

HENRY COUNTY
SUBDIVISION ORDINANCE
APRIL, 1996

This ordinance is modeled after the Illinois
Quad Cities Subdivision Ordinance prepared by:

Henry County Zoning/Building Department and
Bi-State Metropolitan Planning Commission
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SUBDIVISION ORDINANCE

County of Henry

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SUBDIVISION ORDINANCE

Be it ordained by the County Board of Henry County, Illinois;

Article I

GENERAL PROVISIONS

Section 1-1. Purpose

In accordance with 765 ILCS 205 Plats Act and 55 ILCS 5/5-1041 Maps, Plats and Subdivision, this ordinance regulates the subdivision and development of land in order to implement the Henry County Comprehensive Plan and assists in achieving the following specific objectives:

- (A) to preserve, protect, and promote the public health, safety, and welfare;
- (B) to provide a pleasant living environment by furthering the orderly layout and use of land, and to create an environment conducive to the productive development of the City;
- (C) to avoid legal and other problems by requiring that subdivided land be properly monumented and recorded;
- (D) to conserve and increase the value of land, improvements and buildings;
- (E) to preserve the natural beauty and topography to the maximum feasible extent;
- (F) to provide adequate light, air and privacy for all residents of new developments by preventing undue concentration of population;
- (G) to protect against injury or damage caused by fire, population, flooding, storm water runoff, or erosion and sedimentation;
- (H) to provide safe and convenient access to new development and to avoid traffic congestion by requiring the proper location, design and construction of streets and sidewalks;
- (I) to reduce the cost of installing and maintaining adequate water mains, sanitary sewers, storm water sewers and other utilities and services; and
- (J) to ensure that adequate parks, schools and similar facilities can be made available to serve the residents of new developments;
- (K) provide for the acceptance of lands for public rights-of-way.

SECTION 1-2. JURISDICTION

This ordinance shall be applicable within the unincorporated limits of the County of Henry.

SECTION 1-3. INTERPRETATION

Every provision of this ordinance shall be construed liberally to achieve the proposes outlined in Section 1-1.

SEC. 1-3.1 MORE RESTRICTIVE REQUIREMENTS APPLY:

Whenever the requirements of this ordinance differ from those of any statute, lawfully adopted ordinance or regulation, easement, covenant, or deed restriction, the more stringent requirement shall prevail. Subdivider/developer shall provide municipality located within 1.5 miles of proposed subdivision copies of preliminary plat for review and comment. Said municipality with comprehensive plan and subdivision ordinance may require, upon written request to Planning Committee, that subdivision be developed in accordance with more stringent standards of either county or municipal subdivision ordinance providing municipality comprehensive plan has identified subject property for future annexation. In such cases both the municipality and County shall approve preliminary and final subdivision plats.

This ordinance is not intended to abrogate any easement, covenant, deed restriction, or any other private agreement or restriction; provided, that, where the provisions of this ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, deed restriction, or other private agreement or restriction, the provisions of this ordinance shall govern. Where the provisions of the easement, covenant, deed restriction, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of this ordinance or the determinations of the County in approving a subdivision or in enforcing this ordinance, and such private provisions are not consistent with this ordinance or determinations thereunder, then such private provisions shall be operative and supplemental to this ordinance and determinations made thereunder. The County does not purport to enforce any such private provisions not reflected on the plat and its supporting documents and unless there is

expressed in the nature of this document and the approval process an intent to give the County enforcement rights over same.

SECTION 1-4. DISCLAIMER OF LIABILITY

- (A) Except as may be provided otherwise by statute or ordinance, no officer, board member, agent or employee of Henry 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 this ordinance. (See “Local Governmental and Governmental Employees Tort Immunity Act”).
- (B) Any suite brought against any officer, board member, agent, or employee of Henry County as a result of any act required or permitted in the discharge of his duties under this ordinance, shall be defended by the State’s Attorney until the final determination of the legal proceedings.

SECTION 1-5. VARIANCES

When the subdivider can show that a provision of this ordinance, if strictly adhered to, would cause unnecessary hardship and when, in the opinion of the County Planning Committee, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provision, the County Planning Committee may recommend a variance or modification to the County Board. The subdivider shall apply in writing for such variance or modification of the action. Any variance or modification plus authorized, shall be attached to and made a part of the final plat.

Article II

DEFINITIONS

Section 2-1. CONSTRUCTION OF TERMS

In construing the intended meaning of terminology used in this ordinance, the following rules shall be observed:

- (A) Unless the context clearly indicates otherwise, words and phrases shall have the meanings respectively ascribed to them in Section 202; terms not defined in Section 2.2 shall have the meanings respectively ascribed to them in the Zoning Ordinance of Henry County; if any term is not defined either in Section 2.2 or in the Zoning Ordinance, said term shall have its standard English dictionary meaning.
- (B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.
- (C) Words used in the present tense shall include the future tense.
- (D) Words used in the singular number shall include the plural number, and the plural the singular.
- (E) The word “shall” is mandatory; the word “may” is discretionary.
- (F) Captions (i.e., titles of sections, subsections, etc.) are intended merely to facilitate general reference and in no way limit the substantive application of the provisions set forth thereunder.
- (G) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.
- (H) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

SECTION 2-2. SELECTED DEFINITIONS

Administrator: The official appointed to administer this Land Subdivision Ordinance shall be the Zoning/Building Administrator.

Alley: A public right-of-way which affords a secondary means of vehicular access to the side or rear of premises that front on a nearby street.

Amendment: A change in the provisions of this ordinance, properly effected 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/reserved for street and alley rights-of-way and for public uses.

Block: An area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway or way) or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways or corporate boundary lines.

Centerline Offset: The distance between the centerlines of two roughly parallel streets, measured along the third street with which both said “parallel” streets intersect.

Comprehensive Plan: The plan or any portion thereof adopted by the County Board to guide and coordinate the physical and economic development of the plans and programs regarding the location, character, and extent of highways, bridges, public buildings or uses, utilities, schools, residential, commercial or industrial land uses, parks, drainage facilities, etc.

County Engineer: Henry County Highway Department Engineer as appointed by County Board.

Cross-slope: The degree of inclination measured across a right-of-way rather than in the direction traffic moved on said right-of-way.

Cul-de-Sac: A 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 said turn-around.

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.

Dedicate: To transfer the ownership of a right-of-way, parcel of land, or improvement to Henry County or other public entity without compensation.

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 unincorporated Henry County wherein certain uniform requirements or various combinations thereof apply to structures, lots and uses under the terms of the Zoning Ordinance.

Easement: A right to use a portion of another person's real property for certain limited purposes.

Erosion: The wearing away of the land surface by the action of wind, water or gravity.

Escrow Deposit: A deposit in cash or other approved securities to assure the completion of improvements within a subdivision.

Frontage Road: A minor street fronting on an arterial street or highway (usually a limited access highway), used for access to abutting lots.

Grade: The degree of inclination of the site or right-of-way, expressed as a percentage. Synonym for "slope".

Improvements: Any street, curb and gutter, sidewalk, drainage ditch, sewer, catch basin, newly-planted tree, off-street parking area, or other facility necessary for the general use of property owners in a subdivision.

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

Intersection: The point at which two or more public right-of-ways (generally streets) meet.

Local Street: A street serving limited amounts of residential traffic, and used for access to abutting property.

Lot: A tract of land intended as a unit for the purpose (whether immediate or future) of development or transfer of ownership. A "lot" may or may not coincide with a "lot of record".

Lot, Corner: A lot having at least two (2) adjacent sides that abut for their full length upon streets.

Lot, Through: A lot having a pair of approximately parallel lot lines that abut two (2) approximately parallel streets. Both such lot lines shall be deemed front lot lines.

Lot Area: The area of a horizontal plan 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 subdivision recorded with the Recorder of Deeds of Henry County, Illinois in accordance with state law.

Maintenance Bond: A surety bond, posted by the developer and approved by the County Board, guaranteeing the satisfactory condition of installed improvements for the two-year period following completion and acceptance of improvements.

Marginal Access Street: A local dead end street providing access to ten or fewer dwelling units.

Minor Arterial Street: A street which carries or is proposed to carry intermediate volumes of traffic from local streets to arterial streets and which may or may not be continuous.

Official Map: The official map may show indication of sites for planned public facilities. Public facility sites which may be indicated on the official map may include but are not limited to: Sites for new traffic ways or widening of existing traffic ways; school sites; public building sites; and sites for future storm drainage, electrical or other public service or utility easements.

Performance Bond: A surety bond posted by the developer and approved by the County Board, guaranteeing the installation of required improvements within two year period following final plat approval.

Planning Committee: Henry County Planning Committee as appointed by County Board.

Plat, Dedication: A plat required for the dedication to governmental agency with jurisdiction of all right-of-way easements, and public improvements outside of a subdivision plat or within a special use classification.

Plat, Final: The subdivider's plan and supporting documentation of the subdivision which, if approved, may be filed with the Henry County Recorder of Deeds.

Plat, Preliminary: Preliminary engineering maps, drawings and supportive material indicating the proposed layout of a subdivision.

Pre-Filing Conference: A conference held between the developer and appropriate staff prior to submission of a preliminary or final plat.

Principal Arterial Street: A street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route with intersections at grade, and on which traffic control devices are used to expedite the safe movement of through traffic.

Reserve: To set aside a parcel of land in anticipation of its acquisition by Henry County (or other government entity) for public purposes.

Right-of-Way, Public: A strip of land which the owner/subdivider has dedicated to Henry County or other unit of government for streets, alleys, and other public improvements.

Sediment: Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

Setback, Front: The horizontal distance between the street right-of-way line and the building line. Minimum setback requirements are set forth in the Zoning Ordinance.

Sewerage System, Private: 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 this ordinance.

Soil: All unconsolidated mineral and organic material of whatever origin that overlies bedrock which can be readily excavated.

Stop Order: An order used by the Administrator to halt work-in-progress that is in violation of this ordinance.

Street: A public or private way for motor vehicle travel. The term “street” includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or 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, firm, partnership, association, corporation, estate or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision as defined in this Article.

Subdivision: Any division of land into two or more lots, any of which is less than five acres, or any transfer involving an easement of ingress or egress, except as set forth in the Plats Act, Illinois Revised Statutes, Chapter 109, Section 1.

Subdivision, Minor: A division of land into two (2) but not more than three (3) 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.

Utility: A business or service which is engaged in regularly supplying the public with some commodity or service which is of consequence and need and which has a duty to serve without discrimination all within its service area. A utility can be publicly or privately owned and includes, without limitation, the following services or commodities:

1. electricity;
2. gas, oil or steam;
3. water;
4. sanitary sewerage;
5. storm sewerage;
6. telephone or telegraph;
7. cable television and other communication lines;
8. transportation lines, such as fixed rail, but only if expressly stated.

Vacate: To terminate the legal existence of right-of-way or subdivision or portion thereof, and to so note on the final plat recorded with the Henry County Recorder of Deeds (765 ILCS 205 Plat Act).

Variance, Subdivision: A relaxation in the strict application of the design and improvement standards set forth in this ordinance.

Zoning/Building Department: Office of Henry County Zoning/Building Department with Zoning/Building Administrator appointed by and acting as County Board representative to receive, review and present plats to Planning Committee and County Board, also known as Department.

Article III

DESIGN AND IMPROVEMENT STANDARDS

SECTION 3-1. APPLICABILITY OF ARTICLE

No land within the subdivision jurisdiction of Henry County other than land that is specifically exempted from the requirements of the Illinois Plats Act (765 ILCS 205 Plats Act 205-1 b.) shall be subdivided or developed except in compliance with the regulations of this Article and the applicable provisions of State law. No lot in any subdivision shall be conveyed until:

- (A) the final plat of said subdivision has been approved by the Henry County Board or duly authorized representative and recorded in the office of the Henry County Recorder of Deeds; and
- (B) the portion of said subdivision in which the lot is located has been improved in accordance with the requirements of this Article or until a performance bond or other security has been posted to assure the completion of such improvements, if applicable.

A building permit shall not be valid for any lot conveyed in violation of this section.

SECTION 3-2. SUITABILITY FOR SUBDIVISION GENERALLY

Land that is unsuitable for development due to flooding, poor drainage, rough topography, adverse soil conditions, or other features which will be harmful to the health, safety and general welfare of the inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless the subdivider/developer formulates adequate plans/methods to solve the problems caused by the adverse land conditions.

SECTION 3-3. LOT REQUIREMENTS

All lots in a subdivision shall conform to the minimum lot area and dimensions requirements for the zoning district in which said subdivision is located; land that is under water or proposed for street improvements shall not be counted to satisfy these minimum requirements. Every corner and through lot shall be large enough to permit compliance with the district's front setback requirements on every side of the lot that faces a street. All lot

remnants shall be added to adjacent lots to avoid the creation of unbuildable parcels.

Sec. 3-3.1 ACCESS AND RELATIONSHIP TO STREET:

Land should be subdivided in such a way that each lot abuts a street, flag lots may be permitted by variance. All side lot lines shall be at right angles to straight street right-of-way lines or radial to curved street right-of-way lines except where a deviation from this rule will provide a better street and lot design.

SECTION 3-4. PERMANENT REFERENCE MONUMENTS

Sec. 3-4.1 MATERIALS, SIZE AND LOCATION

- (A) Concrete cylinders or rectangular prisms, not less than four (4) inches in diameter or square and forty-two (42) inches long, shall be set at extreme corners of subdivisions.
- (B) Steel pins, not less than one-half (1/2) of an inch in diameter and thirty (30) inches long, with a survey marker cap showing the land surveyor's registration number, shall be set at locations in accordance with the Plat Act.

Sec. 3-4.2 RESETTING MONUMENTS

Any monuments disturbed by construction or grading shall be reset by licensed land surveyor.

SECTION 3-5. GENERAL DESIGN REQUIREMENTS

Sec. 3-5.1 STREETS (which shall include roads and highways)

A subdivider, after having obtained a surety bond as required shall install all required street improvements within two years of acceptance of the final plat. All street improvements shall be constructed according to the provisions of this section.

Sec. 3-5.2 The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned street topographical conditions, to public convenience and safety, and in their

appropriate relation to the proposed uses of the land to be served by such streets. Classification of county collector roads or streets and township roads, or streets, urban or rural design shall be determined by the County Engineer.

Sec. 3-5.3 The arrangement of streets in a subdivision shall either:

- A. Provide for the continuation or appropriate projection of existing and proposed major highways and collector streets in surrounding area; or
- B. Solve a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

Sec. 3-5.4 Minor streets shall be so laid out that their use by through traffic will be discouraged.

Sec. 3-5.5 Where a subdivision abuts or contains an existing proposed expressway (limited access), the County Engineer may require marginal access streets.

Sec. 3-5.6 Where a subdivision borders on or contains a railroad right-of-way limited access highway right-of-way, the County Engineer may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate district. Such distances shall also be determined with due regard for requirements of approach grades and future grade separations.

Sec. 3-5.7 Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the County Board under conditions approved by it.

Sec. 3-5.8 Street jogs with centerline offsets of less than one hundred twenty-five shall not be approved.

Sec. 3-5.9 A tangent at least two hundred (200) feet long shall be introduced between reverse curves on major highways and collector streets. A tangent at least one hundred (100) feet long shall be used on local streets and roads.

Sec. 3-5.10 Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty degrees.

Sec. 3-5.11 Property lines at street intersections shall be rounded with a radius of twenty (20) feet, or of a greater or lesser radius where the Plat Officer may deem it necessary.

Sec. 3-5.12 Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with other requirements of these regulations, and where the Plat Officer finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

Sec. 3-5.13 All street names within subdivision shall have same name of subdivision. All lot addresses shall be lot number and name of subdivision. (Example: LOT 1 Henry County Sub First Addition shall be 101 Henry County, LOT 1 Henry County Sub Second Addition shall be 201 Henry County.)

Sec. 3-5.14 All new subdivisions along limited access streets shall be arranged to provide access to such highways at intervals not less than eight hundred (800) feet, except where impractical or impossible due to existing property division or topography. There shall be no other access to a limited access street except as noted above. Also, streets within such subdivision shall be arranged to permit access to adjacent future subdivisions without encroachment upon this regulation.

Sec. 3-5.15 Wherever any marked State or Federal highway or County highway traverses or adjoins the subdivision, the subdivider shall dedicate a right-of-way having a width of not less than one hundred (100) feet and in similar instances and manner he shall dedicate a right-of-way having a width of not less than sixty-six (66) feet for any township highway.

Sec. 3-5.16 A dead end street, where no provision is made for future extension because of platted lots, may not exceed one thousand five hundred (1500) feet in length and, at the close end, there shall be a turn-around having a radius of not less than sixty (60) feet. Provision for a temporary

turn-around shall be required until a dead end street is extended. (See Appendix, Item F.)

Sec. 3-5.17 Alleys are not required in single or two-family districts. They may however, be required in multiple dwelling developments where they shall have a minimum width of twenty (20) feet. Alleys are required in the rear of all commercial and industrial lots if no other provisions are made for adequate service access or for parking. The right-of-way width of such alleys shall not be less than twenty (20) feet and dead end alleys shall not be permitted.

Sec. 3-5.18 If the tract of land proposed to be subdivided or any part thereof lies adjacent to a State Highway, County Highway or Township Road over which any of these Highway Departments have jurisdiction with respect to maintenance or upkeep thereof, and an entrance or entrances are desired from such highways to lots, streets, or alleys in such proposed subdivision, then the subdivider shall submit to the Plat Officer, a written permit from the said proper Highway Department, granting him permission to obtain and construct such an entrance or entrances.

Sec. 3-5.19 Easements of not less than ten (10) feet in width shall be provided on each side of all rear lot lines and along side lot lines where necessary, for storm and sanitary sewers, gas, water and other mains, and for electric and telephone lines or for other public utilities. Easements of greater width may be required along or across lots when necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement. A five (5) foot easement shall be provided on one (1) side of adjacent to an alley to accommodate pole lines.

Sec. 3-5.20 Adequate easements for storm water drainage shall be established along any natural drainage channel and in such other location as may be necessary to provide satisfactory disposal of storm water from streets, alleys and all other portions of the subdivision. The location and width of such easements and the design of underground pipe or surface drainage channels shall be approved by the County Engineer.

Sec. 3-5.21 No tree, shrub or structure shall be placed or erected in any easement for utility or drainage purposes and the proper authorities may have free access to and use of the easements at any time.

Sec. 3-5.22 Intersections of streets within industrial districts which will be served by semi-trailers and tractors shall have an edge of surface radius of fifty (50) feet. Intersections of residential streets shall have an edge of surface radius of thirty (30) feet.

Sec. 3-5.23 All streets and thoroughfares shall be graded as hereinafter provided. Insofar as practical, all lots in subdivision shall be graded so that any main buildings erected thereon, which an access to the streets or thoroughfares, shall not be more than 8 feet above or below the adjacent roadway.

3-5.24 In general, all new streets which are created and dedicated for use within the subdivision shall be designed and constructed in accordance with the Standard Typical Cross-section and the design Standards and Specifications adopted by the Division of Highways for local Roads and Streets; as the same are in effect at the time the preliminary plat and plans for such improvement work are submitted for approval. All new streets or alleys shall be constructed to provide complete and adequate drainage of the entire subdivision, including any such work which may be necessary to provide adequate and satisfactory drainage along the side of any existing public road or street which lies adjacent to the subdivision.

3-5.25 Construction plans for all improvements to be installed shall be prepared by a Registered Illinois Professional Engineer as defined by the Illinois Compiled Statutes.

3-5.26 The Plan and Profile of each street shall be plotted with a horizontal scale of one hundred (100) feet or less to the inch and a vertical scale of ten (10) feet or less to the inch. The proposed grade line of the finished roadway shall be indicated. The location, sizes and grades of all storm sewers and appurtenances required shall also be indicated.

3-5.27 The requirements, above set forth, with respect to grading, surfacing and drainage are to be considered as minimum requirements and nothing contained therein shall be construed to mean that the subdivider cannot construct or provide improvements of a higher type, if he so desires.

3.5-28 A Registered Illinois Professional Engineer, as agent for the subdivider, shall conduct inspections on the job during the construction

process and certify that the construction was performed in accordance with the Standard Specifications for Road and Bridge Construction.

3.5-29 No change from the original construction plans shall be made without prior approval of the County Engineer.

3-5.30 Private roads servicing not more than three (3) lots within a subdivision may be permitted by variance. Private roads are the sole responsibility of the developer and homeowner.

SECTION 3-6 CONSTRUCTION SPECIFICATIONS OF STREET & ROAD IMPROVEMENTS

Requirements with respect to street drainage and surfacing deemed to be the minimum requirements in the interest of the health, safety and convenience of the public of Henry County are as follows:

3-6.1 CROSS SECTION: A minimum roadway of thirty-two (32) feet shall be required. Where open ditches are used a minimum three to one (3:1) fore slope, eighteen (18) inch depth, two (2) foot bottom ditch, with three to one (3:1) back slope shall be required with necessary drainage structures installed. Where curb and gutter is used minimum back to curb shall be thirty (30) feet. (See appendix, Item C.)

3-6.2 PAVEMENT DESIGN: A rigid or flexible design pavement may be used for collector, local and marginal access classifications. A rigid design shall be in Business and Industrial Districts. The design shall be in accordance with the IDOT's Bureau of Local Roads & Streets Manual. The design parameters shall be submitted to the County Engineer with the preliminary plat. The minimum requirements shall be 10" compacted aggregate base, with A-3 surface.

3-6.3 CURB AND GUTTER: When curb and gutter is used or required the design shall be accordance with IDOT's Bureau of Local Roads & Streets Manual.

3-6.4 STORM WATER DRAINAGE: There shall be provided storm water sewers or a surface drainage system to serve adequately, the area being platted, considering, but not limited to the following:

A. The results and recommendations of the IDOT's Division of Waterways,

- State of Illinois, and the U.S. Army Corps of Engineers.
- B. The use of existing drainage channels whenever possible: and
 - C. The design of the drainage system shall consider and show:
 1. Storm drainage area of which the subdivision is a part.
 2. Calculations as to volume and frequency of water to be handled after extreme rain storms. (See chart 3-6.5, 100 year high water elevation and IDOT Policy).
 - D. Culverts shall be provided at all streets or driveway intersections sized to eliminate flooding or ponding of water, and with a minimum cover of twelve (12) inches. The recommended length and diameter of each entrance culvert shall be indicated on the street plans for each lot in the subdivision. All culverts, storm sewers and related items or drainage appurtenances which are required shall be designed to meet IDOT's Local Road and Streets Manual. Size and Type of all Road and Streets Manual. Size and Type of all culverts shall be approved by the County Engineer.
 1. Minimum Size:
 - Across the Road 15"
 - Entrance Culvert 12"
 2. Minimum Length 30'
 3. Minimum Slope 0.3%
 - E. Detention Ponds may be required, if post development runoff exceeds pre-development runoff.

3-6.5 Minimum Standards for Street Design

Classification	Collector	Local	Marginal Access	Business/Industrial
R.O.W.	66 – 100'	60'	50'	80 – 100'
Pavement width w/curb & gutter	x	30'	30'	40'
Pavement width w/o curb & gutter	24'	24'	24'	28'
Maximum Grade	6%	8%	10%	4%

Minimum Grade	0.5%	0.5%	0.5%	0.5%
Design Speed	As determined by projected ADT or DHV	30 MPH*	30 MPH*	30 MPH
Hydraulics Design Period	20 yrs	15 yrs	15 yrs	15 yrs

- **Pave Design** – variance of design speed may be waived by County Engineer if character of land or topography, density are too severe.

SECTION 3-7. BLOCKS

- (A) **Block Width:** Blocks shall be sufficiently wide to accommodate two (2) tiers of lots having the minimum depth required by the zoning district regulations; provided, that this requirement may be waived in blocks adjacent to local collector or collector streets, railroads, or water courses.
- (B) **Block Length:** No block shall be longer than one thousand (1,000) feet nor shorter than three hundred (300) feet.

SECTION 3-8. SIDEWALKS/OPTIONAL

Sidewalks may be installed on both sides of all streets. If installed, sidewalks shall be installed at the time the lot is developed and prior to issuance of the Occupancy Permit.

Sec. 3-8.1 SIDEWALK CONSTRUCTION STANDARDS

- (A) **Relationship to Curb:** Sidewalks shall be located one (1) foot inside the right-of-way line or on a line to be given by the County Engineer when it is impossible or not feasible to building or construct the same as aforesaid.
- (B) **Width:** Sidewalks shall be at least four (4) feet wide.
- (C) **Thickness of Concrete:** All sidewalks shall be constructed of concrete at least four (4) inches thick, except that across driveways the thickness shall be increased to six (6) inches.
- (D) **Grade:** No sidewalk shall be constructed at a grade steeper than ten percent (10%).

- (E) Ramps at Intersections: Curbs shall be cut and sidewalks shall be ramped at all intersections so as to enhance the mobility of handicapped individuals. Ramps shall equal or exceed the standards of the Illinois Capital Development Board.

SECTION 3-9. UTILITIES

All utilities provided as new installations within a subdivision shall be placed in the right of way or in easements, and shall be underground, unless an exception of exemption has been granted. All utility companies providing service to subdivision shall receive a copy of preliminary plat for utility easements review and approval.

Sec. 3-9.2 Requirements: All underground electric distribution circuits installed by the utility company within the County shall be installed in accordance with the Safety Rules for the Installation and Maintenance of Electric Supply and Communication Lines, U.S. Department of Commerce, National Bureau of Standards and General Order No. 160, Rules for Construction of Electric Power and Communication Lines, Illinois Commerce Commission.

Sec. 3-9.3 Enforcement: The Building Inspector shall not issue any building permits except water well structure until all utilities have been installed in the subdivision.

Sec. 3-9.4 Exceptions: The requirements for underground utilities shall not apply in the following instances:

- (A) Principal electric distribution feeder circuits and electric transmission circuits shall not be required to be installed underground.
- (B) Any service which is considered by the utility company to be unfeasible for undergrounding, due to high voltage or inordinately high and unjustified cost, may be provided overhead when authorized by the County Board.
- (C) When topographic or soil conditions cause the cost of undergrounding to be extremely and unjustifiably high, services may be provided overhead when authorized by the County Board.
- (D) When a subdivision is developed adjacent to or abutting an existing development in which the primary feeder lines have been installed overhead, the new subdivision may use the overhead lines with the following provisions:

1. The service lines to the buildings in the new subdivision shall be installed underground.
 2. All additional necessary feeder lines shall be installed underground.
- (E) When a building is constructed on a single unoccupied lot in an area which is fully developed with overhead electric communication service, the building may use the overhead service line if it completes the development of the area.
- (F) Utilities provided as new installations to lots for industrial purposes may be provided overhead.

Sec. 3-9.5 Exemptions: The following specific facilities shall be exempt from the requirements of the Ordinance:

- (A) Poles used exclusively for street lighting.
- (B) Poles, overhead lines, and associated overhead structures, authorized by the County Board, crossing or entering any portion of a district from which overhead wires have been prohibited, and originating in an area in which overhead wires are allowed.
- (C) Overhead lines attached to the exterior of a building by means of a bracket or similar device, and extending from one location on the building to another on the same building, or to an adjacent building without crossing any public street or right-of-way.
- (D) Radio antenna and associated structures and equipment used for furnishing communication service.
- (E) Service terminals and necessary pad-mounted electric equipment installed above ground, used to distribute communication and electric service in underground systems.

SECTION 3-10 WATER FACILITIES

Every subdivision shall be provided with a suitable water distribution system(s) adequate to serve all lots within the subdivision. The water distribution system shall be designed according to rules and regulations of agency with jurisdiction:

- a. Henry County Health Department
- b. Illinois Environmental Protection Agency
- c. Illinois Department of Public Health

Henry County Health Department Water Ordinance and Illinois Water Well Set Back Protection Act provide necessary information for water facility planning.

Sec. 3-10.1 Fire Hydrants/Optional

Fire hydrants may be installed if required by another agency with jurisdiction. Fire department with jurisdiction shall receive copy of preliminary plat for review and comment.

SECTION 3-11 SEWAGE DISPOSAL

Every subdivision shall be provided with a suitable disposal system (s) adequate to serve all lots within the subdivision. The sewage disposal system shall be designed according to rules and regulations of agency with jurisdiction:

- a. Henry County Health Department
- b. Illinois Environmental Protection Agency
- c. Illinois Department of Public Aid

Henry County Private Sewage Disposal Ordinance will be applicable to all subdivisions without central sanitary sewers.

SECTION 3-12. EASEMENTS

Sec. 3-12.1 UTILITY EASEMENTS

Easements at least ten (10) feet wide shall be provided for public and private utilities along the front right-of-way lines of the public streets. Easements located elsewhere shall be at least ten (10) feet wide on each side of lot lines.

Sec. 3-12.2 DRAINAGE EASEMENTS

Adequate easements for storm water drainage shall be established along any natural drainage channel and in any other locations where necessary to provide satisfactory disposal of storm water from streets, alleys and all other portions of the subdivision. The precise location and minimum widths of said easements shall be determined by the project engineer.

SECTION 3-13. DRAINAGE AND STORM SEWERS

The Planning Committee shall not recommend the approval of plat unless the County Engineer determines that the proposed provisions for storm water drainage are adequate within boundaries of the subdivision. Drainage improvements in the subdivision shall be coordinated with existing and planned drainage improvements elsewhere so as to form an integrated city system. The storm water drainage system shall be separate and independent of the sanitary sewer system and shall meet the following design criteria:

(A) Principal and Minor Arterial Streets:

- (1) Flow from a “twenty (20)-year storm” shall not inundate the center twenty (20) feet of the pavement.
- (2) Flow from a “one hundred (100)-year storm” shall be carried without damage to any building.

(B) Collector Streets:

- (1) Flow from a “twenty (20)-year storm” shall not inundate the center ten (10) feet of the pavement.
- (2) Flow from a “one hundred (100)-year storm” shall be carried without damage to any building.

(C) Local Streets:

- (1) Flow from a “fifteen (15)-year storm” shall not inundate the center ten (10) feet of pavement.
- (2) Flow from a “one hundred (100)-year storm” shall be carried without damage to any building.

Sec. 3-13.1 CATCH BASINS OR INLETS

Catch basins or inlets, if required, shall be constructed so that the majority of surface water shall be intercepted before reaching the intersection, and not carried for a distance of more than four hundred (400) feet of the pavement.

Sec. 3-13.2 ACCOMMODATION OF UPSTREAM DRAINAGE AREAS

A culvert or other drainage facility large enough to accommodate potential runoff from the entire drainage area upstream from the proposed subdivision shall be provided in accordance with standard specifications. Potential runoff shall be determined on the basis of the maximum development of the upstream area that is permitted or to be permitted under the Comprehensive Plan.

Sec. 3-13.3 AREAS SUBJECT TO FLOODING

Whenever a plat is submitted for an area that is subject to flooding, the County Board may require appropriate protective measures as provided in local, State and Federal floodplain management regulations.

SECTION 3-14. SOIL EROSION AND SEDIMENTATION CONTROL

In the development of any subdivision, the following erosion and sedimentation control regulation shall be observed:

- (A) The developer shall protect the development site from soil erosion and shall protect downstream property from sedimentation deposits during the construction of the subdivision. Practices contained in “Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois” shall be employed in the preparation of an erosion and sedimentation control plan which shall be approved by Soil and Water Conservation District Board prior to any earth disturbing activity taking place.
- (B) National Pollutant Discharge Elimination System (NPDES) Storm Water Permit for Construction site activities may be required by Illinois Environmental Protection Agency.

Article IV

PLATS AND PLANS

SECTION 4-1. PRE-FILING CONFERENCE

Prior to the submission of the initial plat, a pre-filing conference may be held between the developer and appropriate county staff. The developer shall present a concept sketch of the proposed development. County staff shall use a standardized checklist to review the proposed development for conformance to the subdivision ordinance.

SECTION 4-2. PRELIMINARY PLATS

Except as specifically provided below, every person who proposed to subdivide any land located within the subdivision jurisdiction of Henry County shall file six (6) copies of the preliminary plat of said subdivision at least three (3) weeks prior to a regularly scheduled meeting of the Planning Committee.

One (1) copy of the preliminary plat with supporting data and soil erosion and sediment control plan shall also be filed with the appropriate Soil and Water Conservation District. Said district shall have not less than thirty (30) days to submit any comments it might wish to make to the Planning Committee.

Whenever a large tract is to be developed in stages and only a portion of that tract is to be submitted for final plat approval, a preliminary plat of the entire tract shall be submitted.

All preliminary plats shall be reviewed and acted upon in accordance with Illinois Revised Statutes and the provisions of the subsections below.

EXCEPTION: A preliminary plat shall not be required for:

- (A) minor subdivisions; or
- (B) land that is specifically exempted from the Illinois Plats Act as now or hereafter amended (Ill. Rev. Stats., Chap. 109, Sec. 1(b)).

Section 4-2.1 INFORMATION REQUIRED

Every preliminary plat shall be prepared by a land surveyor registered in Illinois at a scale of one hundred (100) feet or less to the inch provided the resultant drawing does not exceed thirty-six (36) inches by twenty-four (24) inches. Said preliminary plat, together with the supporting data, shall provide all the following information:

- (A) names and addresses of the owner, subdivider (if not owner), and registered land surveyor;
- (B) proposed name of the subdivision and all adjoining subdivisions;
- (C) zoning districts classification of the tract to be subdivided and proposed setbacks;
- (D) north arrow, graphic scale, and date of map;
- (E) dimensions of the tract, and its gross area;
- (F) 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 (4-12%), and ten-(10) foot contour data for land having slopes of twelve percent (12%) or more;
- (G) locations of such features as bodies of water, ponding areas, natural drainage ways, railroads, cemeteries, bridges, parks, schools, buildings, areas subject to flooding, etc.;
- (H) locations and right-of-way widths of all existing and proposed streets and alleys;
- (I) locations, widths and purposes of all existing and proposed easements;
- (J) all proposed deed restrictions and covenants;
- (K) location and size of existing and proposed sanitary and storm sewers, water mains and any appurtenances thereto;
- (L) locations, types and approximate sizes of all other existing and proposed utilities;
- (M) locations, dimensions and areas of all parcels to be reserved or dedicated for schools, parks/playgrounds, and other public purposes; and
- (N) locations, dimensions and areas of all proposed or existing lots within the subdivisions numbered sequentially;
- (O) for all contiguous holdings of the owner; including land owned by the same person, corporation, firm, entity, partnership or unincorporated association or owned by different corporations, firms, partnerships, entities or unincorporated associations in which a stockholder, partner or

associate, or a member of his family owns an interest in each corporation, firm, partnership, entity or unincorporated association; with an indication of the portion proposed for subdivision: an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the county recorder of deed's office or other official records; the name and address and telephone number of the legal owner of the property, the subdivider, if different from the legal owner, the land surveyor and engineer, and the agents of any of these persons; the name and address and telephone number of the contract owner, if any, of the property and the date the contract of sale was executed; and, if any corporations are involved, a complete list of all directors, officers, and stockholders owning more than five (5) percent of any class of stock of each corporation; and, if a trust is involved, a complete list of the names of the trustees, and the names and addresses and telephone numbers of all beneficiaries of the trust;

- (P) the location by township, range, section or by other legal description;
- (Q) a list of requested variances and justifications.

Sec. 4-2.2 UTILITY COMPANY NOTIFICATION

It is the subdivider's responsibility to notify and submit plat to the appropriate public utilities. Proof of notification shall be submitted with the preliminary plat to the County.

Sec. 4-2.3 PLANNING COMMITTEE

The Planning Committee shall either recommend approval, conditional approval or disapproval of the application for the preliminary plat within ninety (90) days from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the Planning Committee and the subdivider mutually agree to extend this time limit. If the Planning Committee recommends disapproval of the preliminary plat, it shall furnish to the applicant within the ninety day period a written statement specifying the aspects in which the proposed plat fails to conform to this ordinance and/or the Official Map. If the Planning Committee recommends approval of the preliminary plat, it shall be forwarded to the County Board for consideration during next regular meeting.

Sec. 4-2.4 APPEALS PROCESS

If the preliminary plat is not approved, the Planning Committee shall write “Not Approved” and the date of the action on the prints, and shall transmit to the subdivider one (1) print with a letter stating the reasons for the disapproval. The subdivider may transmit an amended plat to the Planning Committee for consideration.

If the subdivider is not satisfied with the decision of the Planning Committee on the preliminary plat, subdivider may appeal the decision to the County Board. An appeal must be made by letter addressed to the Chairman of the County Board, stating the reasons for the appeal. Said letter must be received by the Department no less than ten (10) days following the date of the Planning Committee’s decision. The letter of appeal shall be placed on the next regular County Board meeting agenda. Department shall also provide to the County Board the preliminary plat, the Planning Committee’s meeting minutes pertaining to the plat, and the reports and recommendations made to the Planning Committee. The County Board shall have thirty (30) days from the time the appeal is first placed on its agenda either to: reaffirm the Planning committee’s decision on the preliminary plat; to approve the preliminary plat as submitted by the subdivider; or to approve the preliminary plat with modifications.

SECTION 4.3 IMPROVEMENT PLANS

Subdivider shall furnish four (4) copies of the plans and specifications for all improvements to be installed within or in conjunction with the proposed subdivision. These plans and specifications shall be signed and sealed by the registered professional engineer responsible for their preparation and submitted to Department, County Engineer, County Sanitarian and other appropriate agencies.

Sec. 4-3.1 INFORMATION REQUIRED

Improvement plans shall consist of black or blue line prints not larger than thirty-six (36) inches by twenty-four (24) inches. These plans and the related specifications shall provide all of the following information:

- (A) topography of the tract, both before and after development at the same scale as required in the preliminary plat;
- (B) existing and proposed elevations along the centerlines of all streets;

- (C) radius of all curves and lengths of tangents on all streets;
- (D) locations and typical cross-section of street pavements including curbs/gutters and catch basins;
- (E) locations and typical cross-section of sidewalks and driveway aprons;
- (F) locations, sizes and invert elevations of all existing and proposed sanitary sewers, storm sewers and fire hydrants, showing connections to any existing or proposed utility systems;
- (G) locations and sizes of all water, gas, electric and other utilities;
- (H) locate area(s) for removal of trees six inches or larger;
- (I) all proposed measures to control erosion and sedimentation;
- (J) high water elevations of all lakes/streams adjoining or within the tract; and
- (K) such other information as the Department may reasonably require to perform the duties under this section.

Sec. 4-3.2 INSPECTIONS REQUIRED

Following final plat approval, subdivider/developer shall notify the Department of both the start and completion of construction of approved improvements.

- (A) The project engineer shall inspect said improvements while they are under construction. If he determines that they are being built in violation of this ordinance, he shall promptly notify the County Engineer, who, in turn, shall issue a stop order. All public improvements proposed to be made under the provisions of this article shall be inspected during the course of construction by the project engineer. All fees and costs connected with such inspection and in reviewing the plan and specifications for such improvements shall be paid by the subdivider. The fees and cost shall be set at the prevailing rate.
- (B) In addition to the detailed requirements listed below, the inspector shall maintain a daily diary in a standard format acceptable to the County Engineer. Copies of the daily diary entries shall be provided to the County Engineer on a weekly basis during construction.
 - (1) Content. The daily entries shall include at least the following information:
 - (a) Weather conditions.
 - (b) Site conditions.

- (c) Contractor's working hours.
 - (d) Inspector's hours on the site.
 - (e) An explanation of the actual work performed by the contractor that day.
 - (f) Specific information about material tests taken.
 - (g) Description of any problems.
- (2) Purpose. The purpose of the diary is to provide backup information for the developer's engineer and the County Engineer to recommend acceptance of the improvements by the County Board and provide actual construction records of any problems that may develop.
- (3) Format. The general format of the diary must be approved by the County Engineer before construction begins.
- (C) The inspector shall make and document the following inspections:
- (1) Storm and Sanitary Sewer and Water Main Improvements.
- (a) Inspect all materials and documents pertinent items such as pipe manufacturer, class and size.
 - (b) Reject any defective material and insure that it is not used on the job.
 - (c) Observe the actual pipe laying operation to insure that all joints are properly made, the pipes are true to line and grade, and the bedding and backfill are done according to the specifications.
 - (d) Document the depth and type of bedding, trench conditions, location of all service laterals, backfilling and location of all utilities installed and encountered. Location measurements shall be of the accuracy and type required by the appropriate agency.
 - (e) Observe and document all final acceptance testing required by the specifications.
- (2) Street Improvements.
- (a) Perform and document subgrade, subbase, base and embankment compaction tests.
 - (b) Inspect the alignment and condition of the paving forms.
 - (1) Check and document subgrade depth checks.
 - (2) Check and document the paving machine adjustments.
 - (c) Furnish the asphalt or PC concrete mix design to County Engineer for approval prior to connecting paving operations.
 - (d) Inspect all concrete pours.
 - (1) Perform and document an appropriate number of air content and slump measurements.

- (2) Cast compression cylinders or beams and document the results of the test.
- (e) Inspect the placement of all asphalts.
 - (1) Perform and record asphalt compaction tests.
 - (2) Perform at least one (1) asphalt extraction test and one (1) sieve analysis from an asphalt sample taken on the job site unless asphalt furnished by an IDOT approved asphalt plant.
- (f) The Department and County Engineer shall also inspect required road improvements prior to rock placement (subgrade), after rock placement (aggregate base) and upon completion. The County Board shall not accept any improvement until the County Engineer has certified that it complies with this ordinance.

Sec. 4-3.3 FILING “AS BUILT” RECORDS

The improvements will not be recommended for acceptance until the following is provided for the County Engineer:

- (A) Copies of all daily diary entries.
- (B) Copies of all material test results.
- (C) Detailed reproducible cloth or polyester reproducible “as-built” improvements construction plans of all public improvements.
- (D) Certification by the developer’s engineer that all construction was accomplished within reasonably close conformance to the plans and specifications, and that the “as-built” plans accurately reflect actual field conditions.
- (E) A Labor and Material Payment and Maintenance Bond posted prior to construction by the contractor of a subdivider for the installation of all public improvements, using forms provided by the County Engineer.
- (F) Permanent easements or agreements granted to the County for all public improvements that are not constructed in dedicated right-of-way, using forms provided by the County Engineer.
- (G) Accurate triangular measurements for sewer and water laterals to permanent items, e.g. fire hydrants or manholes. The sewer and water services shall be marked with a 4” x 4” marking, that stands five or six feet tall including a curb notch.

Sec. 4-3.4 PRIVATELY DEVELOPED AND OPERATED FACILITIES

Where the subdivision is to contain sewers, sewage treatment plants, water supply systems, park areas or other physical facilities which will not be maintained by existing public agencies, provision should be made by trust agreement, which is a part of the deed restrictions and which is acceptable to the public agencies, for jurisdiction over the continuous maintenance, supervision, operation and reconstruction of such facilities by the lot owners in the subdivision.

SECTION 4-4. ASSURANCE FOR COMPLETION OF REQUIRED IMPROVEMENTS

The Department shall not issue building permits for any lot within subdivision except water well structure until:

- (A) all improvements required in the approved improvements plan have been completed by the subdivider/developer at his expense, inspected by Department and County Engineer and accepted to the County or other appropriate entity; or
- (B) in accordance with the subsections below, the subdivider/developer has provided the County with legal assurance to guarantee the satisfactory completion and dedication of all required improvements.
- (C) necessary title assurances have been given.

Sec. 4-4.1 FORMS OF ASSURANCE

The required legal assurance may be a performance bond, an escrow deposit or a letter of credit. Every performance bond shall be approved as to form by the State's Attorney, and posted with the County Clerk. Any funds held in escrow shall be deposited with an approved escrow agent.

Sec. 4-4.2 AMOUNT OF BOND OR DEPOSIT

The amount of the legal assurance shall be equal to the County Engineer's estimate of the costs of constructing the uncompleted portion of the required improvements plus all required inspections fees. Any escrow deposit may be in the form of:

- (A) an irrevocable letter of credit or commitment from a lending institution guaranteeing to Henry County the availability of the escrow funds from time to time upon demand; or

- (B) interest bearing accounts with a financial institution authorized to serve as an escrow agent.

Sec. 4-4.3 ELIGIBLE SURETIES

No person shall be eligible to act as surety unless he has been approved by the State of Illinois to act as a surety on public works improvements.

Sec. 4-4.4 TERM OF ASSURANCE, EXTENSION

The initial term of any performance bond or escrow agreement shall not exceed two (2) years. If any the required improvements have not been completed by the end of the two-year period, the Department, with the advice and consent of the County Board, may extend said bond/escrow agreement for one (1) year only.

Sec. 4-4.5 RELEASE OF BOND/ESCROW DEPOSIT

- (A) The County may release up to ninety (90%) of the amount of the performance bond/escrow deposit upon receipt of written authorization from the County Engineer. The amount which the County Engineer authorizes to be released shall be equal to the value of improvements actually completed in accordance with approved plans.
- (B) The balance of the amount of the performance bond/escrow deposit shall not be released until:
 - (1) the County Engineer has certified to the Department in writing that all required improvements have been satisfactorily completed, and
 - (2) said improvements and corresponding right-of-way have been accepted by and dedicated to Henry County or other appropriate entity.

Sec. 4-4.6 FAILURE TO COMPLETE IMPROVEMENTS

If all the required improvements have not been completed by the end of the two-year period (or three-year period, in the case of an extension), the Department, with the assistance of the State's Attorney, may:

- (A) require the surety to perform on the bond, and to pay to Henry County an equal amount to the cost of completing the required improvements (as estimated by the County Engineer) or the amount of the bond not theretofore released, whichever is less; or

- (B) order the escrow agent to retain all escrowed funds needed to complete the required improvements, and to return the balance (if any) of such funds to the subdivider/developer.

SECTION 4-5. FINAL PLATS

The Henry County Recorder of Deeds shall not record any final plat of a subdivision located within the subdivision jurisdiction of the County until said final plat has been approved by the County Board. The County Board shall not approve any final plat unless determined that it is in compliance with pertinent requirements of this ordinance including those set forth in the subsections below.

Sec. 4-5.1 FILING, TIME LIMITS

The subdivider of every subdivision, who desires final plat approval shall file six (6) black or blue line prints of the final plat and supporting data with the Department not later than one (1) year after preliminary plat approval has been granted.

Sec. 4-5.2 INFORMATION REQUESTED

Every final plat shall be prepared by a land surveyor authorized to practice land surveying the State of Illinois on new linen tracing cloth or polyester-based film with waterproof black ink at a scale not greater than one hundred (100) feet equals one (1) inch, provided that the resultant drawing shall not be less than 8 ½ x 14 and shall not exceed twenty-four (24) by thirty-six (36) inches square. The final plat and supporting data shall portray/provide all of the following information.

- (A) north arrow, graphic scale, and data;
- (B) name of subdivider and subdivision;
- (C) accurate metes and bounds or other adequate legal description of the tract tied to section or ¼ section corner;
- (D) accurate boundary lines, with dimensions and bearings or angles which provide a survey of the tract, closing with an error of closure of not more than one (1) foot in fifteen thousand (15,000) feet and provide a copy of the closure calculations;
- (E) reference to recorded plats of adjoining platted land by record name, plat book and page number;
- (F) accurate locations of all existing streets intersecting the boundaries of

- the subdivision;
- (G) right-of-way lines of all streets, other rights-of-way, easements, areas to be reserved, and lot lines with accurate dimensions, angles, or bearings and curve data, including radii, arcs or chords, points of tangency, central angles and accompanying legal descriptions;
 - (H) name and right-of-way width of every proposed street;
 - (I) location, width and purpose of any existing or proposed easement;
 - (J) number of each lot, lot dimensions and (in a separate list) lot areas;
 - (K) purpose(s) for which sites, other than private lots, are reserved;
 - (L) building or setback lines with accurate dimensions;
 - (M) restrictions of all types which will run with the land and become covenants in the deeds of lots;
 - (N) the names of all legal owners and other parties with an interest, whether recorded or not, in the property being subdivided, together with formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, signed by all parties of interest or their authorized agents, in a form approved by the State's Attorney, if the plat is proposed for final approval without improvements in place and accepted with a deed of dedication to the public in fee simple absolute unless otherwise called for on the plat of such lands; and with a commitment for title insurance policy or title opinion from a licensed attorney showing that those signing the plat are necessary and sufficient to create the subdivision and prior to signing the plat, a title policy for the local government in the sum of ten thousand dollars (\$10,000.00) for any lands or interests to be dedicated to the public; and
 - (O) monument identification.

Sec. 4-5.3 MODIFICATIONS AND EXCEPTIONS

Minor subdivision plats without new streets, access easements or other public improvements may be recorded following Department review and approval.

Sec. 4-5.4 CERTIFICATES REQUIRED

As required by State law, the following certificates shall be executed on the final plat;

- (A) Owner's Certificate

- (B) Irrevocable offers of dedication forms
- (C) Notary Public's Certificate
- (D) Surveyor Certificate
- (E) County Clerk's Certificate
- (F) Certificate of County Board
- (G) Certificate of Municipality (if applicable)
- (H) Certificate to approve minor subdivisions of three (3) lots or less
- (I) Certificate of roadway access signed by highway official with jurisdiction:
 - a. Township Road Commissioner
 - b. County Engineer
 - c. Illinois Department of Transportation
- (J) Certificate of Sewage Disposal System signed by Henry County Health
- (K) Required disclosures to be on face of final plat

Samples of (A) – (K) are included in appendix.

Sec. 4-5.5 ACTION BY COUNTY BOARD

The County Board shall either approve or disapprove the application for final plat approval by resolution within sixty (60) days from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the County Board and the subdivider mutually agree to extend this time limit. The County Board shall not approve any final plat unless:

- (A) the final plat substantially conforms to the approved preliminary plat if required; and
- (B) the final plat manifests substantial compliance with the design and improvements standards of this ordinance and the Official Map; and
- (C) to the County Board's knowledge and belief, the final plat complies with all pertinent statutory requirements; and
- (D) either of the following has been met:
 - 1. all required improvements have been completed, inspected, accepted, and dedicated; or
 - 2. the subdivider/developer has posted an acceptable form of assurance as stated in Section 4-4.1.

If the County Board disapproves the final plat, their resolution shall specify the aspects in which the plat fails to meet the above conditions for approval.

SECTION 4-6. MAINTENANCE OF IMPROVEMENTS

The subdivider/developer shall provide all the improvements in the subdivision for a period of two (2) years and provide a two year maintenance bond prior to acceptance and dedication to Henry County other appropriate entity. Said bond shall be in the amount determined by the County Engineer to be sufficient to guarantee the satisfactory condition of the required improvements for a period of two (2) years from the date of their acceptance and dedication. If at any time during the two year period the improvements are found to be defective, they shall be repaired/replaced at the subdivider/developer's expense. If the subdivider/developer refuses to pay such costs within ninety (90) days after demand is made upon him by the County Engineer, the County shall use the maintenance bond to make the necessary repairs/replacement. If the cost of repairs/replacement exceeds the bond amount, the subdivider/developer shall be liable for the excess. At the end of the two year period, the maintenance bond shall be released.

Article V

OTHER ADMINISTRATIVE MATTERS

SECTION 5-1. ENFORCEMENT OFFICER, DUTIES

The Zoning/Building Department, referred to herein as the Department, is hereby authorized and directed to administer and enforce the provisions of this ordinance.

SECTION 5.2 AMENDMENTS

Amendments to this ordinance may be proposed by any member of the County Board, Planning Committee, or any party in interest. Every amendment proposal shall be filed on a prescribed form in the Administrators office. The Department shall promptly transmit each proposal to the Planning Committee for a public hearing.

Sec. 5-2.1 PUBLIC HEARING, NOTICE

The Planning Committee shall hold a public hearing on every amendment proposal within a reasonable time after said proposal is submitted. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date or place of the hearing, and the nature of the proposed amendment shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing by publication in a newspaper of general circulation within the county.

Sec. 5-2.2 ADVISORY REPORT, ACTION BY COUNTY BOARD

Within a reasonable time after the public hearing, the Planning Committee shall submit an advisory report to the County Board. The County Board shall act on the proposed amendment at a regularly scheduled meeting following submission of this report. Without another public hearing, the County Board may either pass, modify or reject the proposed amendment or may refer it back to the Planning Committee for further consideration.

SECTION 5-3. PENALTIES

(A) Any person who is convicted of a violation of this ordinance shall be guilty of a petty offense and shall be fined not more than five hundred (\$500.00) dollars. Each week that a violation continues shall be considered a separate offense.

(B) Nothing contained in this section shall prevent this county from taking any other lawful action that may be necessary to secure compliance with this ordinance.

SECTION 5-4. REPEAL

All ordinances or parts of ordinances in conflict herewith, are to the extent of such conflict hereby repealed.

SECTION 5-5. SEPARABILITY

In any section, subsection, sentence, clause, phrase, or work of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this article. The County Board hereby declares that it would have adopted the article and each section, subsection, sentence,

clause, phrase, or work thereof without incorporation in this article of any such invalid section, subsection, clause, phrase or word.

SECTION 5-6. PUBLICATION

Notice of public hearing to review revised ordinance was published in local newspapers and three copies of proposed subdivision ordinance were placed on file with Henry County Clerk on April 1, 1996.

SECTION 5-7. FEES

Schedule of fees are included on separate page in appendix.

SECTION 5-8. EFFECTIVE DATE

Passed by the County Board this _____ day of May, 1996.

County Board Chairman

County Clerk

Approved as to form:

Henry County State's Attorney

Date

Planning Committee

Date

Planning/Development Committee

Date

