

**Title 10
SUBDIVISIONS AND ANNEXATIONS**

CHAPTER 1

GENERAL PROVISIONS

10-1-1 INTENT, PURPOSE AND SCOPE

- A. Intent; Purpose: It is the intent of this title to regulate the development of land, including the subdivision of land as defined in this title 10, development as a planned unit development, and any other improvement of property requiring subdivision approval pursuant to state statute.
- B. Scope: This title 10 shall apply to every subdivision either within the corporate limits of the village or in unincorporated Lake or McHenry counties and within one and one-half miles of the village's corporate limits. Valid, binding boundary line agreements between the village and other municipalities may take precedence in establishing the village's jurisdiction in unincorporated areas within such one and one-half mile area.

10-1-2 DEFINITIONS

ALLEY: A public access to the rear of the lots or tracts zoned for other than single-family residential purposes to be utilized for egress and ingress of vehicular traffic.

BLOCK: Tract of land bounded by a lake, street, right of way or artificial natural feature which, in combination, produces a delineation from the other land tract.

DATUM U.S.G.S. SEA LEVEL-DATUM 1929 ADJUSTED: A reference point from which elevations are measured.

DETENTION BASIN: An area designed to hold an accumulation of storm water thereby reducing the peak flow of a storm drainage system.

EASEMENT: Land specifically or generally designed for public and/or quasi-public utilities and facilities, only, associated with requirements for sanitary sewer, potable water, storm drainage, gas, electric, telephone, cable television and service.

IMPROVEMENT, PUBLIC: Any street, alley, public way, way for public service facilities, storm and flood water run-off system, storm sewer, channel, basin, sanitary sewer, septic system, water main, public grounds, planting strip, landscaping, off-street parking area, or any other facility necessary in the determination of the village to provide a parcel with access to a public right-of-way or with utility service of any kind or with water, sanitary sewage treatment or disposal, stormwater control or drainage, or other necessary public service.

STREET: That portion of a public or private right-of-way having a weight-bearing surface that affords a primary means of vehicular access to abutting properties, whether

designated as a street, avenue, highway, road, boulevard, lane, or throughway or however otherwise designated.

Major Connecting Street: Any public right of way utilized primarily for intramunicipal travel, including the access to public and institutional facilities and business and recreational aspects of the village.

Major Thoroughfare: State Route 176 is so designated a major thoroughfare, which shall include all highways with the State and/or Federal route marking and for which a right-of-way width of one hundred feet (100') shall be established.

Minor Connecting Street: Any public right of way utilized primarily for access to abutting properties.

Secondary Thoroughfare: Any thoroughfare so designated by the Municipality on the official plan or by ordinance which shall involve intercommunity vehicular traffic.

SUBDIVISION: Any division, rearrangement, consolidation, change, or resubdivision in the boundary or divisional lines of any parcel or parcels of real estate, or the creation of separate legally defined parts of a parcel, or the creation of, or change to, or rearrangement of the boundaries of, any public street; provided, however, that the requirements of this title applicable to subdivisions shall not apply to the sale or exchange of land between owners of abutting parcels that does not result in a change in the number of zoning lots nor cause either parcel to become non-conforming under village ordinances, provided further that such sale or exchange is recorded with the respective county recorder of deeds and a copy of the recorded document is promptly delivered to the village.

10-1-3 FEES

The following fees and charges shall prevail for the various facets of development of a land tract within the village and the jurisdictional limits of the planning area:

- A. There shall be deposited with the village clerk a deposit in the amount set forth in the annual fee ordinance contained in section 1-16-3 of this code to be used for defraying administrative expenses incurred by the village.
- B. Review of the engineering documents by the village engineer on behalf of the village shall require an engineering review fee in the amount set forth in the annual fee ordinance contained in section 1-16-3 of this code to be used for defraying administrative expenses incurred by the village.
- C. For the inspection of sewer and water facilities, or other utilities, there shall be paid to the village a minimal sum in the amount set forth in the annual fee ordinance contained in section 1-16-3 of this code.
- D. Said monies shall be treated as a deposit against the actual cost incurred by the village for the time and material involved in providing such inspection.

- E. For either a review of engineering documents or inspection of village sewer and water facilities, or other utilities, the cost to the owner/developer shall be the actual cost paid by the village, and the village shall either rebate or collect additional funds, as the work or services progress.

10-1-4 VARIATIONS

The village recognizes that in some cases strict compliance with the provisions of this title may present a hardship on the owners of property under certain situations and therefore the board of trustees may in its sole discretion waive the requirement of this title.

- A. **Statement of Justification.** In applying for a variation from the provisions of this title, the applicant shall demonstrate in writing that each of the following criteria is satisfied:
 - 1. The terms and provisions of the Illinois Plat Act have been met; and
 - 2. That a hardship would result if compliance of this title were required.
- B. **Limitations on Variations.** No variation granted pursuant to this section shall relieve an applicant from complying with every other requirement of law. Nothing provided in this section shall be construed or applied as authority of the board of trustees to vary any requirement of law other than the provisions of this title.
- C. **Conditions May Be Imposed.** In authorizing a variation, the board of trustees may impose such conditions regarding the location, character, and other features of the proposed subdivision or development as it may, in its sole and absolute discretion, deem necessary in the public interest, and may require the posting of a performance guarantee to insure compliance with the conditions imposed.
- D. **Procedure for Review of Variation Requests.** Applications for variations of the provisions of this title shall be reviewed concurrently with the related subdivision application, except as otherwise provided by the board of trustees on a case by case basis. Every such application for variation, however, shall be heard at a public meeting of the plan commission, which shall formulate a recommendation regarding such application for variation as part of its recommendation on the subdivision itself. Thereafter, the board of trustees shall consider the variation at a public meeting. An application for a variation shall be deemed to be a waiver by the applicant of any prescribed time limitations on the plan commission or board of trustees in their respective reviews of the subdivision application affected by the variation request.

CHAPTER 2

SUBDIVISION REVIEW PROCESS

10-2-1 APPLICATION AND COMPLIANCE REQUIRED

- A. Subdivision: No subdivision shall be undertaken within the jurisdiction defined in this title except after approval of a completed application pursuant to this title and then only in compliance with the provisions of this title. The village will withhold all permits and authorizations as well as public improvements and services of whatsoever nature, including, but not limited to, the maintenance of streets and the completion of utility services, from all areas and parcels which have not been lawfully subdivided and have not met the requirements set forth in this title.
- B. Recording; Improvements: No subdivision shall be filed for record, nor any public improvement made related thereto, until after approval thereof pursuant to this title.
- C. Conveyances: No lot, tract, or parcel of land within any proposed subdivision shall be conveyed until such subdivision has been approved and recorded pursuant to this title.

10-2-2 GENERAL STANDARDS

All applications for approvals of plats of subdivision or plats of vacation shall be reviewed by the plan commission and the board of trustees in accordance with the standards and procedures set forth in this title, and the following additional general standards.

1. The subdivision is consistent with the zoning code.
2. The subdivision will not create a nonconforming building, nonconforming use, or nonconforming lot, nor will the subdivision create, increase, or extend any existing nonconformity.
3. The subdivision will accommodate development on a lot that will comply with required setbacks and will not result in the substantial loss of existing trees or the significant alteration of the existing topography on the lot.
4. The subdivision will not substantially modify or threaten the integrity of natural resources, including without limitation existing steep slopes, floodplains, wetlands, mature trees, or the use of public open spaces.
5. The proposed development of the subdivision will not result in an increase in the storm water release rate from the subdivision.
6. The subdivision will be served by adequate sewer or water service, electric service, natural gas, and other public or private utilities available within the village.
7. The subdivision will dedicate easements or rights of way necessary to provide for current and future extension of public utilities and services.
8. The existing public street system, and any proposed extension of that system, is sufficient to meet the projected traffic demand that will be created by the subdivision.
9. The design of the proposed street improvements meets minimum village standards and does not exceed village standards in a manner that threatens the health, safety, or welfare, such as by inducing excessive speed of travel or

modifying traffic patterns in a manner inconsistent with street design capabilities or by unnecessarily displacing pervious open spaces.

10. The subdivision will extend, or does not inhibit the extension of, the existing village street system and recognizes the interconnection of adjacent neighborhoods.
11. The subdivision will provide appropriate access and turning movements for vehicles, and the proposed access is not so large so as to be inconsistent with the character of the neighborhood surrounding the subdivision.
12. The development of the subdivision can be accomplished in a manner that does not unduly disrupt or damage public services or facilities.

10-2-3 PRELIMINARY PLAN

- A. Application. An application for approval of a preliminary plat of subdivision shall be filed with the village, in full compliance with section 10-2-3B and in proper form, at least 30 days before the meeting of the plan commission at which it is to be considered.
- B. Contents of Preliminary Plan. Preliminary plan or plat shall contain the following information for purposes of review by the plan commission and mayor and board of trustees:
 1. Owner of the land tract.
 2. Subdivider/developer.
 3. A cadastral survey at one inch equals one hundred feet (1" = 100').
 4. Topographic survey at one foot (1') or two foot (2') contour intervals on a U.S.G.S. sea level datum, with the interval to be determined by the village engineer.
 5. Depiction of all natural features.
 6. Proposed zoning.
 7. Proposed development plan.
 8. Existing facilities and utilities affecting the subject tract.
 9. Statement of intentions relative to sanitary sewer, telephone, cable television, street lighting, for the home association and/or not-for-profit organization.
 10. A location map.
 11. Flood plain and surface water detention areas.

- C. Action by the Plan Commission. The plan commission shall conduct a public meeting to review the preliminary plat in accordance with the Open Meetings Act. Within 90 days after the completion of the applicant's application for preliminary plat approval, the plan commission shall recommend whether the preliminary plat should be approved, approved with modifications or conditions, or disapproved; and shall transmit such recommendation to the board of trustees. The plan commission may recommend approval of a plat subject to certain conditions or modifications as are deemed necessary in the interests and needs of the community. The failure of the plan commission to act within the time period specified in this subsection, or such further time to which the applicant may agree, shall be deemed to be a recommendation of the plan commission to disapprove the preliminary plat.
- D. Action by Board of Trustees. The board of trustees, within 30 days after its next regularly scheduled meeting following the transmission of a recommendation by the plan commission on an application for preliminary plat approval, shall disapprove the preliminary plat or shall approve it by ordinance or resolution duly adopted. Any approval of a preliminary plat may be subject to certain conditions or modifications as are deemed necessary in the interests and needs of the community. If the board of trustees disapproves the preliminary plat, then the village shall notify the applicant in writing of the reasons stated for such disapproval. The failure of the board of trustees to act within the time period specified in this subsection, or such further time to which the applicant may agree, shall be deemed to be a decision of the board of trustees disapproving the preliminary plat.
- E. Effect of Approval. The approval of a preliminary plat by the board of trustees is strictly tentative in nature, involving merely the general acceptability of the layout as submitted. Approval of the preliminary plat shall be deemed solely as permission for the applicant to prepare a final plat of subdivision, including detailed plans and specifications for the subdivision and public improvements in accordance with the preliminary plat and within the requirements of this title. Approval of a preliminary plat shall not entitle the applicant to any other approval or issuance of any permit until after all of the standards and procedures for such other approval or issuance of a permit have been satisfied.
- F. Limitation on Preliminary Plat Approval. Every approval by the board of trustees of a preliminary plat of subdivision shall be effective for a maximum period of 12 months after the date of approval unless, pursuant to a written application therefor filed by the applicant before the expiration of the preliminary plat approval, the board of trustees grants an extension of that 12-month period. If, within the 12-month period, no extension of time has been granted by the board of trustees and no application for approval of a final plat of subdivision has been filed with the village, then the applicant must resubmit an application for approval of a preliminary plat for full review of the plan commission and board of trustees.
- G. Statement of Disapproval. If the plan commission or board of trustees shall disapprove a preliminary plat pursuant to this section, then the plan commission or board of trustees (as the case may be) shall deliver to the applicant a statement of such disapproval. Such statement shall set forth with particularity the grounds for disapproving the application for preliminary plat. Such statement

shall be furnished to the applicant within the time period for plan commission or board of trustees action as set forth in subsections D and E of this section.

10-2-4 FINAL PLAT

- A. Application. An application for approval of a preliminary plat of subdivision shall be filed with the village, in full compliance with section 10-2-4B and in proper form, at least 30 days before the meeting of the plan commission at which it is to be considered.
- B. Contents of Final Plat. The final plan or plat shall contain the following information for purposes of review by the plan commission and mayor and board of trustees:
 - 1. Owner.
 - 2. Subdivider/developer.
 - 3. Legal description.
 - 4. Location map.
 - 5. Final plat or plan which substantially follows the approved preliminary plat or plan.
 - 6. Detailed engineering documents for sanitary sewer, potable water, storm sewer, surface water detention, flood plain allocation, flood plain treatment, streets, alleys, sidewalks, street lighting, street signs, underground electric, gas, telephone and cable television, schools, parks, playgrounds, public and quasi- public utility sites.
 - 7. Individual lot grading plan and drainage report within the intent of the Plat Act.
 - 8. Payment of the fees and escrow deposits required from time-to-time in any fee ordinance of the village.
 - 9. Copies of all applications to other agencies having jurisdiction over the subdivision.
 - 10. Submission of performance security to secure the satisfactory completion of all public improvements in strict accordance with the description, plans, and specifications submitted by the developer and approved by the village, which performance security shall be in an amount approved by the village engineer and in a form approved by the village attorney.
 - 11. The name of subdivision and the date of preparation of the final plat.
 - 12. The exact locations, widths, and names of all streets within and adjacent to the subject property, and the exact location and widths of all

crosswalks. Street names shall have prior approval of the Fire Marshal and the Postmaster.

13. True angles and distances to the nearest established street lines or official monuments (not fewer than three), all of which shall be accurately located and described in the plat.
14. Municipal, township, county, or section lines accurately tied to the lines of the subdivision by distances and angles.
15. Radii, internal angles, points and curvature, tangent bearings, and lengths of all arcs.
16. All easements for rights-of-way provided for public services or utilities showing the written review of such company regarding the terms of each such easement, and delineation of every overland drainage/paths with appropriate reservation of areas to contain the same. All easements granted for private use shall designate the beneficiaries of such use and the nature thereof.
17. Statements granting necessary easements to the village and to appropriate utility companies for rights-of-way and for public service or utilities, in forms specified by the village.
18. All lot numbers and lines, with accurate dimensions in feet and hundredths.
19. Accurate outlines and legal descriptions of all areas to be dedicated or reserved for public use, with the purpose indicated thereon, and of every area to be reserved by deed covenant for common uses
20. Minimum building setback lines accurately shown with dimensions.
21. Protective covenants, in a form acceptable to the village, if necessary.
22. Certification by a registered surveyor to the effect that the plat represents a survey made by him or her and that the monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct, in a form provided by the village.
23. Notarized certification, by all property owners, and by any mortgage holder on record, of the adoption of the plat and the dedication of streets and other public areas, in a form provided by the village.
24. Signature blocks and certifications, in forms provided by the village, for the following persons:
 - i. Mayor
 - ii. Village clerk

- iii. Village engineer
 - iv. Plan commission chairperson
 - v. County clerk
 - vi. County Highway Department, if necessary
 - vii. Illinois Department of Transportation, if necessary
25. Authorization from the surveyor who prepared the plat to have the village record the plat.
26. Such other information relating to the proposed subdivision as the village, the plan commission, or the board of trustees may reasonably require at any time as a result of special, unusual, unanticipated, or extraordinary conditions or circumstances relating to such subdivision in order to promote the effective analysis or review of the proposed subdivision.
- C. Action by the Plan Commission. The plan commission shall conduct a public meeting to review the final plat in accordance with the Open Meetings Act. Within 15 days after the commencement of the public meeting (or such longer period to which the applicant may agree), the plan commission shall recommend whether the final plat should be approved, approved with modifications or conditions, or disapproved; and shall transmit such recommendation to the board of trustees. The plan commission may recommend approval of a final plat subject to certain conditions or modifications as are deemed necessary in the interests and needs of the community. The failure of the plan commission to act within the time period specified in this subsection, or such further time to which the applicant may agree, shall be deemed to be a recommendation of the plan commission to disapprove the final plat.
- D. Action by Board of Trustees. The board of trustees, within 45 days after receipt of the report of the plan commission, shall disapprove the final plat or shall approve it by ordinance or resolution duly adopted. Any approval of a final plat may be subject to certain conditions or modifications as are deemed necessary in the interests and needs of the community. If the board of trustees disapproves the final plat, then the village shall notify the applicant in writing of the reasons stated for such disapproval. The failure of the board of trustees to act within the time period specified in this subsection, or such further time to which the applicant may agree, shall be deemed to be a decision of the board of trustees disapproving the final plat. Approval of a final plat shall not entitle the applicant to any other approval or issuance of any permit until after all of the standards and procedures for such other approval or issuance of a permit have been satisfied, and such approval shall be subject in any event to the requirements of this section.
- E. Final Engineering Plans and Development Agreement Required.
- 1. Except as specifically provided otherwise by the board of trustees, no final plat of subdivision shall be approved by the board of trustees until

after the final engineering plans for the subdivision have been approved in accordance with the provisions of this title.

2. Except as specifically provided otherwise by the board of trustees, no final plat of subdivision for which public improvements are required shall be deemed approved by the board of trustees for purposes of recording until after the applicant has entered into a development or annexation agreement with the village, as the case may be, in form and substance acceptable to the village and otherwise in accordance with the provisions of this title.
- F. Recordation. After approval of a final plat of subdivision or resubdivision by the board of trustees, the applicant shall file with the village two original reproducible versions of the approved plat bearing all appropriate signatures and in proper form for recording by the village with the respective county recorder of deeds. The applicant shall pay, at the time of filing of the reproducible version of the plat, all costs and fees associated with the recording of the plat. After receipt of such payment, the village shall cause such plat to be recorded. The recorded plat shall remain permanently on file with the village.

CHAPTER 3

REQUIRED IMPROVEMENTS

10-3-1 SUBMISSION FOR REVIEW AND APPROVAL

All improvements involved in the development of the subject land tract shall be submitted to the village in detail and design for review and approval of the village engineer. The detailed documents shall take into account the existing, proposed facilities of the village, the conformance with the standards and regulations of the Illinois environmental protection agency, Illinois division of highways and such other commission authority, agency or government having jurisdiction over any phase of the development project.

10-3-2 STORM SEWER; SURFACE WATER DETENTION AND RETENTION

- A. Storm Water Drainage System: A storm water drainage system shall be utilized throughout all subdivisions or developments within the municipality. A system of storm sewer pipes, drainage ditches, swales, detention and retention basins in combination shall constitute the storm drainage system.
- B. Design Period:
 1. The design period for the system of storm sewer pipes shall be based upon a 10-year frequency with the runoff coefficients determined by the existing and proposed conditions.
 2. Drain lines, swales and drainage ditches shall be designed for a return frequency of fifty (50) years with a runoff coefficient determined by the existing and proposed conditions and flood hazard areas.

3. Creeks, rivers and detention/retention basins shall be designed on a return frequency of one hundred (100) years with a runoff coefficient determined by the existing and proposed conditions.
- C. Surface Water Runoff: Runoff of surface water from tract or parcel would be limited to a minimum of one-twentieth ($\frac{1}{20}$) of one inch (1") per hour of runoff per acre of land or fraction thereof. Detention basins or equivalent shall be provided by the subdivision and/or development to accomplish the limit of surface water runoff as hereinbefore set forth. Where waterways, channels, ditches, streams or rivers are traversed, the design of these facilities shall be as indicated hereinabove. Due cognizance shall be taken to the effort of development of any land tract to downstream owners and surrounding areas affected by rainfall and surface water runoff in flood hazard areas, flood hazard mapping in conjunction with federal flood insurance and suitability of land for development purposes are encompassed in the requirements of this title.

10-3-3 STREETS

- A. Street Pavement: The street pavement shall be designated by the structural numbers as hereinafter set forth, as established by IDOT:

<u>Street Or Road</u>		<u>Minimum</u>
Minor connecting roads	D _t	2.76
Major connecting roads	D _t	3.15
Business and commercial streets	D _t	3.56
Industrial streets	D _t	3.96

- B. Base And Surface Course: Such material shall be utilized to the structural number as specified for the type of street specified in subsection C of this section. In every case, the minimum improvement cross section shall be twelve inches (12") of aggregate base course type B C A6 with a three inch (3") class I bituminous concrete surface course.
- C. Structural Numbers: Structural numbers shall be determined from IDOT's most recent "Manual Of Instructions For The Structural Design Of Bituminous Pavements Involving MFT, FAS, FAUS And TOPICS Funds" or its equivalent and the most version of the "Manual For The Structural Design Of Portland Cement Covered Pavements In Illinois" or its equivalent.

- D. Pavement Widths: The following pavement widths shall prevail by use and/or zoning classifications:

	<u>R-1 And E-1</u>	<u>R-2,3,4,5</u>	<u>B-1,2,3</u>	<u>Industrial Park</u>
Minor connecting street	20 foot pavement with 4 foot shoulder and drainage swale	28 foot pavement curb and gutter and storm water		
Major connecting street	24 foot pavement with 6 foot shoulder and drainage swale	30 foot pavement curb and gutter and storm sewer		
Business, commercial streets			42 foot	
Industrial streets				32 foot curb and gutter and storm sewer and no on street parking

- E. Curb and Gutter: Curb and gutter shall be Portland cement concrete in accordance with the detail of the standards of the village and shall be constructed outside of the pavement line in all zoning classifications except R-1 and E-1.
- F. Sidewalks: The minimum four inch (4") thick, five foot (5') wide Portland cement concrete sidewalk shall be utilized in all zoning classifications except R-1 and E-1.
- G. Street Lighting: Street lighting shall be in accordance with the standards of the village on file with the village clerk.
- H. Traffic Signalization: Builders, developers or other persons as required by ordinance, statute, or agreement with the village to install traffic light signalization shall include optical preemption with the following specifications:
1. Activation on a rate of ten (10) flashes per second.
 2. Phases (direction of activation) to be determined at time of installation as specified by village.
 3. Verification beacon to indicate light capture.

10-3-4 GRADING

Grading plan for each lot and area shall be submitted for review and approval by the

village engineer. Grading shall include the existing topography, establishment of lot and area grades and building elevations which are consistent with the existing ground line, surrounding properties and affected public properties. It is the purpose of the grading plan to develop a plan which does not adversely affect the surrounding properties and provides an individual lot or grading which makes ample provision for surface water drainage between individual lots and areas. Standards of such grading and establishment of elevations shall be as approved by the village engineer.

10-3-5 LAND DEVELOPMENT CONSIDERATIONS

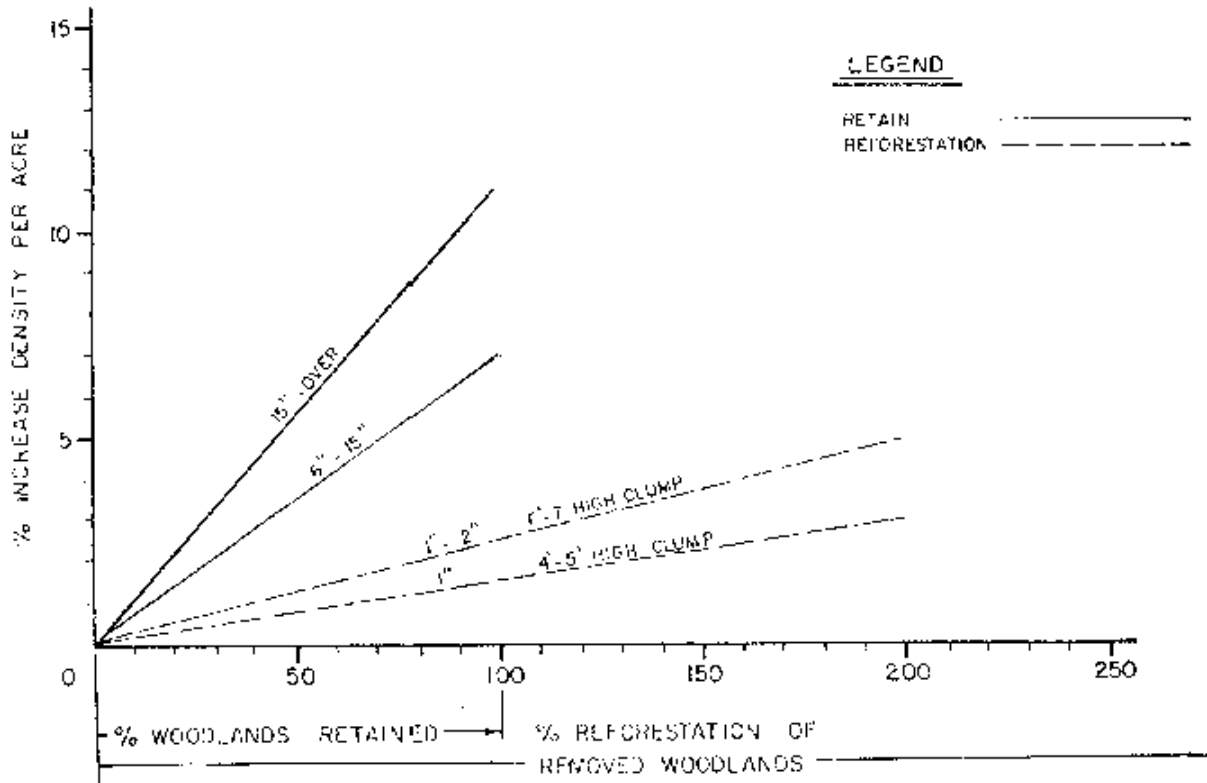
A. Drainage Ways:

1. Drainage ways shall be considered as all natural or manmade lakes, rivers, canals, streams, ditches, swales and the like which carry a flow of water continually or intermittently.
2. Drainage ways and the area on either side of the centerline of said drainage way shall be preserved within the limits of the floodway or one hundred (100) year flood as determined by appropriate date of record.
3. Drainage ways are to remain in natural state, or may be altered or relocated upon a showing of necessity if they comply with the requirements of the village, Illinois Department of Transportation Division of Water Resources, U.S. Department of Army Engineers and all other applicable Federal, State or local permits or ordinances.

B. Woodlands:

1. A dense aggregate of trees, shrubs, brush and vegetation shall be classified as a woodland.
2. Within the woodland, a further subdivision of trees and shrubs will be made as follows:
 - a. Trees or shrubs with diameter of zero to six inches (0" - 6") will be classed as shrubs.
 - b. Trees will be woody perennial plants over six inches (6") and further designated as trees six inches to fifteen inches (6" - 15") and trees fifteen inches (15") and over.
3. Preservation of the various classifications of the trees and shrubs, as well as reforestation will accrue additional density allocations on the remaining land based on a variable ratio dependent on tree and shrub sizes.

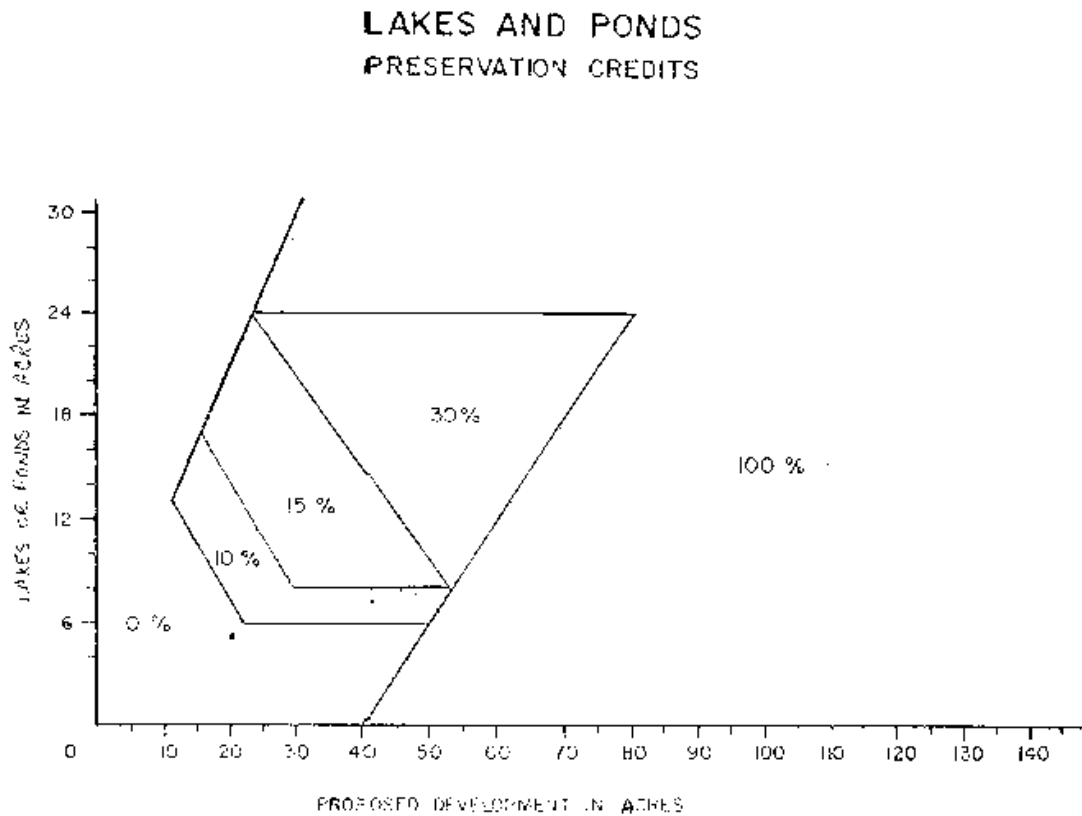
WOODLANDS PRESERVATION CREDITS



C. Wetlands:

1. Any contemplated improvement or alteration or secondary use of a wetland shall comply with federal and state laws and regulations.
2. The village will support the preservation of any wetland that has significant flora, fauna or flood mitigating characteristics or has the potential to be improved to such uses.
3. Wetlands that are of a backwater or intermittent category or an isolated or segmented portion of a larger area may be considered as a category other than in subsection C2 of this section.
4. If the significance of the wetland is not mutually agreed upon by the village and other parties, the village may use its resource to determine the significance of the wetland at the expense of those who are requesting the alteration of the wetlands.

5. Any action by the village does not abrogate the requirement for complying with all federal, state and county regulations or permits where applicable.
- D. Floodplains: The village will utilize its floodplain regulations, the FEMA flood insurance requirements, the department of the army corps of engineers and the Illinois department of transportation division of water resources, permit procedures or any other federal, state, county or regional material, to adequately regulate the areas in floodway, floodplain or flood hazard zones.
 - E. Prime Agricultural Land: The village recognizes the desirability of preserving prime agricultural land as appropriate.
 - F. Wildlife Management: For every acre or fraction thereof, land converted to a practical, manageable protection and unencroachable wildlife habitat, the remaining land may have the allowable per acre density increased by five percent (5%).
 - G. Lakes and Ponds:
 1. Natural lakes and ponds will remain with their existing configuration unless data is provided showing any proposed alterations of shoreline, area or depth enhances the lake or pond. Any proposed alterations must be able to secure and comply with all applicable Federal, State and Municipal permits and regulations.
 2. Lakes and ponds solely within a single ownership shall, upon development of the adjacent land, provide a certain percentage of the surface area and shoreline for common use by the adjacent property owners as well as the general residents of Island Lake.
 3. The village reserves the option to secure, with adequate compensation, any lake or pond for use and benefit of the residents of Island Lake.
 4. Figure I is to be used as a guideline to determine the ratio of public/private utilization.



H. Aquifer Recharge Areas:

1. Acceptable methods or sources of aquifer recharge would be by means of: pits; wells; irrigation; increasing the wetted area; overland flooding; contouring.
2. At the present time within the corporate limits and jurisdictional limits of Island Lake, there are sufficient major rivers, streams, lakes and ponds, marshes and drainage systems that there will be no requirement for developers to provide recharge areas. However, should a property have a significant unusual feature that lends itself to a classic application of a recharge method, the village will show interest in the utilization of the feature for a recharge facility.

10-3-6 PERFORMANCE SECURITY

- A. General Requirement. The applicant shall submit to the village security for the public and other improvements required for the new subdivision in accordance with the requirements of this section.

- B. Amount of Performance Security. Prior to the issuance of any building permit or commencement of any construction on the property, the applicant shall deliver to the village performance security, in a form approved by the village attorney and issued by a financial institution acceptable to the village, in the amount of 110% of (1) the village engineer's estimate of the costs for constructing and installing all of the public and other required improvements or (2) the actual cost as shown by all contracts for construction and installation of all of the public and other required improvements, whichever is greater. The performance security shall be for the purpose of insuring the construction of all of the public and other required improvements in accordance with the final engineering plans and all applicable requirements of law.
- C. Terms of Performance Security. The performance security shall remain in effect at all times until all of the public and other required improvements have been approved by the village engineer and the public improvements have been accepted by the village pursuant to section 10-3-8. If the public and other required improvements have not been completed and accepted or approved by the village 30 days prior to the date on which the security by its terms is to expire, then the applicant shall deliver on or before such date replacement security which by its terms shall extend through the date the public and other required improvements are accepted or approved by the village. If the applicant fails to so deliver such security, then the village shall have the right at such time, without prior notice to applicant, to draw down the full amount of the existing security.
- D. Draw on Performance Security. If the applicant fails or refuses to complete the construction of any of the public or other required improvements covered by the performance security, or fails to correct any defect or deficiency in such improvements upon request by the village, or fails to increase the security upon the village's request, or in any other manner fails or refuses to meet fully the obligations under the performance security, or the applicable development agreement, then the village may, in its sole and absolute discretion, draw on or retain all or any part of the performance security.
- E. Partial Reduction or Increase of Performance Security. The applicant may make a written request to the village engineer to partially reduce the amount of the approved performance security. The village engineer shall be authorized, in his or her sole discretion, to approve a partial reduction in the amount of the performance security, provided that the public and other required improvements for which the reduction is sought have been completed, inspected, and approved by the village engineer. In no event shall the amount of the performance security be reduced to a level that (i) would not allow the village to complete the installation of the public and other improvements required for the subdivision, in the sole and absolute opinion of the village engineer or (ii) is less than the guaranty security required by section 10-3-9. In the event that the village determines that the performance security is not sufficient to cover the costs of the remaining public improvements, the applicant shall be required to increase the amount of the performance security in an amount determined by the village to secure the remaining public improvements.
- F. Release of Performance Security. Following the village engineer's certification that all public and other required improvements included in the security have

been completed to the satisfaction of the village engineer, and the village's acceptance of all public improvements in accordance with all requirements of section 10-3-8 including without limitation the delivery of satisfactory guaranty security or all public improvements, the village shall release the security.

10-3-7 INSPECTION OF WORK

The public and other required improvements shall not be deemed completed until the village engineer, or the village's appointed inspector, has inspected the public and other required improvements, determined that the approved engineering plans have been satisfactorily implemented, and has issued a written declaration of completion to the applicant. Upon written request from the applicant, and promptly thereafter, at a time mutually agreeable to applicant and the village engineer or its appointed inspector, the village engineer or its appointed inspector shall inspect the public and other required improvements and report its findings as to acceptability and completeness to applicant. The village engineer shall prepare a punch list of items, if any, to be performed or corrected and shall fix a time within which applicant shall perform or correct the items listed thereon. Following applicant's performance or correction of the said items, the village engineer or its appointed inspector shall make another review of the public and other required improvements, and either issue a written declaration declaring the public and other required improvements to be complete or present another punch list to the applicant.

10-3-8 DEDICATION AND ACCEPTANCE OF THE IMPROVEMENTS

The acceptance of the public improvements shall be made only by the adoption of a resolution by the board of trustees of the village after there has been filed with the village a certification by the village engineer stating that (i) the public and other required improvements have been completed and the public improvements are in all respects in satisfactory condition for acceptance, (ii) two sets of "as-built" plans of the public improvements constructed have been received, (iii) satisfactory guaranty security for the public improvements has been delivered to the village in accordance with this title; and (iv) all surveying monuments have been placed and after the applicant has paid to the village all monies due and owing by the applicant to the village. Further, the village shall have no obligation to accept the public improvements if the applicant has failed in any respect to comply strictly with this title. Prior to acceptance of the public improvements, the applicant shall, at applicant's own cost and expense, remove, discharge, or otherwise dispose of any and all liens and other encumbrances on the public improvements. The applicant shall convey and transfer title to the public improvements by bill of sale to the village. The applicant shall deliver such documents to the village, together with any other documents deemed necessary by the village, including, without limitation, non-exclusive easements on, over, and across the property to enable the village to access the public improvements. All such documents shall be acceptable to the village in form and substance.

10-3-9 GUARANTY SECURITY

The applicant shall provide to the village guaranty security, in an amount equal to ten percent (10%) of the actual cost of construction of all the public improvements, the form and substance of which shall be acceptable to the village. The guarantee security shall insure the village against any defects in the work performed and materials used in the

construction of the public improvements for two years after the village's acceptance of the public improvements. Such security, as approved by the village, shall be delivered to the village prior to acceptance of the public improvements.

10-3-10 DEDICATIONS AND IMPACT FEES

A. Schools:

1. As a condition of approval of any final plat of subdivision or planned unit development, the dedication of land and facilities for school purposes shall be required, or at the election of the village in lieu thereof, an equivalent cash contribution as determined by the village to be an equitable payment shall be required.
2. Where a contribution in lieu of land and facilities is to be provided, the following criteria shall be followed:
 - a. The owner/developer by written agreement as a covenant running with the land shall pay the village an amount as set forth in the annual fee ordinance contained in section 1-16-3 of this code.
 - b. Payment shall be made by check payable directly to the school district which will be forwarded by the village to the school district in which the subject property is located. If the property is located in more than one district, the funds shall be divided between said districts as they may agree upon and direct the developer in writing. No payments shall be made hereunder to any school district until such time as each district, otherwise eligible to receive any fees provided for herein, has executed an agreement indemnifying the village with respect to any liabilities that may arise from the application, validity or enforcement of this subsection.
3. In any annexation agreement, the village of Island Lake shall seek to obtain from the owner of the property to be annexed fees in the amount set forth in the annual fee ordinance contained in section 1-16-3 of this code for each housing unit built upon the property to be annexed, which amount shall be paid over to the school districts in which the property is located to compensate the districts for the costs of educating students expected to be attending districts' schools while living in the homes to be built on the annexed property. Such fees shall be collected from the owner at the time that occupancy permits are issued and can be used by the districts for all purposes served by the districts' operating funds.

No fees shall be delivered to the districts pursuant to this subsection A3 unless the districts agree to and are bound to protect, defend, indemnify and save the village and its officials, employees and agents harmless from and against any and all loss, damage, cost, claim, expense or liability, including attorney fees, incurred in, in defense of, or in connection with the payment, receipt, refund or expenditure of said fees or the

existence or application of this subsection A3, including any future amendments. Any fees not held by the districts shall be held by the village in a segregated fund specifically dedicated for school purposes.

- B. **Park Lands And Open Spaces:** As a condition of approval of any final plat of subdivision or planned unit development relating to lands within the corporate limits of the village, each subdivider or developer will be required to dedicate land for park, open space and recreational purposes to serve the immediate and future needs of the residents of the development, or cash contributions in lieu of actual land dedication, or a combination of both, at the option of the village, in accordance with the following provisions:
1. Where land donation is made, the subdivider or developer shall provide a valid, current (within 6 months) ALTA land survey of the property being dedicated with a current title commitment from a title company acceptable to the village in the amount of the value of the land showing no liens, encumbrances, easements, covenants or other restrictions of record on the subject property, or if any, such as are acceptable to the village. Unless otherwise agreed upon by the village, the site shall be suitable for active recreation, graded, seeded and landscaped in a manner deemed appropriate by the village for the site.
 2. The cash contribution shall be in the amount set forth in the annual fee ordinance contained in section 1-16-3 of this code for each dwelling unit to enable the village to acquire, maintain, preserve and enhance park lands and open spaces in the village. The number of dwelling units will be computed based on the maximum number of units that can be constructed on any particular lot or parcel of land.
- C. **Libraries:**
1. As a condition of approval of an annexation agreement, the dedication of land and facilities for library purposes shall be required or in lieu thereof an equivalent cash contribution, as determined by the village to be an equitable payment, shall be made.
 2. Where a contribution in lieu of land and facilities is to be paid, the amount set forth in the annual fee ordinance contained in section 1-16-3 of this code shall be paid.
- D. **Municipal Impact Fees:** As a condition of approval of an annexation agreement, the owner and/or developer will pay to the village the amount set forth in the annual fee ordinance contained in section 1-16-3 of this code. The impact fees are designed to encompass the additional expenses incurred by the village as a result of new development, said expenses including, but not limited to, the following areas: police, fire, drainage improvements, waste disposal, road infrastructure and emergency preparedness measures and facilities. The fees shall be computed based on the maximum number of units that can be constructed on any lot or parcel.

- E. Lake Management: As a condition of approval of an annexation agreement, the owner and/or developer will pay to the village a lake management fee in the amount set forth in the annual fee ordinance contained in section 1-16-3 of this code. The impact fees are designed for the preservation and maintenance of the village's namesake. The fees shall be computed based on the maximum number of units that can be constructed on any lot or parcel.
- F. When Fees Are Payable: When fees are payable to the village in lieu of a dedication of land pursuant to the provisions of subsections A through C of this section, the fees shall be payable to the village at the time a building permit is applied for, for any lot or tract of land within the subdivision. Unless otherwise agreed upon in writing by the village, the amount of the fees payable shall be the amount required by the village ordinance currently in force at the time the application for any building permit is made. The village board may, by written agreement with the owner/developer, accept payment of impact fees at the time the subdivision plat is approved, and with respect to those fees which are based on the number of bedrooms or type of dwelling constructed, the parties may agree on estimated fees for the development which, when paid, shall release the owner/developer from any further obligation with respect to such fees.

Dedication of land or facilities shall be accomplished at the time of the plat approval unless otherwise specifically agreed in writing by the village.

CHAPTER 4

ANNEXATION FEES

10-4-1 ANNEXATION FEES

- A. All properties hereinafter annexed to the village shall be required to pay to the village an annexation fee in the amount set forth in the annual fee ordinance contained in section 1-16-3 of this code.
- B. Lands annexed under a pre-annexation agreement or as a phased planned unit development, shall be assessed only on the basis of the acreage contained in the first phase of development, with successive payments being due upon approval of each subsequent phase by the village board.

CHAPTER 5

ENVIRONMENTAL AUDIT

10-5-1 ENVIRONMENTAL AUDIT FOR ANNEXATIONS

Prior to the annexation of any property to the village, the village may require that a phase one environmental audit be performed on the property involved, at the expense of the owner or petitioner. A report of the audit must be filed with the village clerk and village engineer. The audit and report shall be prepared by an environmental engineer or other qualified person(s) subject to approval by the village engineer. The report prepared pursuant to the audit shall contain, at a minimum, the following information:

- A. Site owner.
- B. Site location (address, city, county, state).
- C. United States geological survey quad map.
- D. Site acreage.
- E. Summary description of current usage.
- F. Site description and use characterization (including site plan):
 - 1. Building and site layout.
 - 2. Utilities.
 - 3. Presences of electrical transformers/capacitors.
 - 4. Easement locations.
 - 5. Fence locations.
 - 6. Topography and slope.
 - 7. Hydrogeology characteristics (depth and flow direction of ground water).
 - 8. Existence of wetlands.
 - 9. Presence of surface water (streams, rivers, ponds).
 - 10. Water/wastewater information:
 - a. Catch basin/septic tank/leaching field/sanitary sewer/process wastewater sewers.
 - b. Underground and aboveground storage tanks.
 - c. Lagoons, pits, disposal areas, subsurface drainage lines, ditches.
 - d. Evidence of possible presence of asbestos and other hazardous materials (usually limited to readily observable physical conditions).
 - e. Current use (products made, processes used, materials employed, wastes generated).
- G. Comments on waste management practices:

1. Housekeeping (interior and exterior).
 2. Discoloration of soil, water, vegetation, unusual odors.
- H. Site history:
1. Previous uses (dates, other relevant information).
 2. Current and former uses of property within x feet of site.
- I. List of sensitive receptors in site vicinity:
1. Wells potable drinking water supplies within x feet.
 2. Residences within x feet.
 3. Major wetlands/surface bodies of water within x feet.
 4. Other sensitive receptors within x feet.
- J. Selected regulatory issues:
1. Environmental permits required for compliance/noncompliance.
 2. Regulatory agencies with jurisdiction over site.
- K. References and sources:
1. Persons performing site investigation.
 2. Persons interviewed.
 3. Documents reviewed.
- L. Summary of findings/recommendations.

