation based on mean sea level datum);
 - (6) Existing and proposed survey monuments;
 - (7) Proposed finished grades at the same contour intervals as required for the preliminary plat;

- (8) Plans, profiles, and cross-sections of streets showing names, right-of-way and pavement widths, elevations, paving details, grades, curbs and gutters, catch basins, sidewalks, and any other improvements to be constructed within or in conjunction with the street right-of-way;
 - (9) Soil information and a soils map, when required by these regulations;
 - (10) Groundwater information, and locations of any test wells;
 - (11) Plan of any water supply system showing the locations, pipe sizes, pump stations (size, capacity, and type) and hydrant and valve locations;
 - (12) Percolation test data and locations of test holes if no public sewer system is available or proposed;
 - (13) Plan of sewage disposal system showing pipe locations, sizes, force mains, invert elevations, slopes, manhole locations, lift stations (size, capacity, and type) and points of discharge:
 - (a) If the area is subject to flooding, any additional flood proofing measures (for example, anchoring, special pipe, groundwater information, and the like) shall be shown;
 - (b) If a private sewage treatment system is proposed, size, type, capacity, locations, outfall points, and the like);
 - (14) Plan of drainage system including watershed outlines with drainage computations, retention basins showing drainage areas, locations of storm sewers, culverts, drainage channels, swales, slopes, pipe sizes, invert elevations, underground drains, outlet locations and velocity reduction techniques;
 - (15) Proposed fill or other structure elevating techniques, levees, channel modifications and other methods to overcome any flood hazards;
 - (16) Any proposed structural or nonstructural measures to prevent soil erosion and control sedimentation;
 - (17) List of all improvements to be dedicated to the country; and
 - (18) Cost estimates of all improvements to be dedicated to the country
- (B) Review of improvements plans. Both the County Engineer and the township highway Commissioner shall review the subdivider's improvements plans. Subsequently, but no later than 30 days after the improvements plans were submitted to the Administrator, the County Engineer shall prepare a written report stating whether he approves, conditionally approves, or disapproves the plans, and the reasons for his decision.

(C) Transmittal of Engineer's report. The County Engineer shall submit four copies of his report to the Administrator. The Administrator shall:

- (1) Retain one copy in the maps and plats department;
- (2) Forward one copy to the Land Use Committee;
- (3) Forward one copy to the county Building and Zoning Department; and
- (4) Send one copy by first class mail to the subdivider.

(D) Effect of Engineer's decision:

- (1) "Approval" means that the subdivider may commence actual construction of the improvements in accordance with the approval plans.
- (2) "Conditional approval" means that the subdivider must submit three copies of properly corrected improvements plans to the Administrator who, in turn, shall retain one copy and forward one copy to the County Engineer and one copy to the Township Highway Commissioner. Once corrected plans are submitted, actual construction may commence.
- (3) "Disapproval" means that the subdivider must rework and resubmit his improvements plans as they were a completely new set of plans. Until he does so, the Land Use Committee shall not review his final plat and construction of improvements shall not commence.
- (4) If the improvements plans do not substantially mesh with the approved preliminary plat, then at the subdivider's option a new preliminary plat must be submitted in accordance with §92.46 or the improvements plans must be revised.

(E) Inspections required.

- (1) While under construction. The subdivider's professional engineer shall inspect the subdivision improvements while they are under construction. If he determines that they are being built contrary to approved plans, he shall promptly so inform the Administrator who, in turn, shall cause a stop order to be issued. The subdivider's professional engineer shall also review the results of compaction testing and pavement testing, as required in 92.029 or 92.24, and certify compliance with this ordinance. In cases where the results of the testing do not conform to standards, recommended actions shall be made in accordance with this ordinance and IDOT standards.
- (2) Upon completion. The subdivider's professional engineer shall also inspect the subdivision improvements upon their completion.

- (3) The county Engineer or the Township Highway Commissioner may also inspect the improvements while under constructions and alert the subdivider of any deficiencies.
 - (4) Letter from subdivider's engineer. If, after the final inspection required in division (E) above, the subdivider's professional engineer determines that the completed improvements conform to approved plans, and the requirements of this ordinance, he shall attest to this fact in a letter to the Administrator.
 - (5) Submittal of as-built Drawings. Upon approval of the improvements, the developer's engineer shall submit one copy of as-built drawings to the Township Highway Commissioner. One copy of the same drawings shall be submitted to the Planning and Development Administrator in an electronic format compatible with AutoCAD or ERSI ArcView software.
- (F) Letter from subdivider's engineer. If, after the final inspection required by division (E) above, the subdivider's professional engineer determines that the completed improvements conform to approved plans, he shall attest to this fact in a letter to the Administrator. The letter shall bear his seal and registration number. The county shall not accept any competed improvement until the letter has been received. ('77 Code, §151.32) (Ord. Passed 10-17-56; Am. Ord. Passed 10-18-78; Am. Ord. Passed 9-18-02) Penalty, see §92.99 Cross-Reference: Fee, §92.79

§92.48 FINAL PLATS.

Every person who proposes to subdivide any land within the county's subdivision jurisdiction shall comply with the procedural and substantive provisions of the divisions below; provided, that the requirements shall not be applicable to land that is specifically exempted from such requirements by Ill. Rev. Stat., Chapter 109, § 1 et seq., as amended from time to time.

- (A) Technical requirements:
 - (1) Every final plat shall be prepared by a land surveyor registered in Illinois.
 - (2) The final plat may include all or only a part of the project area portrayed on the approved preliminary plat.
 - (3) The final plat shall be drawn on new linen tracing cloth, or other material of comparable durability, with black or blue ink, at a scale of not more than 100 feet to one inch, where practical, provided that the resulting drawing does not exceed 24 inches square. If two or more sheets are used, an index shall be provided on each sheet.
 - (4) All dimensions shall be shown in feet and decimals of a foot; all angles shall be shown to the nearest minute.
- (B) Information required. The final plat, together with supporting data, shall provide all the following information:

- (1) Small key map showing the proposed subdivision in relation to section or U.S. survey lines and also showing the location of any municipal corporate limits situated within one and one-half miles of the subdivision;
- (2) Name the proposed subdivision
- (3) North arrow, graphic scale and date;
- (4) Names and addresses of the owner, subdividor, and registered land surveyor who prepared the plat;
- (5) Reference to recorded subdivision plats within 300 feet to the proposed subdivision by record name, plat book and page number;
- (6) Accurate locations and names of all existing streets intersecting the boundaries of the subdivision;
- (7) Lot lines with accurate dimensions, angles, or bearing, and curve data including radii, arcs, or chords, points of tangency, central angles; numbers of each lot; and setback lines and dimensions; and in a separate list, the area of each lot;
- (8) Street and other public-right-of-way lines with accurate dimensions, angles or bearings, and curve data including radii, arcs, or chords, points of tangency and central angles;
- (9) Street name, right-of-way widths and other pertinent data;
- (10) Locations, dimensions and purposes of any previously recorded or newly created easements;
- (11) Accurate metes and bounds description or other adequate legal description of the tract to be platted (Where discrepancies occur, both recorded descriptions and surveyed descriptions should be included);
- (12) Accurate boundary lines of the tract with dimensions and bearings and angles which provide a survey of the tract, closing with an error of closure of not more than one foot in 10,000 feet; additionally, state planes coordinates shall be shown on the subdivision plat. The state planes coordinates provide shall be in the following format: NAD 1983 HARN State plane Illinois West Coordinate (Feet) System.
- (13) Location of monuments;
- (14) Locations and purposes of any sites, other than private lots, which are dedicated or reserved; and
- (15) Restrictions of all types which will run with the land and become covenants in the deeds for lots.

Illinois Municipal Code, as now or hereafter amended, and not included in any municipality.

In addition, I hereby certify that no part of this plat or to be recorded is situated within, bordering, or including any public waters of the state in which the State of Illinois has any property rights or property interests; or if this plat is situated within, bordering, or including any public waters, I certify that this plat has been reviewed by the Illinois Department of Transportation, Division of Water Resources, and their report is on file with the Madison County Recorder of Deeds.

Moreover, I hereby certify that no part of this plat to be recorded is located within a special flood hazard area as identified by the Federal Emergency Management Agency. Furthermore, no part of this plat is situated outside any incorporated city, town or village; or if this plat is situated within an incorporated city, town or village, I hereby certify that this plat is entitled to record as provided by ILCS Ch. 55, Act 5 § 5-1045.

Add the following clause if applicable: Said incorporated city, town, or village is _____.

Illinois Land Surveyor

Registration Number

Date

(4) A County Clerk's certificate in the following form:

County Clerk's Certificate

I, _____, County Clerk of Madison County, Illinois, hereby certify that I find no unpaid or forfeited taxes against any of the real estate included within this plat.

County Clerk

Date

(5) A city council/village board certificate in the following form:

City Council's/Village Board's Certificate (When Necessary)

I, _____, Mayor/President of the City/ Village of _____, hereby certify that this final plat meets all requirements of the (municipality) Subdivision Ordinance, and was approved by Council/Board of Trustees on _____, 20__.

Mayor/President

Attest: _____
Municipal Clerk

- (6) A Land Use Committee certificate in the following form:

Land Use Committee's Certificate

I, _____, Chairman of the Land Use Committee of the Madison County Board, hereby certify that the Land Use Committee has determined that this final plat meets all requirements of the Madison County Subdivision Regulations; that this plat was approved by the Land Use Committee on __, 20__; and that the subdivider has completed all required improvements or has posted adequate security prior to said approval.

Chairman

Date

- (7) A mined out area certificate in the following form:

Mined-Out Areas Certificate (when necessary)

We, _____, hereby certify that we have, at the request of the Owners, reviewed the Mined Out Coal Area Maps Nos. 22 & 27, as available from the Illinois State Geological Survey in Urbana, Illinois, and hereby indicate that the subdivided property shown heron is within a mined out area.

Registered Land Surveyor

- (D) Filing and transmittal. The subdivider shall file one reproducible original and seven copies of the final plat with the Administrator. A filing fee is required. The Administrator shall retain the original and two copies in the maps and plats department, and forward one copy to each of the following:

- (1) Land Use Committee;
- (2) East Side Levee and Sanitary District (or other levee, sanitary, or drainage district and that district requests a copy);
- (3) Planning and Development Department;
- (4) Madison County Engineer; and

- (5) Highway commissioner of the township in which the proposed subdivision is located.
- (E) Review the decision by Land Use Committee.
- (1) The Land Use Committee shall review the final plat, and after consultation with technically qualified persons as necessary, shall either approve or disapprove the plat by resolution within 45 days after it was filed with the Administrator. The Land Use Committee shall not approve any final plat unless:
 - (a) The final plat substantially conforms to the approved preliminary plat; and
 - (b) The final plat manifests substantial compliance with the design and improvements standards of this chapter; and
 - (c) To the Committee's knowledge and belief, the final plat complies with all pertinent requirements of state law; and
 - (d) Either of the following has been met:
 - 1. All required improvements have been completed, inspected and approved; or
 - 2. The Subdivisor has posted adequate security to guarantee the satisfactory completion of all required improvements.
 - (2) If the Land Use Committee disapproves the final plat, its resolution shall specify the aspects to which the plat, its resolution shall specify the aspects to which the plat fails to meet the above conditions for approval
- (F) Changes in approved final plats. Once a final plat is approved by the Land Use Committee, it shall not thereafter be modified; provided, that minor changes may be approved by the Committee upon written application to the Administrator. Major changes require the filing of new final plat and complete re-review. ('77 Code, § 151.33) (Ord. Passed 10-17-56; Am. Ord. Passed 10-18-78, AM. Ord. Passed 9-18-02) Penalty, see §92.99 Cross-reference: Fee, §92.79

§92.49 MATTERS RELATED TO RECORDING

The subdivider shall file his final plat with the Madison County Recorder of Deeds not later than 60 days after the Land Use Committee has approved the plat. Not later than 20 days after the final plat is recorded, the County Recorder shall provide the Administrator with a written statement attesting to its recording. Should the subdivisor fail to file his plat for recording within the required 60-day period, the resolution of approval shall be resubmitted to the Land Use Committee for recertification and the subdivisor shall have to resubmit the plat for review and secure its approval before the plat can be recorded.

- (A) Unlawful to record unapproved plats. The recorder of deeds shall not record the final plat of any subdivision located within the county's subdivision jurisdiction until the Land Use Committee has passed a resolution approving the plat.
- (B) Unlawful to convey lots without recorded plat. It shall be unlawful for any person to sell, offer for sale, or lease for a period exceeding five years any lot in a subdivision unless the final plat thereof is recorded in the office of the recorder of deeds.
- (C) Unlawful to record illegally conveyed lots. The recorder of deeds shall not record any deed or lease involving a lot in a subdivision unless the final plat of the subdivision has been approved by the Land Use Committee and properly recorded. ('77 Code, § 151.34) (Ord. passed 10-18-78) Penalty, see §92.99

§92.60 ASSURANCES GENERALLY

The Land Use Committee shall not approve any final plat of subdivision until, with respect to all completed improvements, all the requirements of division (A) below have been met, and, with respect to uncompleted improvements, all the requirements of division (B) have been met.

- (A) Completed improvements.
 - (1) All completed improvements have been inspected and approved by the subdivider's professional engineer; and
 - (2) All completed public improvements have been dedicated to the county, township or other appropriate governmental entity; and
 - (3) Adequate security has been posted with the appropriate governmental entity to guarantee the satisfactory conditions of all completed public improvements for the time period stated in § 92.62 (A)
- (B) Uncompleted improvements.
 - (1) In accordance with § 92.61, the subdivider has posted adequate security to guarantee the satisfactory completion of all improvements shown on the approved improvements shown on the approved improvements plans; and
 - (2) The subdivider has provided sufficient information to show how all improvements which are intended to remain in private ownership will be perpetually maintained; and
 - (3) In accordance with § 92.63, the subdivider has posted adequate security to guarantee the satisfactory condition of all public improvements for the time period stated in §92.62(A). ('77 Code, § 151.40) (Ord. Passed 10-17-56; Am. Ord. Passed 10-10-78) Penalty, see § 92.99 Cross Reference: Subdivider's maintenance responsibilities, § 92.62

§92.61 COMPLETION SECURITY

(A) Security to guarantee the satisfactory completion of subdivision improvements shall meet the following requirements:

- (1) Form. Security may be in the form of a cash deposit, a performance bond, a letter of credit from a bank approved of and insured by the F.D.I.C., or an escrow or impound account in a bank approved of and insured by the F.D.I.C. All security shall be in a form satisfactory to the Administrator. The Administrator, the unit of local government, or the Land Use Committee shall have the right to reject any form of security he or it believes would be inadequate, for any reason, to guarantee the completion of all uncompleted improvements.
- (2) Amount. The aggregate amount of the security shall be equal to 125% of the total estimated cost of completing all of the uncompleted improvements. The amount of a particular "item of security" (for example, a particular cash deposit, bond, escrow account, and the like) shall equal the estimated cost of completing the improvements covered by the security. The cost estimates shall be made by the subdivider's professional engineer, but must be approved by the County Engineer.
- (3) Posted with whom. Security for improvements which are to be dedicated to the county shall be posted with the County Clerk. Security for improvements to be dedicated to some other governmental entity shall be posted with the official designated by that other entity.
- (4) Term. The initial term of security for any subdivision improvement within the county's subdivision jurisdiction shall not exceed two years. If any improvement which is to be dedicated to the county has not been completed by the end of the two-year-period, the Administrator, with the advice and consent of the Land Use Committee, may either extend the security for successive one-year periods, or may proceed as per division (D) below.
- (5) Sureties. There shall be a surety for every performance bond posted as security. No person shall be eligible to act as a surety unless he has been approved by the Land Use Committee. Any surety who improperly fails to perform within 90 days after written notice from the appropriate official (for example, in the case of the county, the Administrator; in the case of the township, the Township Highway Commissioner; and the like) shall be ineligible for two years thereafter to act as surety for any subdivision improvement within the county's jurisdiction.

(B) Release of security.

- (1) The County may release up to 80% of the amount of required security from time to time upon written authorization from the Planning and Development Committee. The amount, which the Planning and Development Committee authorizes to be released, shall be equal to the value (as determined by the subdivider's professional engineer and approved by the County Engineer) of the completed, and accepted, improvements covered by the security.

- (2) Twenty-five percent of the amount of every security posted with the county shall be retained until:
 - (a) The subdivider's professional engineer has certified to the Administrator in writing that all public improvements plans have been satisfactorily completed; and
 - (b) All public improvements have been dedicated to the county, township, or other appropriate governmental entity.
 - (c) The requirements of Section 92.63, Maintenance Security, have been fulfilled (two year maintenance security).

(D) Failure to complete improvements.

If a secured improvement has not been completed at the expiration of the term of the security (two years, or longer if extension has been granted), the Administrator, with the consent of the Land Use Committee and the assistance of the state's attorney may:

- (1) Require the subdivider to submit new security in an amount sufficient to cover any increase in the cost of constructing the improvements in question; or
- (2) Require the surety or financial institution to pay to the county an amount equal to the cost of completing the required improvements or the amount of the security not theretofore released, whichever is less. ('77 Code, § 151.41) (Ord. Passed 10-17-56; Am. Ord. Passed 10-18-78) Penalty, see §92.99

§92.62 SUBDIVIDER'S MAINTENANCE RESPONSIBILITIES

- (A) Public improvements. "PUBLIC IMPROVEMENTS" means those improvements which are so designated on the approved improvements plans. The subdivider shall adequately maintain all public improvements until they have been dedicated to the county or township in which they are located, or other appropriate governmental entity. Following dedication, the county, township, or other governmental entity shall assume normal maintenance duties. However, if within two years after the dedication of asphalt streets or within one year after the dedication of concrete streets or other improvements, any maintenance problem due to improper construction arises, then, in accordance with § 92.63, the subdivider's maintenance security shall be used to correct the problem.
- (B) Private improvements. The subdivider shall maintain all improvements not designated "public" on the approved improvements plans until such time when arrangements for their perpetual maintenance are made in accordance with all applicable regulations of the Illinois Department of Public Health, the Illinois Commerce Commission, and the Illinois Environmental Protection Agency.
- (C) Private central sewer system. Based on the approval of the Land Use Committee the private central sewer system or specified portions thereof, ownership operation and maintenance responsibilities of the sewage collection and treatment system must be

dedicated or otherwise transferred to and accepted by the county or other public entity; or, conveyed or otherwise transferred to and accepted by a homeowner's association, or similar entity, the members of which are to be the owners of all of the lots or parcels comprising the development; or, conveyed to one or more persons or in one or more undivided interests to one or more persons. Except for those portions of the sewer system to be dedicated or otherwise transferred to the county or other public entity, an application for a sewer permit shall accompany a plan for the long term management, operation and maintenance of the sewer system and a description of the sources of funding thereof, and the legal documents to create a special service area taxing district. The plan must be made part of the covenants and restrictions and approval of and subsequent amendments to, must be approved by the Land Use Committee.

- (1) Transfer to permitting authority or other public entity. If any portion of the sewer system is to be dedicated or otherwise transferred to a public entity, the appropriate utility easements for ingress and egress to and maintenance of such portions shall be reserved on the final plat.
- (2) Transfer to homeowner's or similar association. If any portion of the sewer system is to be conveyed or otherwise transferred to a homeowner's or similar association then:
 - (a) Appropriate easements for ingress and egress to and maintenance of such portions shall be reserved for the benefit of such association and the county, or its assigns, on the final plat;
 - (b) The association shall be duly incorporated and a copy of the certificate of incorporation, duly recorded, and bylaws and any amendment to either of them, shall be delivered to the Administrator;
 - (c) The covenants of the association shall, at a minimum, contain:
 1. A provision acknowledging and accepting the association's obligation to maintain those portions of the sewer system and special service areas conveyed or otherwise transferred to it under this section;
 2. A mechanism for imposing an assessment upon the owners of all of the lots or parcels comprising the development sufficient, at a minimum, to provide for the maintenance of those portions of the sewer system conveyed or otherwise transferred to it under this section; and the payment of all taxes levied thereon;

3. A provision adopting the plan of long term maintenance set forth in the application for a sewer permit, with approved amendments;
 4. A provision identifying the officer of the association responsible for carrying out the obligations imposed upon the association under this section;
 5. A provision requiring the consent of the County Land Use Committee and a written consent of the IEPA prior to changing any of the provisions of the bylaws required by this section;
 6. A provision requiring the consent of the County Land Use Committee and the IEPA to the dissolution of the association;
 7. A provision for the transfer of the sewer system including all appropriate easements to the county, or another governmental jurisdiction, at the request of the county; and
 8. A provision requiring the connection to a public sewer system when it is constructed within 2,000 feet of the private waste water treatment system and the free dedication of the private central sewage system to the public.
 9. Any conveyance or other instrument of transfer shall include a covenant affirmatively imposing upon the association the obligations set forth in this section and the association's affirmative acceptance thereof.
- (3) Conveyance to one or more persons. If any portion of the sewer system is to be conveyed to one or more persons, then:
- (a) Appropriate easements for ingress and egress to and maintenance of such portions shall be reserved for the benefit of the party responsible for ownership and operation of the system, and the county or its assigns, on the final plat;
 - (b) The final plat shall contain a legend imposing the maintenance obligations of this section upon the grantee and his successors in interest as a covenant running with the land and incorporating by reference the plan of long

term maintenance set forth in the application for a sewer permit with approved amendments;

- (c) The final plat shall contain a legend reserving the right of the county, or its assigns, to enter upon the land to perform the maintenance required in this section if the owner does not do so and to place a lien against the land for the cost thereof; and
- (d) Any conveyance delivered and any subsequent conveyance shall include a covenant affirmatively imposing upon the grantee the obligations, restrictions and provisions set forth in this section and the grantee's affirmative acceptance thereof including:
 - 1. A provision acknowledging and accepting the obligation to maintain those portions of the sewer system conveyed or otherwise transferred to it under this section;
 - 2. A provision adopting the plan of long-term maintenance set forth in the application for a sewer permit, with approved amendments;
 - 3. A provision for the transfer of the sewer system, including all appropriate easements, to the county, or another governmental jurisdiction, at the request of the county;
 - 4. A covenant shall be recorded, requiring the connection to a public sewer system when it is constructed within 2,000 feet of the private wastewater treatment system and the free dedication of the private central sewage system to the public; and
 - 5. Incorporation of maintenance obligations in sewer permits.
 - 6. The provisions of this section shall be incorporated by reference in the sewer permit and the applicant's acceptance of the permit shall be deemed to be the applicant's acceptance and assumption of the obligations imposed under this section. At the option of the Administrator, the sewer permit may be recorded.

- (4) Funding of long-term maintenance of sewer facilities. As a condition of approval of any application for a sewer permit, unless the maintenance responsibility for the sewer system to be constructed, installed or preserved in connection therewith has been accepted by a public entity, the Administrator will require a petition to establish a special service area pursuant to ILCS Ch. 35, Act 200, § 27-5, et seq., as a backup funding vehicle in the event the person designated by the applicant as having primary operation and maintenance responsibility fails to adequately carry out its duties.
- (a) If the County Board establishes a special service area, then it reserves the right at any point in the future to levy taxes for the operation and maintenance of the private central sewage system. The county, however, is under no obligation to establish a special service area, or to levy a tax if one is established, or to accept ownership and maintenance of said private central sewage system. It shall do so at its sole discretion and in accordance with the law.
 - (b) If a special service area is established, the Administrator shall make a good faith estimate of the tax rate required to produce a tax to be levied upon all taxable property within the area, sufficient for the long term maintenance of the facilities, and the county shall incorporate such rate into its enactment of the ordinances necessary for the establishment of the area. On or before August 1 of each year thereafter, the Administrator shall submit to the County Board a good faith estimate of the amount of tax required to be levied upon all taxable property within the area for the next fiscal year for the continued maintenance of the sewer system. ('77 Code, § 151.62) (Ord. Passed 10-17-56; Am. Ord. Passed 10-18-78; Am. Ord. 2001-09, passed 8-15-01) Penalty, see § 92.99

§ 92.63 MAINTENANCE SECURITY

To ensure the satisfactory condition of public improvements the subdivider shall post adequate security with the county, township, or other unit of government to which the improvements are to be dedicated (for two years after the improvements have been dedicated).

- (A) Form. Security may be in the form of a cash deposit, a performance bond, a letter of credit from a bank approved of and insured by the F.D.I.C., or an escrow or impound account in a bank approved of and insured by the F.D.I.C. All security shall be in a form satisfactory to the Planning and Development Administrator. The Administrator, unit of local government, or the Land Use Committee shall have the right to reject any form of security he or it believes would be inadequate, for any reason, to guarantee the satisfactory maintenance of all improvements in question for the required time period of §92.62(A).

- (B) Amount and purpose of security. All security shall be in the amount deemed sufficient by the County Engineer, Township Highway Commissioner or other appropriate official to guarantee the satisfactory conditions of:
 - (1) Asphalt streets for two years after their dedication; and
 - (2) Concrete streets and all other improvements for one year after their dedication.
- (C) Defective improvements. If at any time during the required time period (one or two years as the case may be), the improvements are found by inspection to be defective, they shall be repaired or replaced at the subdivider's expense to the satisfaction of the County Engineer, the Township Highway Commissioner or other appropriate official. If the subdivider fails to pay such costs within 90 days after demand is made upon him by the county township, or other governmental entity, the security shall be used to make the required repairs or replacement. If the cost of the repairs or replacement exceeds the amount of security, the subdivider shall be liable for the excess cost. ('77 Code, §151.43) (Ord. Passed 10-17-56; Am. Ord. Passed 10-18-78) Penalty, see §92.99

§92.75 ADMINISTRATOR'S DUTIES

The director of the Planning and Development Department, who is referred to herein as the Administrator, is authorized and directed to administer these regulations in the manner prescribed by the Land Use Committee. This broad responsibility encompasses, but is not limited to the following specific duties:

- (A) To forward preliminary and final plats to the Land Use Committee;
- (B) To transmit improvements plans to the County Engineer for review;
- (C) If so directed by the Land Use Committee, to cause stop orders to be issued when he is notified that improvements are being constructed in violation of these regulations;
- (D) When so directed by the Committee, to pursue actions authorized by §92.61(D) when a subdivider fails to complete required improvements;
- (E) To forward requests for minor changes in approved final plats to the Committee;
- (F) To forward applications for subdivision variances to the Committee;
- (G) To maintain up-to-date records of matters pertaining to this chapter including, but not limited to, preliminary plats, as-built records of completed improvements, final plats and variances; and
- (H) To provide information to subdividers and the general public on matters related to these regulations. ('77 Code, §151.50) (Ord. Passed 10-17-56; Am. Ord. Passed 10-18-78) Penalty, see §92.99 Cross reference: Failure to complete improvements, §92.61(D)

§92.76 VACATION OF PLATS

Any plat or part thereof may be vacated by the owner of the tract of land in accordance with Ill. Rev. Stat., Chapter 109, § 1 et seq., as amended from time to time.

(A) Approvals required. No instrument of plat vacation shall be effective until it has been approved by:

- (1) The Madison County Land Use Committee; and
- (2) The Madison County Engineer; and
- (3) The highway commissioner of the appropriate township;
- (4) The District Engineer of the Illinois Department of Transportation; and
- (5) An authorized official or agent of any utility involved.

(B) When lots have been sold. If any lots in the subdivision have been sold, the instrument of plat vacation shall no be effective unless it is also signed by all the owners of the lots. ('77 Code, §151.51) (Ord. Passed 10-17-56; Am. Ord. Passed 10-18-78) Penalty, see §92.99

§92.77 SUBDIVISION VARIANCES

Any subdivider desiring a variance from the requirements of these regulations shall file a written application therefore with the Administrator at the same time that he files his preliminary plat. The application shall specify the variance requested, fully explain the grounds therefore, and state the section hereof which, if strictly applied, would cause great practical difficulties or hardship. If the Land Use Committee denies a requested variance from the full County Board; but as indicated in division (B) of this section, the full County Board shall observe the same standards as the Land Use Committee in deciding whether to grant or deny a variance. The Administrator shall promptly forward the variance application to the Land Use Committee for review.

(A) Review by Committee. The Committee shall review the variance application concurrently with the preliminary plat, and at the same meeting at which they take action on the preliminary plat, they shall decide on the basis of the standards set forth in division (B) below whether to grant; with or without modifications, or to deny the requested variance. A copy of the Committee's decision, clearly stating their reasons therefore and exact terms of any variance granted, shall be attached to the preliminary and final plats. If the Committee denies a requested variance, the subdivder has the right to seek variance from the full County Board, but as indicated in division (B) below, the full County Board shall observe the same standards as the Committee in deciding whether to grant or deny a variance.

(B) Standards for variances. The Committee or the County Board shall not grant any subdivision variance unless, considering the conditions to be attached to the variance, if any, they determine that:

- (1) The proposed variance is consistent with the general purposes of these regulations; and

- (2) Strict application of the requirements in §§92.20 through 92.34 or elsewhere would result in great practical difficulties or hardship to the applicant, not merely in added expense or inconvenience; and
- (3) The proposed variance is the minimum deviation from the requirements that will alleviate the difficulty or hardship; and
- (4) The plight of the applicant is due to peculiar circumstances not of his own making; and
- (5) The peculiar circumstances engendering the variance request are not applicable to other tracts and, therefore, a variance would be a more appropriate remedy than an amendment. ('77 Code, § 151.52) (Ord. Passed 10-17-56; Am. Ord. Passed 10-18-78) Penalty, see §92.99

§92.78 AMENDMENTS

These regulations may be amended or repealed by simple majority vote of the County Board, but only after there has been a public hearing conducted by the Land Use Committee. ('77 Code, §151.53) (Ord. Passed 10-17-56; Am. Ord. Passed 10-18-78; Am. Ord. Passed 9-18-02) Penalty, see §92.99

§92.79 FEES

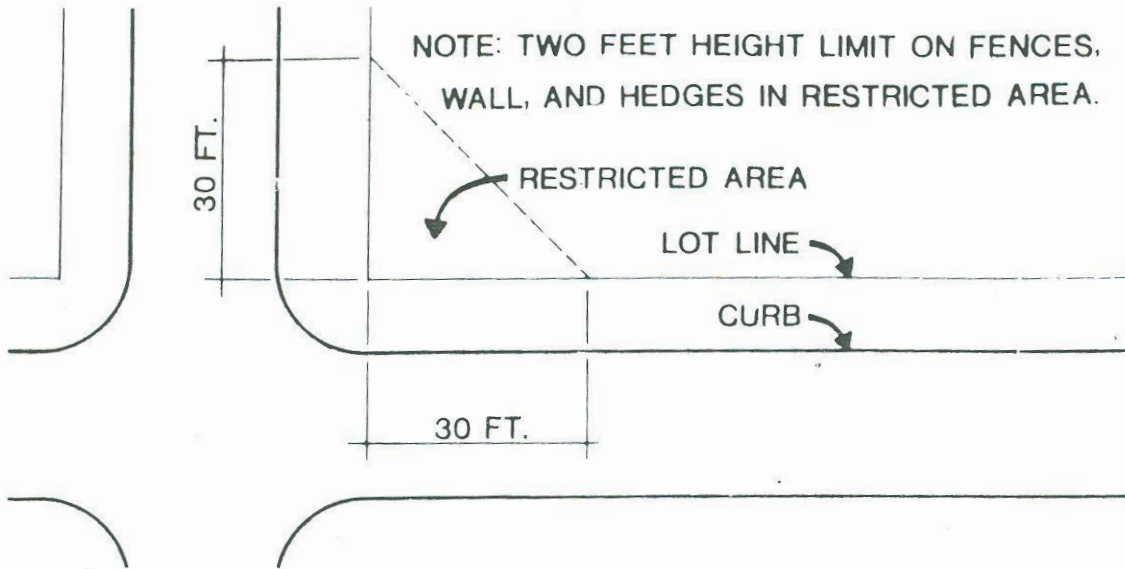
The subdivider shall pay all fees to the Administrator at the time the last item of required information pertaining to the plat or plain in question is submitted. The administrator shall promptly cause the fees to be deposited in the county's general corporate fund. ('77 Code, §151.54) (Ord. Passed 10-17-56; Am. Ord. Passed 10-18-78; Am. Ord. Passed 9-18-02) Penalty, see §92.99

§92.99 PENALTY

- (A) Sale of lots without a recorded plat. Any person who sells or leases for any period exceeding five years any lot, block or part thereof before the plat of subdivision therefore has been properly recorded shall be guilty of a petty offense, and may be fined \$25 per lot, block or part thereof so sold or leased. Nothing in this section shall prohibit an offer of sale or acceptance of deposit by a seller before compliance with ILCS Ch. 765, Act 205, provided that compliance occurs before conveyance of any deed to the property. (ILCS Ch. 765, Act 205 §5)
- (B) Destruction of monuments. Any unauthorized person who knowingly damages, destroys or removes a stake, pin, monument, or other survey marker shall be guilty of a Class A misdemeanor, and may be fined \$1,000. This offense, however, may only be treated as a Class A misdemeanor (with the respective fine) if it is (ILCS Ch. 765, Act 205 §11)
- (C) Other violations. Any person who is convicted of any violation of these regulations not listed in divisions (A) or (B) of this section may be fined not more than \$500.

- (D) Stated penalties not exclusive. Nothing stated in the above divisions of this section shall prevent the county from taking any other lawful action to prevent or punish violations of these regulations. ('77 Code, §151.99)

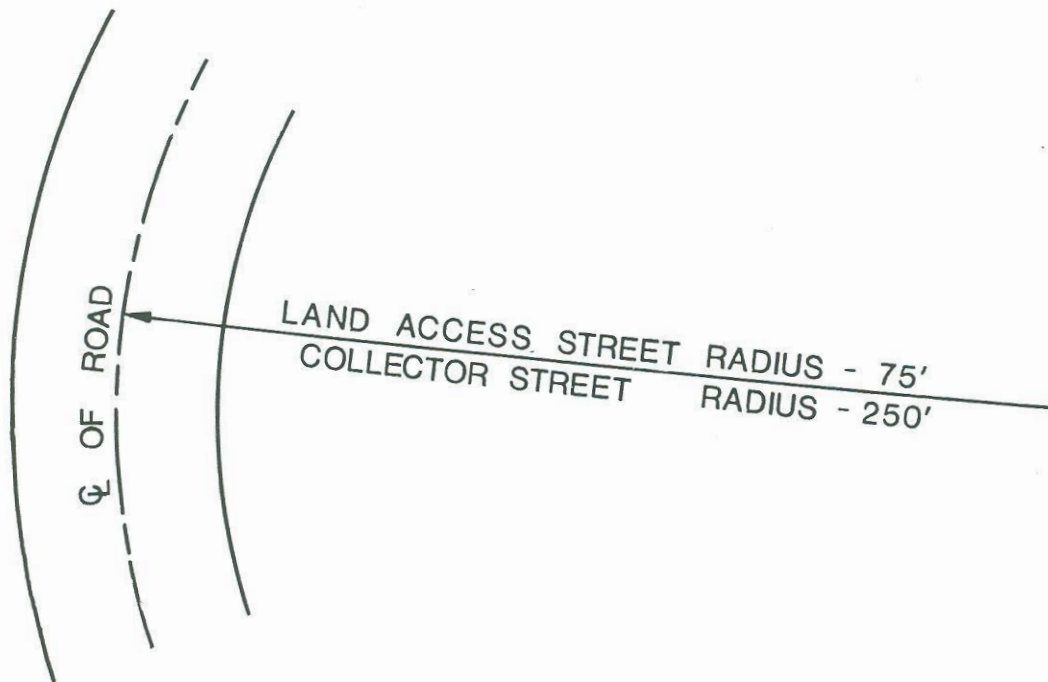
FIGURE 1



SIGHT LINES AT CORNERS

See Section 3-5.7

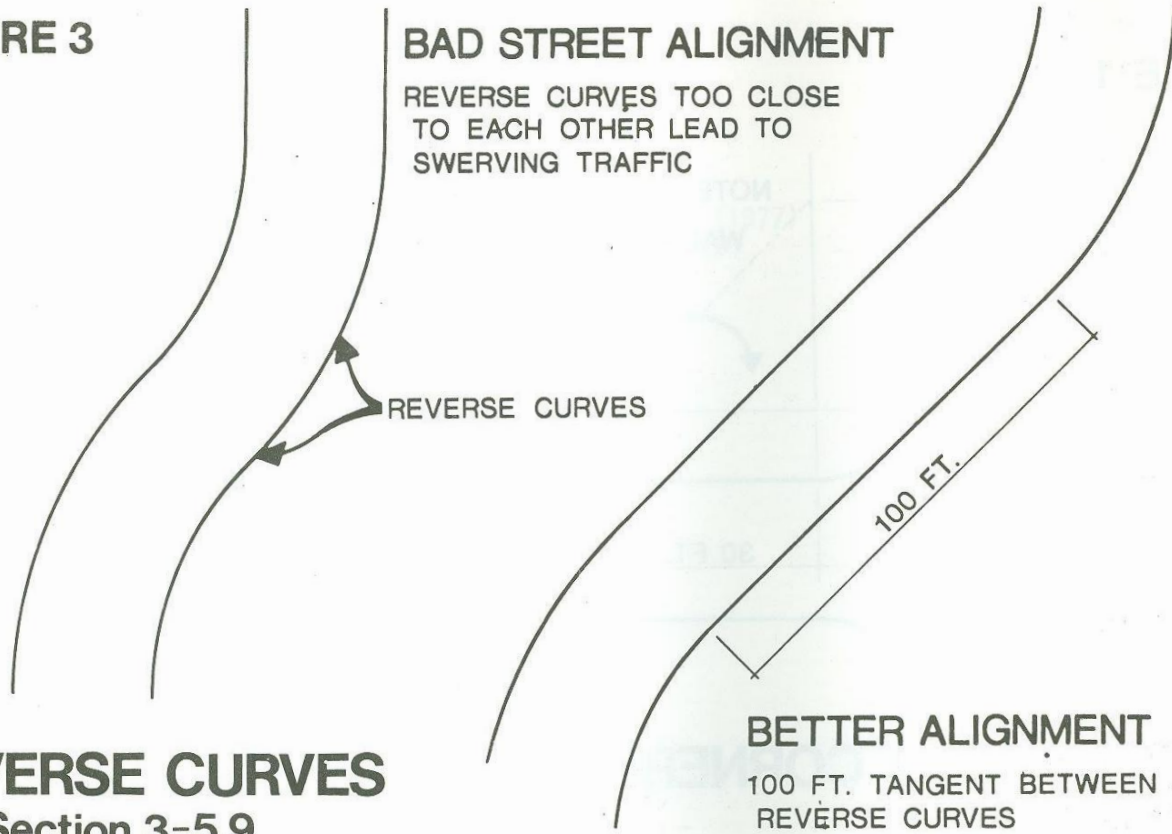
FIGURE 2



HORIZONTAL CURVES

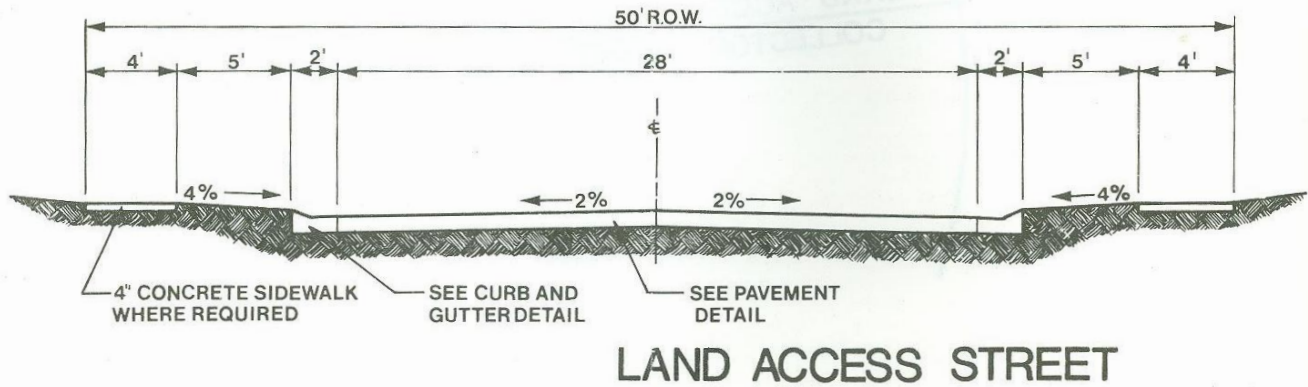
See Section 3-5.8

FIGURE 3



REVERSE CURVES
See Section 3-5.9

FIGURE 4



TYPICAL STREET CROSS-SECTION
See Section 3-6

