

## Chapter 19

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### ARTICLE I. JURISDICTION

#### **Sec. 19-1. Subdivision of land.**

- (a) Wherever any subdivision of land shall hereafter be laid out within the incorporated limits of Fox River Grove or contiguous one and five-tenths (1.5) mile planning area, the subdivider or his agent shall submit both a preliminary and a final subdivision plan to Fox River Grove. Said plans, proposed improvements and all procedures relating thereto, shall be in full compliance with these regulations.
- (b) Exception. This Chapter 19 shall not require that a plat of subdivision be recorded prior to the subdivision of any Village owned property or the recording of a deed selling any Village owned property when: (1) a plat of subdivision is not required by the Illinois Plat Act; (2) the subdivision of property does not create or require the development of any new public streets, roads, alleys or parks; and (3) the portion of the subdivided property sold by the Village is not zoned in a residential zoning district. Where this exception is applicable, a final plat of subdivision made in conformity with this Chapter shall be approved and recorded after the sale of the property pursuant to this Chapter prior to the issuance of any building permits for the property that is sold by the Village. (Ord. No. 79-06, Sec. 1, 2-21-79; Ord. No. 10-32, Sec. 1, 10-21-10)

#### **Sec. 19-2. Planned unit development.**

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\* Editor's note-Ord. No. 79-06, Sec. 1, adopted Feb. 21, 1979, amended Ch. 19 in its entirety.

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Any planned unit development approved by Fox River Grove involving the subdivision of land into lots or tracts, the dedication and acceptance of land for public purposes or the installation of any utilities, streets and other improvements to service such planned development, shall be in full compliance with these regulations, provided that the standards and specifications herein shall be construed as a guide to the installation of improvements in a planned development so that the regulations of the Zoning Ordinance provide flexibility in the design of improvements to be built and maintained by the owner or owners of the development.

No specification or standard shall be waived or reduced so as to endanger the health, safety, morals, or general welfare of the people of the Village or avoid the specific purposes of the regulations for planned developments set forth in the Zoning Ordinance. (Ord. No. 79-06, Sec. 1, 2-21-79)

### **Sec. 19-3. Dedication of land.**

All lands offered to the Village for use as streets, highways, alleys, parks and other public uses, shall be referred to the Planning & Economic Development Commission of Fox River Grove for review and recommendation before being accepted by the Village Board or by any other governing authority. (Ord. No. 79-06, Sec. 1, 2-21-79)

### **Secs. 19-4--19-10. Reserved.**

## **ARTICLE II. GENERAL PROVISIONS**

### **Sec. 19-11. Approval by the Village.**

No land shall, after the adoption of these regulations, be subdivided or filed for record in the County Recorder's office, or have any validity; nor any street laid out; nor any improvements made to the land, until the plan or plans of the layout and required improvements of the subdivision or planned unit development shall have been certified to and approved by action of the Planning & Economic Development Commission and the Village Board of Fox River Grove. This approval must be in writing and placed on the original tracing of the final plans, according to the procedure outlined herein. No lot, tract, or parcel of land within any such subdivision shall be offered for sale nor shall any sale, contract for sale, or option be made or given until such subdivision plans have been properly reviewed by the Village Planning & Economic Development Commission, officially approved by the Village Board of Fox River Grove and recorded in the office of the Recorder of McHenry County, Illinois, if the property is located in McHenry County, or in the office of the Recorder of Lake County, Illinois, if the property is located in Lake County. Improvements, such as sidewalks, water supply, storm water supply, storm water drainage, sewerage facilities, gas service, electric service, lighting, or grading, paving, or surfacing of streets, shall not be made within any subdivision or planned development by any owner, owners, or their agent, or by any public service corporation, at the request of such owner, owners, or their agent, until the plans for the subdivision and also the plans for improvements thereto have been formally recommended by the Planning &

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Economic Development Commission and approved by the Village Board of Fox River Grove. (Ord. No. 79-06, Sec. 1, 2-21-79; Ord. No. 94-10, Sec. 4, 3-17-94)

### **Sec. 19-12. Land outside the Village.**

Subdivisions of land and planned unit developments lying outside the Village, but within the one and five-tenths (1.5) mile planning area, shall conform with the requirements of this Chapter, in accordance with the provisions of the Illinois Municipal Code (65 ILCS 5/11-12-6). (Ord. No. 79-06, Sec. 1, 2-21-79)

### **Sec. 19-13. Interpretations.**

All interpretations of these rules and regulations are reserved to the administrative bodies referred to herein. (Ord. No. 79-06, Sec. 1, 2-21-79)

### **Sec. 19-14. Exceptions.**

The Planning & Economic Development Commission may recommend to the Village Board exceptions in instances where there is sufficient evidence of hardship caused by topographic conditions, natural site features, or where other reasonable deterrents for development of property exist. (Ord. No. 79-06, Sec. 1, 2-21-79)

### **Sec. 19-15. Enforcement of chapter.**

The Superintendent of Building and Zoning is appointed the enforcing officer of this Village, and it shall be his duty to enforce the provisions thereof. The enforcing officer may call upon any department or official of the Village, furnish him with such information and assistance as he may deem necessary for the observance or enforcement of this Chapter; and it shall be the duty of such department or officer to furnish such information and assistance whenever required. (Ord. No. 79-06, Sec. 1, 2-21-79)

### **Sec. 19-16. Compliance required for building permit issuance.**

No building permit shall be issued for the construction of any building, structure, or improvement unless the owner of the land upon which said building, structure, or improvement is to be constructed has complied with the requirements of the Ordinances of the Village. (Ord. No. 79-06, Sec. 1, 2-21-79)

### **Sec. 19-17. Penalty.**

Any person or corporation who shall violate any of the provisions of this Chapter shall be subject to punishment by a fine of not more than five hundred (\$500.00) dollars for each violation and a

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separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. No. 79-06, Sec. 1, 2-21-79)

### **Sec. 19-18. Allocation of costs of plat review and subdivision inspection.**

- (a) In consideration of the expense in time and materials, which the Village of Fox River Grove must spend to properly enforce orderly development and extension of public service the following fees and charges shall be paid to the Village:
  - (1) Fees and charges. All work performed by the employees of the Village of Fox River Grove, in connection with any planned unit development, subdivision, or pre-annexation submission or plat, directly and reasonably attributable to enforcement of the provisions of this Chapter shall be paid for by the developer or subdivider of the property covered by such a submission or plat. Fees will be based upon the per hour rate of pay of the individual employee performing the work, multiplied by the number of hours worked attributable to such a submission or plat, plus fifty (50%) percent to cover actual per hour costs to the Village; thirty-five (35%) percent for fringe benefits and fifteen (15%) percent for overhead. Fees will not be billed if the total hours of employee time worked on one such submission or plat is less than one (1) hour in one (1) month. The said developer or subdivider shall also pay the following actual costs directly and reasonably attributable to the foregoing submission or plat: for materials (duplication, blueprinting and other similar items), consultant's and attorney's fees, expenses of advertising for public hearings, and recording fees, Planning & Economic Development Commission special meeting fees, other such fees established specifically by Village Ordinance, such as annexation and donation fees, and such other fees for off-site or on-site public improvements as may exist by virtue of any rebate or recapture agreements to which the Village may be a party.
  - (2) Timing of work, billings and payments. All contacts with the Village staff made prior to the first pre-application conference (as defined herein) or any other "concept" general conference meeting between the developer or subdivider and Village staff, and one "concept" review after the said pre-application conference, shall be provided without charge where reasonable. Representatives from the Planning & Economic Development Commission, the applicable school district and the applicable park district may also be present at said pre-application meeting. All additional preliminary meetings and efforts extended beyond the above such meetings will be paid for as provided above.
- (b) This Section shall apply to the following stages, including all public hearings, in the review and inspection process required by the Village of Fox River Grove:

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- (1) Following the first pre-application meeting until submission of a preliminary plat to the Village Board;
  - (2) From submission of the preliminary plat to the Village Board for approval of the preliminary plat;
  - (3) From Village Board approval of the preliminary plat to submission of the final plat to the Village Board;
  - (4) From submittal of the final plat to the Village Board to Planning & Economic Development Commission recommendation;
  - (5) From Planning & Economic Development Commission recommendation to Village Board approval of the statement of intent and agreement and final plat;
  - (6) Engineering inspection of the public improvements.
- (c) Each developer or subdivider of a planned unit development or subdivision which has an area in excess of one (1) acre, shall be required to make a deposit with the Village Clerk at the time of submission of any application for preliminary plat approval or preliminary planned unit development approval to secure prompt payment of the fees and charges set forth in subsection (a) (1) of this Section. The amount of the required deposit shall be based on the area of the proposed subdivision or planned unit development and shall be calculated at the rate of five thousand (\$5,000) dollars for the first acre and one hundred (\$100) dollars for each additional acre or part of an acre, up to a maximum of ten thousand (\$10,000) dollars. Any funds deposited with the Village pursuant to this Subsection shall remain on deposit with the Village until sixty (60) days after either (i) all public improvements in the proposed subdivision or planned unit development are completed and accepted by the Village, (ii) approval of the proposed subdivision or planned unit development is denied by the Village's Board of Trustees or (iii) the Village receives written notice from the developer or subdivider that the proposed subdivision or planned unit development is being abandoned.

If, after thirty (30) days an invoice for fees and charges due under Subsection (a) (i) is not paid in full or there is otherwise a balance due to the Village from the developer or subdivider for such fees and charges, the Village may deduct the balance due the Village from any funds the developer has on deposit. If funds are deducted by the Village from funds deposited with the Village pursuant to this Subsection, the developer or subdivider shall within thirty (30) days thereafter deposit with the Village a sum sufficient to increase the amount on deposit with the Village back to the level of the initially required deposit. All payments shall be made in full for each of the steps set forth in Subsection (b) of this Section before work can be initiated on any subsequent stage of the approval process for subdivisions

and planned unit developments. The Village shall have the right to stop all review and inspection procedures, including Planning & Economic Development Commission review and compliance inspections, until all past due fees and charges are paid. (Ord. No. 92-02, Sec. 1, 1-15-92)

**Secs. 19-19--19-30. Reserved.**

### **ARTICLE III. PROCEDURE**

#### **Sec. 19-31. Pre-application.**

Prior to the filing of an application for the approval of a preliminary plat, the subdivider may consult with the Superintendent of Building and Zoning in order to gain his advice. In so doing both the subdivider and the Superintendent of Building and Zoning can reach mutual conclusions regarding the general concept and objectives of the proposed development and possible effects on the neighborhood and the community.

A pre-application conference with the Village staff may be conducted at the discretion of the Superintendent of Building and Zoning or upon the request of the developer. Similarly, once the Superintendent of Building and Zoning feels sufficient material has been submitted, a concept review before the Planning & Economic Development Commission or Village Board may be recommended.

Any meeting of the Planning & Economic Development Commission or Village Board shall be part of a regularly scheduled meeting, be open to the public and be in the agenda in advance of said meeting. Recommendations during pre-application meetings or concept reviews are advisory only for mutual benefit and do not require formal application or fee. (Ord. No. 79-06, Sec. 1, 2-21-79)

#### **Sec. 19-32. Preliminary plat preparation.**

When any owner of land lying within the corporate limits of the Village or within the area of platting jurisdiction of the Village of Fox River Grove desires to subdivide such lands, the owner shall submit to the Village Board along with an application for development approval, a preliminary plat on tracing cloth, mylar or equivalent material with thirty-five (35) prints or copies thereof, at a scale of one hundred (100) feet to the inch and shall show on its face the following information:

- (1) Title under which the proposed subdivision is to be recorded;
- (2) Legal description of property platted and total acreage included;
- (3) Date, scale and north point;
- (4) Name and addresses of the owner, subdivider, engineer and land surveyor preparing the plat;

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- (5) The location, widths and other dimensions of proposed streets, alleys, easements, parks, playgrounds and other open spaces proposed to be dedicated for public use;
- (6) The blocks and lots into which the project is proposed to be subdivided in sufficient detail to determine the character of the development;
- (7) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use or which are to be used for multifamily housing, shopping centers, church sites or other nonpublic uses not requiring individual lots including dimensions and acreage;
- (8) The following information shall be provided as part of the preliminary plat submittal. This information should be presented in such a manner as to overlay the preliminary plat:
  - (a) The character of the immediately contiguous lands to the subdivision to a minimum distance of two hundred (200) feet showing the subdivision thereof, if subdivided, and the location and dimension of public streets, alleys, public utility easements, street pavements, sanitary sewer mains, storm water mains, retention and detention areas, water supply mains, if any, adjoining the proposed division;
  - (b) A large scale information map showing location of preliminary plat area;
  - (c) The zoning classification under the Village of Fox River Grove or McHenry County Zoning Ordinance, if the property is located in McHenry County, or Lake County Zoning Ordinance, if the property is located in Lake County. The zoning of all surrounding land indicating whether it is the Village of Fox River Grove or McHenry County zoning; or the zoning of another municipality. (Ord. No. 94-10, Sec.4, 3-17-94)
  - (d) The location within the proposed subdivision of any existing public streets, alleys, public utility easements, street pavements, sanitary sewer mains, water supply mains, watercourses, bridges, culverts, and similar facilities, and the location of existing buildings, if any;
  - (e) Complete sidewalk plan or pedestrian access and circulation plan;
  - (f) Location of existing corporate boundary lines at or near the proposed subdivision;
  - (g) Ground elevations on the tract: for land that slopes less than one-half (1/2%) percent, show one (1) foot contours; show spot elevations at all breaks in grades, along all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions; for land that slopes more than one-half (1/2%) percent

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show two (2) foot contours. Refer to USGC datum in compiling data.

- (h) Floodplain lines are to be delineated according to the applicable USGS flood quadrangle; or other documents adopted by the Village as part of the floodplain Zoning Ordinance.
- (9) Other information required at time of preliminary plat application:
- (a) Preliminary Engineering: Sufficient detail will be required to convey the general basis of design for the sewer, water, storm water runoff control and flood-control facilities;
  - (b) Traffic and other impact studies;
  - (c) Density: Provide information on the gross area of each land use subarea, i.e., single family, multi-family, commercial, etc. For residential subareas, the number of dwelling units and gross density contained therein, the subarea boundaries are to be clearly delineated. Floor area ratio should be provided for all units over thirty (30) feet in height;
  - (d) Such other information or data that the subdivider feels the Planning & Economic Development Commission may require for the full and complete consideration of the proposed plat of subdivision;
  - (e) Summary of all restrictions intended to be imposed by the final plat or by deeds of conveyance as to the use of all property within the subdivision including area of buildings for residence use, if any, or other design limitations or planning schedules; and covenant for maintenance of all private open space or other land to be held in common by residents of the proposed subdivision.
  - (f) Identification of all lots not meeting requirements of Section 19-46.
  - (g) Geological and soils analysis examining the adequacy of the site for the development environment.
  - (h) A soil erosion and sedimentation control plan as required by Section 19-121 of this Code (Ord. No. 91-25, Sec. 1, 7-17-91).
  - (i) Tree Survey as required by Section 19-134.
  - (j) Tree Preservation Plan as required by Section 19-135. (Ord. No. 98-07, Sec. 1, 3-19-98)

- (10) All documents, plats, supporting data etc., and revisions thereof shall be dated and properly titled and the date utilized when referencing said articles. (Ord. No. 79-06, Sec. 1, 2-21-79)

**Sec. 19-33. Preliminary plat procedures.**

- (a) *Developer action.* A preliminary plat shall be prepared in accordance with this Chapter and the subdivider shall file thirty-five (35) copies and an application for development approval with the Superintendent of Building and Zoning twenty-one (21) days in advance of the Village Board meeting at which referral to the Planning & Economic Development Commission is desired. (Ord. No. 98-04, Sec. 1, 2-19-98)
- (b) *Village Board action on preliminary plat.* The Village Board shall refer the preliminary plat to the Planning & Economic Development Commission for review, analysis and recommendation. Immediately upon referring such plat, a copy of the plat shall be sent by the Superintendent of Building and Zoning to each public school district and park district in which the proposed subdivision is located. The Planning & Economic Development Commission shall allow twenty-one (21) days from referral for written comment from the applicable school and park district prior to adopting its final recommendation.
- (c) *School district action.* The school district will be requested to agree in writing to accept the school donation and student contribution or submit its objection to the Planning & Economic Development Commission. The school district will be requested to agree to accept lands to be donated to the school district prior to Village Board approval of the preliminary plat. (Ord. No. 94-14, Sec. 1, 3-17-94)
- (d) *Planning & Economic Development Commission Action on Preliminary Plat.* The Planning & Economic Development Commission shall, after receiving the preliminary plat, hold such deliberations and request additional information as it deems necessary to show compliance with the Ordinances of the Village. All required material must be received at least twenty-one (21) days prior to the Planning & Economic Development Commission session at which it is to be considered. If the proposed plat of subdivision is not satisfactory as presented, the Planning & Economic Development Commission shall permit the subdivider to make changes and additions required by the Planning & Economic Development Commission to meet the requirements of this Chapter. (Ord. No. 98-04, Sec. 2, 2-19-98)
- (e) *Planning & Economic Development Commission recommendation.* The Planning & Economic Development Commission shall make a recommendation of approval or disapproval of the plat. The Planning & Economic Development Commission will forward the recommendation in writing to the Village Board including any conditions of approval or the reasons for disapproval and the roll call vote. A recommendation of Planning & Economic Development Commission to disapprove a preliminary plat shall not prohibit the

subdivider from seeking Village Board approval of the proposed plat.

- (f) *Village Board approval of preliminary plat.* After a recommendation on the preliminary plat by the Planning & Economic Development Commission, it shall be returned to the Village Board for their action. After the Village Board has satisfied themselves that the preliminary plat is in accordance with the requirements set forth in this Chapter, and that the Planning & Economic Development Commission has inspected all phases of the improvements, and made its recommendation, the Village Board may accept, modify or reject the recommendation of the Planning & Economic Development Commission in its action upon the plat. The Village Board may require such special conditions in the approval of the preliminary plat as it may deem necessary to insure conformity with the intent of all comprehensive plan elements and requirements of Village Ordinances. Upon rejection of a preliminary plat, the said plat shall be returned to the subdivider by the Village Board with a written statement setting forth reasons for said disapproval. An approved preliminary plat shall remain on file with the Village Clerk. (Ord. No. 79-06, Sec. 1, 2-21-79)

**Sec. 19-34. Final plat preparation.**

A final plat shall be prepared on permanent material, tracing cloth, mylar or equivalent so as to be suitable for recording with the county recorder of deeds at a scale of one (1) inch equals one hundred (100) feet. All revision dates shall be shown as well as the following:

- (1) *Contents.*
- (a) The name and signature of the owner of record of the property;
  - (b) The name, signature and seal of the registered land surveyor who prepared the plat and the date thereof;
  - (c) The legal description of the property subdivided;
  - (d) All measurements, dimensions, data, monuments, angular and linear dimensions, and certificates shall be in accordance with Chapter 109, Plats, of the Illinois Revised Statutes;
  - (e) All easements required for the installation of utilities (electric, water, waste water, gas, telephone, etc.) along with a statement that dedicates the easements as approved by the Village of Fox River Grove.
  - (f) All scenic or access easements along with a statement that dedicates the easements as approved by the Village of Fox River Grove.

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- (2) *Supporting documents with final plat.* The following supporting documents and data, shall be submitted with said final plat:
- (a) A detailed statement of intent and agreement by the subdivider, setting forth the nature, kind, character and the extent of all the improvements that will be constructed in the subdivision, together with complete plans, detailed final engineering, profiles, and specifications clearly describing the same, with agreement to construct the same in accordance therewith, at his own expense, within the time limit fixed by the Village Board;
  - (b) Any special studies or additional items required by the Village;
  - (c) Cost estimates of all public improvements and financing surety as required hereinafter;
  - (d) All covenants such as homeowners association covenants and agreements which are to be applied to the property;
  - (e) A calculation of population equivalents for residential developments;
  - (f) A description and justification for any variation from the preliminary plat and a description of any external factors which have changed since preliminary plat affecting the layout of the final plat. (Ord. No. 79-06, Sec. 1, 2-21-79)
  - (g) A detailed final Tree Survey and a detailed final Tree Preservation Plan. (Ord. No. 98-07, Sec. 2, 3-19-98)

### **Sec. 19-35. Final plat procedure.**

- (a) *Developer action.* Application for final approval of a plat shall be made not later than one (1) year after preliminary approval has been granted for all parts of the area preliminary platted. If after one (1) year from preliminary plat, no submission of a final plat in conformance with the procedures contained herein has occurred, the preliminary plat may be declared void by the Village Board and returned to the subdivider with an explanation of the action. The preliminary and final plat may be filed and approved simultaneously if all requirements hereof are met. Provided, if desired by the subdivider, the final plat may constitute only that portion of the approved preliminary plat which he proposes to record and develop at that time, and provided further that if the development be staged, all staged final development plats shall conform substantially to the preliminary plat as approved. Approval for the final plat may be submitted in stages with each stage reflecting a portion of the approved preliminary plat which is proposed to be recorded and developed; provided, however, that such portion conforms to all requirements of these regulations. The final plat

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shall be essentially in accord with the preliminary plat.

- (b) *Planning & Economic Development Commission action.* The Village Board shall refer the final plat to the Planning & Economic Development Commission. After review of the final plat the Planning & Economic Development Commission shall recommend approval or disapproval and the reasons therefore, to the Village President and Village Board. The Chairman of the Planning & Economic Development Commission, after formal approval of the Village Board, shall suitably endorse the plat in the name of the Planning & Economic Development Commission.
- (c) *Statement of intent and agreement.* The Village staff will review and recommend on all supporting documents, engineering and financial surety. A statement of intent and agreement (S.I.A.) shall be completed by the subdivider which summarizes and includes all agreements between the subdivider and the Village.
- (d) *Approval of final plat by Village Board along with statement of intent and agreement.* When and if the Village Board is satisfied with the final plat and S.I.A. along with all improvements, conditions, documents and financial surety hereinafter noted, pertaining to said subdivision, the Village Board shall by motion or resolution approve the said plat and S.I.A. and authorize and direct the Village President and the Village Clerk to sign the plat for, and in the name of the Village and the Clerk shall attach thereto the corporate seal.
- (e) *Recording of final plat.* The Village Clerk shall have the final plat and S.I.A. recorded in the office of the Recorder of McHenry County, Illinois if the property is located in McHenry County, or in the office of the Recorder of Lake County, Illinois, if the property is located in Lake County. Said final plat after recording shall be returned to the office of the Village Clerk and shall be maintained on file. (Ord. No. 79-06, Sec. 1, 2-21-79; Ord. No. 94-10, Sec. 4, 3-17-94)

**Secs. 19-36--19-40. Reserved.**

### **ARTICLE IV. DESIGN STANDARDS\***

#### **Sec. 19-41. Street plan.**

The subdivision of land and the design of planned developments, including the arrangement, character, extent, width, grade, and location of all streets, alleys or other land to be dedicated for public use, shall conform to the general development plan of Fox River Grove as approved and adopted by the Village Board and other responsible governmental bodies; and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and

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\* Cross reference-Standards for required improvements, Ch. 17 1/2.

safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. (Ord. No. 79-06, Sec. 1, 2-21-79)

**Sec. 19-42. Standards for dedicated streets.**

All streets required to be dedicated to the public shall be designed and constructed in compliance with the requirements of this Chapter. (Ord. No. 79-06, Sec. 1, 2-21-79)

**Sec. 19-43. Minimum street standards.**

- (a) All right-of-way widths shall conform to the dimensions shown in Article VI.
- (b) Minor streets shall be so laid out that their use by through traffic will be discouraged.
- (c) Street jogs with center line offsets of less than one hundred twenty-five (125) feet shall be avoided.
- (d) Clear visibility, measured along the center line of the street, shall be provided for at least three hundred (300) feet on all primary streets, two hundred (200) feet on secondary streets, and at least one hundred (100) feet on all other streets.
- (e) It must be evidenced that all street intersections and confluences encourage safe traffic flow. The intersection of more than two (2) streets shall be prohibited.
- (f) Alleys are discouraged, except where deemed necessary at the discretion of the Planning & Economic Development Commission or the Village Board.
- (g) The maximum length cul-de-sac shall be eight hundred (800) feet measured along the center line from the intersection at origin through center of circle to end of right-of-way. Each cul-de-sac shall have a terminus of nearly circular shape with a minimum diameter of one hundred twenty (120) feet right-of-way for residential streets and one hundred fifty (150) feet for industrial streets.
- (h) Half streets are prohibited. Where a half street exists adjacent to a tract to be subdivided, the existing half of the street shall be planned and improved within such tract.
- (i) No street names may be used which will duplicate or be confused with the names of existing streets. Existing street names must be protected wherever possible. Each name has to be approved by the Planning & Economic Development Commission, Village Board and postmaster.
- (j) Tangents at least fifty (50) feet long shall be introduced between reverse curves on collector

streets.

- (k) Where there is a deflection in the street alignment in excess of ten (10) degrees, a curve shall be inserted with a radius of not less than:

Collector streets-three hundred (300) feet;

Minor streets-one hundred fifty (150) feet.

- (l) Where there is a deflection in vertical center lines within a given block at any point in excess of six (6) degrees, a curve shall be inserted with a radius of not less than:

Collector streets-three hundred (300) feet;

Minor streets-one hundred fifty (150) feet.

- (m) Lots abutting a freeway or major highway shall be served by a marginal access street. Where a lot or tract backs upon a freeway or major street, earth mounds and screen plantings with a combined height of seven (7) feet shall be required to buffer residential uses. Plans shall be prepared by a landscape architect and approved by the Planning & Economic Development Commission.  
Ord. No. 79-06, Sec. 1, 2-21-79)

**Sec. 19-44. Easements.**

- (a) Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least fifteen (15) feet wide.
- (b) Where a subdivision is traversed by a watercourse, drainageway, a channel or stream, there shall be provided a thirty (30) foot storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width needed to straighten, or for maintenance access, or both. (Ord. No. 79-06, Sec. 1, 2-21-79)

**Sec. 19-45. Block standards.**

- (a) The maximum lengths of blocks shall be twelve hundred (1200) feet. Blocks over eight hundred (800) feet shall require cross-walkways. Crosswalk dedications of not less than ten (10) feet in width shall be provided where deemed necessary by the Planning & Economic Development Commission at the approximate centers of the blocks. A concrete sidewalk shall be erected on the center line and full length of the cross-walkway. The use of additional cross-walkways in any instance to provide safe and convenient access to schools, parks, or other similar destinations will be specified by the Planning & Economic Development

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Commission or the Village Board.

- (b) No specific rule concerning the shapes of blocks is made, but blocks must fit easily into the overall plan of the subdivision and their design must evidence consideration of lot planning, traffic flow and public areas.
- (c) Blocks intended for commercial and industrial use must be designated as such and the plan must show adequate off-street areas suitably surfaced to provide for parking, loading docks, and such other facilities that may be required to accommodate motor vehicles. Such blocks adjacent to residential lots shall have mounds and screening to buffer residential property. (Ord. No. 79-06, Sec. 1, 2-21-79)

### **Sec. 19-46. Lot standards.**

- (a) The minimum lot dimensions shall conform to the requirement of the Fox River Grove Zoning Ordinance.
- (b) Corner lots shall be sufficiently larger than interior lots in conformance with the requirements of the Fox River Grove Zoning Ordinance.
- (c) Within the incorporated limits of Fox River Grove, building setback lines shall conform to the front yard provisions of the Zoning Ordinance. Building setback lines for territory outside the incorporated limits, but within the jurisdiction of this Chapter, shall conform to the provisions of the McHenry County Zoning Ordinance, if the territory is located in McHenry County or the provisions of the Lake County Zoning Ordinance, if the territory is located in Lake County, except that in no instance shall the building setback line be less than thirty (30) feet from the street line. (Ord. No. 94-10, Sec. 4, 3-17-94)
- (d) All lots shall abut on public dedicated streets.
- (e) Side lines of lots shall be at right angles or radial to the street line.
- (f) Double frontage lots are forbidden, except where lots back upon a primary thoroughfare or freeway and in such instances, vehicular access between the lots and the thoroughfare is prohibited or where topography of the land might render subdividing otherwise unreasonable. Such lots shall have an additional depth of at least twenty (20) feet in order to allow for protective screen plantings and earth mounds.
- (g) Lots abutting a watercourse, drainageway, channel or stream shall have the additional minimum width or depth as required to provide a conforming building site above the floodplain and afford the minimum usable area required in the Zoning Ordinance for front, rear and side yards.

- (h) Whenever a parcel is divided into lots containing one to three (1-3) acres inclusive, and there are indications that such lots will eventually be re-subdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of smaller lots. (Ord. No. 79-06, Sec. 1, 2-21-79)

**Sec. 19-47. Pedestrian circulation.**

In all subdivisions zoned R-2, R-3, B-1, B-2, or B-3, there shall be concrete sidewalks installed on both sides of any street within the subdivision and on one side of any perimeter street in the areas so zoned. Such sidewalks shall be located one (1) foot inside the right-of-way of the street. In areas adjacent to schools within one thousand five hundred (1,500) feet, or collector streets, sidewalks are required.

In any planned development, the above requirement may be satisfied by a system of paved walkways either paralleling streets or designed to provide adequate pedestrian circulation throughout the planned development, with safe and convenient pedestrian access to adjacent areas. The walkway system shall be approved by the Village in accordance with procedures established for planned developments in the Fox River Grove Zoning Ordinance. (Ord. No. 79-06, Sec. 1, 2-21-79)

**Sec. 19-48. Alleys and cross-walkways in commercial areas.**

- (a) Alleys, at least twenty-two (22) feet wide, shall be provided in commercial areas where needed to afford access to off-street loading facilities as required by the Fox River Grove Zoning Ordinance.
- (b) Cross-walkways in commercial areas shall be at least twelve (12) feet wide and a concrete sidewalk, six (6) feet in width, shall be installed its full length. A shrub or a tree hedge shall be installed at the side boundary lines. (Ord. No. 79-06, Sec. 1, 2-21-79)

**ARTICLE V. REQUIRED SCHOOL AND LIBRARY  
CONTRIBUTIONS AND PARK LAND DEDICATIONS\***

**Sec. 19-49. School, library and park contributions generally.**

- (a) As a condition of approval of a final plat of subdivision or a final plat of a planned development, each subdivider or developer shall be required to make a cash contribution to each of the school districts and each of the library districts within which the subdivision or planned development is located or at the option of the Village, to dedicate land for school

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\* Editor's note-Ord 90-06, Sec.2, 3-21-90, amended Sections 19-49 to 19-57 and classified them as Article V.

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sites and library sites, or a combination of both. The cash contributions and/or land dedications shall be made in accordance with the criteria and formulas set forth in Sections 19-50 through 19-58 of this Code and are intended to assist the school districts and library districts to serve the immediate and future needs of the residents of the subdivision or planned development.

- (b) As a condition of approval of a final plat of subdivision or a final plat of a planned development, each subdivider or developer shall be required to agree to dedicate land for park and recreational purposes or, at the option of the Village, to contribute cash in lieu of an actual dedication of land or a combination of both. The dedication of land or the cash contribution shall be made in accordance with the criteria and formulas set forth in Sections 19-51 through 19-57 of this Code. The purpose of the dedication and/or contribution is intended to provide recreational areas to serve the immediate and future needs of the residents of the subdivision or planned development.
- (c) The acceptance by a school district or a library district of land or a cash contribution made by a developer pursuant to a requirement imposed by the Village shall constitute an agreement by the school district or library district to indemnify and hold the Village of Fox River Grove entirely harmless from any judgment or claim of loss, damage or injury, including claims relating to the misapplication of funds, that arises directly or indirectly out of the receipt by the school district or library district of funds or land as a result of the requirements imposed on developers by Sections 19-49 through 19-58 of this Code. The indemnification obligation of school districts and library districts shall include payment of any and all expenses incurred by the Village, including court costs, legal fees, and expert witness fees. The Village shall promptly notify any school district or library district of any claim for which the school district or library district may be required to provide indemnification pursuant to this paragraph. The Village may require a school district or library district, as a condition of receiving land or a cash contribution pursuant to Sections 19-49 through 19-58 of this Code, to first enter into a written agreement, providing that the school district or library district agrees to indemnify the Village as provided in this subsection. (Ord. No. 93-04, Sec. 2, 2-17-93)

### **Sec. 19-50. Cash contributions to school districts.**

- (a) The amount of the cash contribution which a subdivider or developer shall be required to make to a school district shall be based on the number of bedrooms in each separate dwelling unit constructed within a subdivision or planned development. The amount of the required cash contribution shall be calculated based on the following table provided that the amount of the contribution shall be increased on March 1 of each year by an amount equal to the percentage increase during the previous calendar year in the "All Items Consumer Price Index for all Urban Consumers" which is published by the U.S. Department of Labor, Bureau of Labor Statistics for Chicago, Illinois. If the All Items Consumer Price Index for all Urban

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Consumers does not increase during a calendar year there shall be no adjustment in the amount of the required cash contribution on the following March 1.

AMOUNT OF CONTRIBUTION PER DWELLING UNIT		
Size of Dwelling Unit	Elementary School District	High School District
2 bedrooms or less	\$1,200	\$ 600
3 bedrooms	\$1,600	\$ 800
4 bedrooms or more	\$2,000	\$1,000

- (b) Unless the developer or subdivider enters into an agreement with a school district pursuant to Section 19-50(c), the required school contributions for a dwelling unit shall be paid to the Village at the time the application for the building permit for the construction of the dwelling unit is filed with the Village. The Village shall pay any funds received pursuant to this section to the appropriate school districts. The school districts shall hold such funds in trust to be used for the purchase of land for school sites, to pay the cost of improvements to school sites, to pay the cost of construction of a school, to pay costs incurred in repairing or remodeling an existing school building or for other capital improvements to existing structures owned by the school district. No funds received by a school district pursuant to this Section shall be used by the school district to pay for regular operating expenses. On or before June 30 of each year, each school district which has received funds pursuant to this Section shall file a report with the Village Clerk as to how such funds have been expended. If such a report is not filed, the Village may withhold payment of any further funds due to be paid to the school district pursuant to this Section 19-50 until such time as the report is filed.
- (c) A subdivider or developer may enter into an agreement with a school district which provides for the developer or subdivider to make cash contributions to the school district in an amount different than the amount required under Section 19-50(a) or 19-50(d). Such an agreement may provide that the cash contribution required under the agreement shall be paid directly to the school district at a time other than when the application for a building permit for a dwelling unit is filed with the Village. If a developer or subdivider reaches an agreement with a school district pursuant to this Section 19-50(c), then the Village shall permit the developer or subdivider to satisfy the requirement for contributions to the school district which is a party to the agreement by complying with the provisions of the agreement in lieu of compliance with Sections 19-50(a), (b) and/or (d) of this Section, provided that a copy of the agreement must first be filed with the Village Clerk.
- (d) In the event that the Corporate Authorities of the Village receive written notification from a

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school district prior to approval of a final plat that the size of a subdivision or planned development is such that a new school is required to provide for the educational needs of the residents of the subdivision or the planned development, the Corporate Authorities may require that the subdivider or developer dedicate a site for the school in lieu of or in combination with the cash contribution required under Section 19-50(a). In the event dedication of a school site is required, the maximum number of students for each school and the minimum number of acres of land for each school site shall be determined in accordance with the following table:

School Classification by Grades	Maximum Number of Students for Each School Classification	Minimum Number of Acres of Land for Each School Site of Such Classification
Elementary school	600 students	11 acres
Junior high school	900 students	19 acres
High school	2300 students	48 acres

If a combination of a cash contribution and land dedication is required, the amount of the cash contribution shall not exceed the total contributions that would be due for the subdivision or planned development under Section 19-50(a) for the projected number and type of dwelling units to be constructed less the fair market value of the land to be dedicated for school sites within the subdivision or planned development. If a school site is required to be dedicated pursuant to this Subsection, the comprehensive plan and/or the standards or policies of the affected school district shall be used as a guideline in locating the school site. Any land dedicated by a subdivider or a developer for a school site shall meet the requirements set forth in Sections 19-56 and 19-57 relating to the dedication of park land.

- (e) The Corporate Authorities of the Village may waive the requirement that a subdivider or developer make a cash contribution or dedicate land to the school districts in which the subdivision or planned development is located if the subdivision or land development is intended to provide housing only for persons aged 55 or older.

**Sec. 19-51. Criteria for requiring park and recreation land dedication.**

- (a) Requirement and population ratio. The ultimate population density of a proposed subdivision or planned development shall bear directly upon the amount of land required for dedication. The total requirement shall be five and five-tenths (5.5) acres of land per one thousand (1,000) of ultimate population in accordance with the following classifications:

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RECREATIONAL STANDARDS		
Types of Recreation Area	Minimum Size	Minimum Acres per 1,000 persons
Play lot	20,000 square feet	-0-
Neighborhood playground		1.5
Elementary school adjoining	3 acres	
Playfield		1.5
Adjoining junior high or high school	10 acres	
All other locations	15 acres	
Community-wide recreation facility or other areas including, but not limited to, the above listed facilities		2.5
		5.5 acres/1,000 persons

Not more than twenty-five (25%) percent of said park and recreational area shall be located in the floodplain or wetland.

Additional standards for open space in planned developments are found in the Fox River Grove Zoning Ordinance and shall be adhered to in all planned developments.

- (b) Location. The Comprehensive Plan adopted by the Village shall be used as a guideline in locating sites. A central location which will serve equally the entire subdivision or planned development is most desirable. In large subdivisions and planned developments these sites can be located throughout the subdivision or planned development according to established standards for park area distances.
- (c) No credit shall be given for private open spaces and recreation areas. (Ord. No. 97-11, Sec. 1, 5-15-97)

**Sec. 19-52. Criteria for requiring a contribution in lieu of park sites.**

Where the subdivision or planned development is small and the resulting site is too small to be practical, or when the available land is inappropriate for park and recreational purposes, the Village shall require the subdivider or developer to pay a cash contribution in lieu of the land dedication required. The cash contributions in lieu of park and recreation land dedication shall be held in trust

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by the Village, or other public body designated by the Village, solely for the acquisition of park and recreational land as classified herein which will be available to serve the immediate or future needs of the residents of that subdivision or development, or for the improvement of other existing local park and recreation land which already serves such needs.

If any portion of a cash contribution in lieu of park and recreation land dedication is not expended for the purposes set forth herein within ten (10) years from the date of receipt, it shall be refunded to the owners of record in the subdivision or development.

The amount of the cash contribution which a subdivider or developer shall be required to make in lieu of dedicating land for park and recreational purposes shall be based on the number of bedrooms in each separate dwelling unit constructed within a subdivision or planned development. The amount of the required cash contribution shall be calculated based on the following formula:

Five hundred (\$500.00) dollars for the first bedroom plus an additional one hundred (\$100.00) dollars for each additional bedroom in the dwelling unit.

Provided that the amount of the contribution shall be increased on March 1 of each year by an amount equal to the percentage increase during the previous calendar year in the "All Items Consumer Price Index for all Urban Consumers" which is published by the U.S. Department of Labor, Bureau of Labor Statistics for Chicago, Illinois. If the All Items Consumer Price Index for all Urban Consumers does not increase during a calendar year, there shall be no adjustment in the amount of the required cash contribution on the following March 1. (Ord. 01-13, Sec. 1, 3-15-01)

### **Sec. 19-53. Criteria for requiring dedication and a fee.**

There may be situations in subdivisions and planned developments when a combination of park land dedication and contribution in lieu of land are both necessary. These occasions will arise when:

- (1) Only a portion of the land to be developed is proposed as the location for a park site. That portion of the land within the subdivision or planned development falling within the park location shall be dedicated as a site as aforesaid, and a cash contribution in lieu thereof shall be required for any additional land that would have been required to be dedicated.
- (2) A major part of the local park or recreation site has already been acquired, and only a small portion of land is needed from the subdivision or planned development to complete the site. The remaining portions shall be required by dedication and a cash contribution in lieu of the remaining required park or recreation land. (Ord. No. 90-04, Sec. 1, 3-21-90)

### **Sec. 19-54. Reservation of additional land.**

Where the Comprehensive Plan or the standards of the Village call for a larger amount of park and

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recreational land in a particular subdivision or planned development than the developer is required to dedicate, the land needed beyond the developer's contribution shall be reserved for subsequent purchase by the Village or other public body designated by the Village, provided that such acquisition shall be made within one (1) year from the date of approval of the final plat. (Ord. No. 90-04, Sec. 1, 3-21-90)

### **Sec. 19-55. Combining with adjoining developments.**

Where the subdivision or planned development is less than forty (40) acres, public open space which is to be dedicated should, where possible, be combined with dedications from adjoining developments in order to produce usable recreation areas without hardship on a particular developer. (Ord. No. 90-04, Sec. 1, 3-21-90)

### **Sec. 19-56. Topography and grading.**

The slope, topography and geology of the dedicated site, as well as its surroundings, must be suitable for its intended purposes. Grading on sites dedicated for park and recreational uses shall not differ greatly from surrounding land. (Ord. No. 90-04, Sec. 1, 3-21-90)

### **Sec. 19-57. Improved sites.**

All sites shall be dedicated in an improved condition and shall have all of the facilities and utilities appropriate to their intended uses.

The dedications of land, or cash contributions in lieu thereof, required by this Article shall also be required as a condition to the annexation of any land to the Village and provisions therefor shall be incorporated in any pre-annexation agreement governing such land.

Furthermore, the Village may require as part of a pre-annexation agreement that the developer make cash contributions to the Village, and to the Fire Protection District to assist the Fire District in providing necessary services to the subdivision or planned development during the period from initial occupancy of the subdivision or planned development until taxes, levied on the assessed valuation of the subdivision or planned development when substantially completed, have been collected. Such contributions shall be designed to place the burden of additional costs of servicing new subdivisions and planned developments upon said subdivisions and planned developments rather than upon existing developments, but shall not be in an amount that would place a disproportionate share of the cost of local government services on new subdivisions. (Ord. No. 94-14, Sec. 1, 3-17-94)

### **Sec. 19-58. Contributions to Library Districts.**

(a) The amount of the cash contribution which a subdivider or developer shall be required to

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make to a library district shall be based on the number of dwelling units constructed within a subdivision or planned development. The amount of the required cash contributions shall be two hundred (\$200.00) dollars per dwelling unit, provided that the amount of the contribution shall be increased on March 1 of each year by an amount equal to the percentage increase during the previous calendar year in the "All Items Consumer Price Index for all Urban Consumers" which is published by the U.S. Department of Labor, Bureau of Labor Statistics for Chicago, Illinois. If the All Items Consumer Price Index for all Urban Consumers does not increase during a calendar year, there shall be no adjustment in the amount of the required cash contribution on the following March 1.

- (b) Unless the developer or subdivider enters into an agreement with a library district pursuant to Section 19-58(c), the required library district contributions for a dwelling unit shall be paid to the Village at the time the application for the building permit for the construction of the dwelling unit is filed with the Village. The Village shall pay any funds received pursuant to this Section to the appropriate library district. The library district shall hold such funds in trust to be used for the purchase of land for library sites, to pay the cost of improvements to library sites, to pay the cost of construction of a library, the costs incurred in repairing or remodeling an existing library or for other capital improvements to existing structures owned by the library district. No funds received by a library district pursuant to this Section shall be used by the library district to pay for regular operating expenses, including but not limited to the cost of acquiring and maintaining books and equipment. On or before June 30 of each year, each library district which has received funds pursuant to this Section shall file a report with the Village Clerk as to how such funds have been expended. If such a report is not filed, the Village may withhold payment of any further funds due to be paid to the library district pursuant to this Section 19-58 until such time as the report is filed.
- (c) A subdivider or developer may enter into an agreement with a library district which provides for the developer or subdivider to make cash contributions to the library district in an amount different than the amount required under Section 19-58(a) or 19-58(d). Such an agreement may provide that the cash contribution required under the agreement shall be paid directly to the library district at a time other than when the application for a building permit for a dwelling unit is filed with the Village. If a developer or subdivider reaches an agreement with a library district pursuant to this Section 19-58(c) then the Village shall permit the developer or subdivider to satisfy the requirement for contributions to the library district, which is a party to the agreement, by complying with the provisions of the agreement in lieu of compliance with Sections 19-58(a), (b) and/or (d), provided that a copy of the agreement must first be filed with the Village Clerk.
- (d) In the event that the Corporate Authorities of the Village receive written notification from a library district prior to approval of a final plat, that the size of a subdivision or planned development is such that a new library building is required to provide library services to the residents of the subdivision or the planned development. The Corporate Authorities may

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require the subdivider or developer to dedicate a site for the library in lieu of or in combination with the cash contribution required under Section 19-58(a). In the event dedication of a library site is required, the library district shall notify the Village as to the size of the required site and shall, if necessary, provide such data and other information to the Village as may be necessary to establish that the size of the library site requested by the library district is the size required in order to service the needs of the residents of the subdivision or planned development. If a combination of a cash contribution and land dedication is required, the amount of the cash contribution shall not exceed the total contributions that would be due for the subdivision or planned development under Section 19-58(a) for the projected number of dwelling units to be constructed less the fair market value of the land to be dedicated for a library site within the subdivision or planned development. If a library site is required to be dedicated pursuant to this Subsection, the comprehensive plan and/or the standards or policies of the affected library district shall be used as a guideline in locating the library site. Any land dedicated by a subdivider or a developer for a library site shall meet the requirements set forth in Sections 18-56 and 19-57 of this Code, relating to the dedication of park land. (Ord. No. 93-04, Sec. 3, 2-17-94)

**Secs. 19-59--19-70. Reserved.**

### ARTICLE VI REQUIRED LAND IMPROVEMENTS\*

**Sec. 19-71. Generally.**

No subdivision of land shall be approved by the Village of Fox River Grove Planning & Economic Development Commission without first receiving a statement signed by the Village Engineer certifying that the improvement described in the subdivider's plans and specifications, together with agreements, meet the minimum requirements of all Ordinances of the Village and that they comply with the following sections. (Ord. No. 79-06, Sec. 1, 2-21-79)

**Sec. 19-72. Sewers.**

- (a) A complete system of sanitary sewers shall be installed, including sewer stub terminals at the property line of each lot, to serve all lots in a subdivision or lot division. Said system of sewers shall be connected with the sanitary sewer system of the Village, otherwise to a specially constructed sanitary sewage disposal plant in accordance with plans acceptable to the Village. All connections to said sewer systems shall comply with existing Ordinances and shall be subject to the approval and inspection of the Village Engineer or any other party assigned by the Board to inspect same.

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\* Editor's note-Ord. 90-04, Sec. 3, 3-21,90, renumbered to Article VI.

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- (b) All sanitary sewer systems shall be constructed in accordance with standards and specifications of the Village and other governmental authorities having jurisdiction. All sewer design, plans and specifications shall be submitted to the Village Clerk and the Village Engineer for approval and file. Each lot platted for the subdivision shall be served by the sanitary sewer system.
- (c) Where sanitary sewer mains of larger capacity than necessary are required, as directed by the Board to serve future growth in the vicinity of the subdivision, the subdivider shall be required to pay for the proportionate benefit of the installation of his subdivision, as established by the Board.
- (d) A subdivision plat shall in no case be approved which shall be dependent upon individual septic tanks and private wells, except where lots therein contain not less than forty thousand (40,000) square feet each. If the subdivision is served with public water supply, the lots with septic tanks shall contain twenty thousand (20,000) square feet each.
- (e) An adequate system of storm water drainage shall be constructed and installed, consisting of natural watercourses, storm sewers and other necessary facilities in accordance with Village ordinance. Open ditches shall be prohibited, except where they may be required in state or county rights-of-way. (Ord. No. 79-06, Sec. 1, 2-21-79)

### **Sec. 19-73. Street improvements.**

- (a) Grades. The minimum street gradient shall not be less than five-tenths (0.5%) percent. The maximum street gradient on major streets, collector streets, and business and industrial streets shall not exceed six (6%) percent. The maximum street gradient on minor residential streets shall not exceed ten (10%) percent. All gradient changes of more than one (1%) percent shall have a vertical curve. No gradient change shall exceed two and five-tenths (2.5%) percent in one hundred (100) feet.
- (b) Street standards. All streets to be dedicated to the public shall be improved as follows:
  - (1) Right-of-way. For the street classification shown in Table 3, column 1, the right-of-way shall have a minimum width as shown in column 2.
  - (2) Pavement width. For the street classification shown in Table 3, column 1, the pavement shall have a minimum width measured back-to-back of curb as shown in column 3.
  - (3) Pavement type. For the street classification shown in Table 3, column 1, the pavement shall be improved to the standard of Illinois Highway Specification shown

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in column 4. The pavement specifications shown herein are based on subsoils having a support value (California Bearing Ratio (CBR)) of 3.0. In the design of pavements, special consideration shall be given to subsoil support values greater or less than CBR=3.0.

- (4) Cul-de-sac terminus. The pavement in the terminus of a cul-de-sac shall have a minimum diameter measured from the back of the outside curbs, of eighty (80) feet for residential streets and one hundred (100) feet for business and industrial streets. All cul-de-sacs shall be improved with curbed islands which shall meet the requirements of this Chapter. All curbed islands shall be designed to accommodate a street lighting fixture and a fire hydrant. All curbed islands within cul-de-sacs shall be approved by the Village Engineer. (Ord. No. 90-35, Sec. 1, 11-21-90).
- (c) Acceleration and deceleration lanes. Additional right-of-way and pavement improvements are required, as shown in Table K.
  - (1) Major and collector street intersections shall be improved with acceleration and deceleration lanes, the design of which shall be approved by the Village Engineer and the Illinois Division of Highways.
  - (2) Special consideration shall be given to access control along primary and secondary thoroughfares and to channelization at major intersections.
- (d) Where it is intended that the pavement shall provide for continuous on-street parking, the widths established herein shall be increased accordingly.
- (e) Curbs and gutters.
  - (1) Concrete curbs and gutters shall be constructed along the outside edges of all street pavements, and shall be Illinois Division of Highways standard types required for the street classifications as follows:

<i>Street Classification</i>	<i>Curb and Gutter Type</i>
Major streets	B-6.12
Collector streets	B-6.12
Residential streets	M-6.12
Business and industrial	B-6.12

- (2) The outside edges of curbs and gutters shall be parallel to street lines, and radii at intersections shall not be less than twenty-five (25) feet.

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- (3) Depressed curbs for driveway entrances shall be provided for all barrier type (B-6.12) curbs and gutters.
- (4) Storm water inlets shall be provided for all curbs and gutters at points required by the Village Engineer.
- (f) Storm water inlets shall be provided within the roadway improvement at points approved by the Village Engineer.
- (g) All curb corners shall have radii of not less than fifteen (15) feet; at collector street intersections, not less than twenty-five (25) feet.
- (h) In subdivisions outside of the corporate area, but in the one and five-tenths (1.5) mile planning area, street improvements shall conform to the same standards required of subdivisions within the corporate area.
- (I) Paved access driveways shall be provided from the street right-of-way line to the edge of street pavement for all lots, and shall be constructed of either six (6) inch Portland cement concrete, or six (6) inch gravel or crushed stone base and two (2) inch bituminous concrete surface (MS/900).
- (j) Street name signs and other signs required by the Village shall be provided in accordance with Village standards and specifications and installed at every intersection to identify all streets.

Table K.

(1) <i>Classification</i>	(2) <i>Right-of-Way Width</i>	(3) <i>Pavement</i>	(4) <i>Pavement Type</i>
Major street ADT=7,000 to 15,000 ADT=over 15,000	80 ft.	49 ft. 57 ft.	4" 10" 4" 8" Portland cement concrete
Collector street ADT=1,00 to 7,000	70 ft.	45 ft.	8" 3" bituminous concrete surface (MS/1700) or Portland cement concrete
Residential street	60 ft.	30 ft.	6" 8" 2 1/2" Portland cement concrete gravel or crushed stone base, and bituminous concrete surface (MS/1700)

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Industrial street	70 ft.	39 ft.	4" 8" 3" 7"	gravel subbase, and stabilized base, and bituminous concrete surface or Portland cement concrete
Alley	30 ft.			Same as residential
Residential		18 ft.		Same as business and industrial
Business and industrial		24 ft.		

(Ord. No. 79-06, Sec. 1, 2-21-79)

**Sec. 19-74. Public Utilities.**

All utility lines for telephone and electric services shall be placed underground in easements along the rear and side lot lines of the subdivision. The conduits and/or cables shall be placed within the easements or dedicated public ways, in a manner which will not conflict with other underground services. Further, all transformer boxes shall be located so as not to be unsightly or hazardous to the public. (Ord. No. 79-06, Sec. 1, 2-21-79)

**Sec. 19-75. Sidewalks.**

Concrete sidewalks shall be provided in all residential and business subdivisions. Minimum widths of sidewalks shall be four (4) feet in residential subdivisions and six (6) feet in business subdivisions unless otherwise recommended by the Planning & Economic Development Commission and required by the Board of Trustees. (Ord. No. 79-06, Sec. 1, 2-21-79)

**Sec. 19-76. Landscaping.**

- (a) All parkways within dedicated street areas or other public use areas shall be graded, provided with topsoil, sodded or one hundred (100%) percent guaranteed germination, seeded or planted in a manner approved by the Village Planning & Economic Development Commission.
- (b) Trees shall be planted along all streets where trees do not exist. Trees shall have a trunk diameter, measured twelve (12) inches above the ground, of not less than three (3) inches, and shall be spaced no more than fifty (50) feet apart. This requirement will be satisfied if an equivalent number of trees of the same size or larger are planted in a naturalistic manner in the front yards of the adjoining lots. The plantings shall be restricted to thornless honey locusts, sugar maples, hackberries, pin oaks, sycamores, gingkoes, and/or any other trees approved by the Board. Chinese elm, box elder, willow, poplar and similar fast-growing brittle-wood species are prohibited. Trees shall be maintained and dead trees replaced by the subdivider for a period of two (2) years after initial planting. (Ord. No. 97-11, Sec.2, 5-15-97)

**Sec. 19-77. Street and parking lot lighting.**

- (a) Provisions shall be made for the adequate illumination, standards and fixtures on public streets within the proposed subdivision in accordance with the standards and requirements established by the governing authorities. The installation shall be completed prior to the acceptance of all street improvements by the Village of Fox River Grove.
- (b) All required open off-street parking areas, other than parking for single-family homes, shall be lighted. An average illumination of five (5) foot candles shall be required with lighting fixture arranged to reflect light away from residential properties and public streets. All lighting cable shall be placed underground and shall be installed in steel conduit and buried at a depth of two (2) feet. (Ord. No. 79-06, Sec. 1, 2-21-79)
- (c) All cul-de-sacs shall have a street light fixture located within the island of the cul-de-sac provided for under Section 19-73(b)(4). (Ord. No. 90-35, Sec. 2, 11-21-90)

**Sec. 19-78. Public water supply**

- (a) The water system of the Village shall be extended throughout the entire subdivision in such a manner that every lot in such subdivision may be serviced by means of a connection within its own frontage. All construction shall be in accordance with standards approved by the State of Illinois and the Village, and connections to water mains shall comply with existing Ordinances and shall be subject to the approval and inspection of the Village Engineer.
- (b) Water mains shall be a minimum of six (6) inches in diameter, shall include installation of shut-off valves and fire hydrants, and shall be free from dead-end mains wherever possible.
- (c) Fire hydrants shall be installed in all subdivisions with a maximum spacing of four hundred (400) feet; hydrants shall be of a type approved by the Village Engineer and with valve openings and hose connections in accordance with standards and hose thread in use in the Village. (Ord. No. 79-06, Sec. 1, 2-21-79)
- (d) All cul-de-sacs shall have a fire hydrant located within the cul-de-sac island provided for under Section 19-73(b)(4) of this Code. (Ord. No. 90-35, Sec. 3, 11-21-90)

**Secs. 19-79--19-90. Reserved.**

**ARTICLE VII. REQUIRED DEDICATIONS, EASEMENTS  
AND RESERVATIONS\***

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\* Editor's note-Ord. 90-04, Sec. 4, 3-21-90, renumbered to Article VII.

**Sec. 19-91. Land dedications.**

The following land areas and facilities shall be dedicated to the public:

- (1) In all subdivisions and planned developments, all new streets created by such subdivisions and planned developments shall be shown and dedicated on the plat as public streets.
- (2) Where a subdivision or planned development abuts an existing public street and where the regulations of this Chapter require additional width of right-of-way, such additional width shall be shown and dedicated on the plat as a public street or portion thereof.
- (3) In all subdivisions and planned developments, park and school sites required in Article IV shall be shown on the plat as public dedications.
- (4) In all planned developments, all parks and other open areas not approved by the Village as private parks or recreation areas shall be shown on the plat as dedicated to the public.
- (5) Nothing herein shall prohibit the payment of cash in lieu of a required land dedication where such cash payment has been approved by the Village. (Ord. No. 79-06, Sec. 1, 2-21-79)

**Sec. 19-92. Easements.**

Any public utilities and associated facilities and installations shall be located in an easement which shall be clearly identified on the plat.

Any drainage structure or floodway shall be located on an easement clearly identified as a "drainage easement" on the preliminary and final plat. Any other easement, for whatever purposes, shall be shown on the preliminary and final plat and its purpose clearly labeled. (Ord. No. 79-06, Sec. 1, 2-21-79)

**Sec. 19-93. Designations.**

When lots are platted on lands in the floodplain, on filled land, such lots shall be designated to show they are filled land and are located in the former floodplain area. (Ord. No. 79-06, Sec. 1, 2-21-79)

**Sec. 19-94. Reservations.**

Where practicable, no final plat shall show an area required to be reserved as provided in Article IV.

Where final plats must include reserved areas, they shall be clearly identified on the plat as reserved for their intended purposes for a period of time not less than one year from the date of recording. (This will occur only if designated open space areas for school or park use are to be purchased at a

future date).

Final plats may be submitted for reserved areas not required by the appropriate public agency at the close of one (1) year from the date of recording. Such plats will be considered as additional units of the subdivision or planned development for which the initial final plat was recorded. Such submittal shall be considered an amendment to the plat and final plat procedures shall be followed (Ord. No. 79-06, Sec. 1, 2-21-79)

**Secs. 19-95--19-100. Reserved.**

### **ARTICLE VIII. OFF-SITE IMPROVEMENTS\***

**Sec. 19-101. Responsibility for off-site improvements.**

It shall be the responsibility of the developer and subdivider to construct and finance (including the cost of any land to be acquired) off-site improvements necessary to service any subdivision or planned unit development. The Planning & Economic Development Commission shall recommend, and the Village Board shall determine when off-site water, sanitary sewer or storm sewer lines, and off-site roads, pavements, sidewalks, street lights, traffic signals, storm water detention/retention ponds, and other storm water facilities are necessary to serve the subdivision or planned unit development in a manner necessary to protect the public health, welfare and safety. (Ord. No. 79-06, Sec. 1, 2-21-79)

**Sec. 19-102. Financing of off-site improvements.**

The Village shall not be required to finance any improvements in order to serve a subdivision or planned unit development or to provide adequate roads thereto. The subdivider or developer of any subdivision or planned unit development required to make off-site improvements shall include plans for such improvements (in accordance with Village standards) with his final subdivision or planned unit development plat, and shall provide the commitment to construct such improvements, and financial surety for such construction, with the statement of intent and agreement in the same manner as for on-site improvements. To the extent such off-site improvements benefit other properties, the subdivider may recapture a portion of the costs of off-site facilities in the manner provided in 65 ILCS 5/9-5-1, as amended, however, the final determination of the benefit from an off-site improvement to other properties shall be made by the Village Board. (Ord. No. 79-06, Sec. 1, 2-21-79)

**Secs. 19-103--110. Reserved.**

### **ARTICLE IX. DEFINITIONS\*\***

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\* Editor's Note-Ord. 90-04, Sec. 5, 3-21-90, renumbered to Article VIII.

**Sec. 19-111. Words, terms, phrases defined.**

As used in this Chapter, the following words, terms and phrases shall have the meanings ascribed to them in this Section:

- (1) *Building Permit* means a permit issued by the Village for the construction, erection or alteration of a structure or building as provided in Article III of Chapter 6 of this Code.
- (2) *Building setback line* means a line within a lot or other parcel of land designated on the plat of proposed subdivision as the nearest place to the adjacent street where a building, structure or auxiliary building may be erected.
- (3) *Certify or Certification* means formally attesting that the specific inspections and tests where required have been performed, and that such tests comply with the applicable requirements of this Chapter.
- (4) *Cross-walkway* means a strip of land dedicated to public use which is reserved across a block to provide pedestrian access to adjacent areas.
- (5) *Cubic Yards* means the amount of material in excavation and/or fill measured by the method of "average end areas."
- (6) *Easement* means a grant by a property owner for the use of a strip of land by the general public, a corporation, or a certain person or persons for a specific purpose or purposes.
- (7) *Excavation* means any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.
- (8) *Existing Grade* means the vertical location of the existing ground surface prior to excavation or filling.
- (9) *Fill* means any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom.
- (10) *Final Grade* means the vertical location of the ground or pavement surface after the grading work is completed in accordance with the site development plan.

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\*\* Editor's note-Ord. 90-04, Sec. 6, 3-21-90, renumerated to Article IX.

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- (11) *Grading* means excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.
- (12) *Lot* means a portion of a subdivision or other parcel of land intended for transfer of ownership or for building development.
- (13) *Natural Drainage* means channels formed in the existing surface topography of the earth prior to changes made by unnatural causes.
- (14) *Parcel* means all contiguous land in one ownership.
- (15) *Permitee* means any person to whom a site development permit is issued.
- (16) *Removal* when used in the context of the removal of plant growth means cutting vegetation to the ground or stumps, complete extraction, or killing by spraying.
- (17) *Site* means a lot or parcel of land, or a contiguous combination thereof. For purposes of soil erosion and sedimentation control a "site" is a lot or parcel of land or a contiguous combination thereof where grading work is performed as a single unified operation.
- (18) *Site Development* means altering terrain and/or vegetation and constructing improvements.
- (19) *Street* means an area which serves or is intended to serve as a vehicular and pedestrian access to abutting lands or to other streets.
  - (a) *Alley*: A strip of land, not less than twenty (20) feet along the side or in the rear of properties, intended to provide access to these properties.
  - (b) *Cul-de-sac*: A minor street having one end open and the other end permanently terminated by a vehicle turnaround.
  - (c) *Collector street*: A principal street within a subdivision or planned development which provides for internal circulation including all primary entrance streets.
  - (d) *Freeway*: Any freeway, expressway, tollway, which is a part of the Federal Interstate System, or the Illinois Tollway System, or any similar road which has controlled or limited access.
  - (e) *Marginal access street*: A frontage road which provides access to lots abutting a freeway or major highway.
  - (f) *Minor street*: A local street, the primary function of which is to provide access to

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abutting properties including residential streets and cul-de-sacs, business and industrial access streets.

- (20) *Street width* means the shortest distance between lines of lots delineating the public street.
- (21) *Stripping* means any activity which removes the vegetative surface cover including tree removal, clearing, and storage or removal of top soil.
- (22) *Subdivision* means the division of a lot, tract, or parcel of land into two (2) or more lots, tracts, or parcels, or a re-subdivision of a lot into two (2) or more lots for the purpose of transfer of ownership or building development including all changes in street or lot lines provided that a division of land for agricultural purposes, in parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted. (Ord. No. 79-06, Sec. 1, 2-21-79).
- (23) *Vacant* means land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself. (Ord. No. 91-25, Sec. 2, 7-17-91)

**Secs. 19-112---119. Reserved.**

## ARTICLE X. SOIL EROSION AND SEDIMENTATION CONTROL

### **Sec. 19-120 Principles and standards.**

Except as provided below, no plat of subdivision shall be approved unless the preliminary plat and accompanying materials indicate that measures to be taken to control soil erosion and sedimentation will be adequate to assure that sediment is not transported from the site by a storm event of ten (10) year frequency or less, and that the following principles will be followed with respect to all development activities in the area to be subdivided:

- (1) Development should be related to the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required should be avoided wherever possible and natural contours should be followed as closely as possible.
- (2) Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to natural watercourses should be left undisturbed wherever possible.
- (3) The smallest practical area of land should be exposed for the shortest practical time during development.
- (4) Sediment basins, debris basins, desilting basins, or silt traps or filters should be installed and maintained to remove sediment from run-off waters from land undergoing development.

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- (5) The selection of erosion and sedimentation control measures should be based on assessment of the probable frequency of climatic and other events likely to contribute to erosion, and on evaluation of the risks, costs and benefits involved.
- (6) In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance should be considered.
- (7) Provision should be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development. Drainageways should be designed so that their final gradients and the resultant velocities of discharges will not create additional erosion, and should be protected against erosion and sedimentation during development.
- (8) Permanent vegetation and structures should be installed as soon as practical during development.

### **Sec. 19-121. Soil erosion and sedimentation control plans.**

Each person seeking preliminary plat approval shall submit the following documents and information at the time of application for preliminary plat approval:

- (1) A plan of the site showing:
  - (a) Existing topography of the site and adjacent land within one hundred (100) feet of the boundaries, drawn at no greater than two (2) foot contour intervals and clearly portraying the conformation and drainage pattern of the area.
  - (b) A general description of the predominant soil types on the site, their location and their limitations for the proposed use.
  - (c) The proposed use of the site, including planned utilization; areas of excavation, grading and filling; proposed contours, finished grades and street profiles; provisions for storm drainage, including the control of accelerated runoff, with a drainage area map and computations; kinds and locations of utilities; and areas and acreages proposed to be paved, covered, sodded or seeded, vegetatively stabilized or left undisturbed.
- (2) An erosion and sedimentation control plan showing:
  - (a) All erosion and sedimentation control measures necessary to meet the objectives of this Article throughout all phases of construction and permanently after completion of development of the site.

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- (b) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quality of mulching for both temporary and permanent vegetative control measures.
  - (c) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.
  - (d) Identification of the person(s) or entity which will have legal responsibility for maintenance of erosion control structures and measures after development is completed.
  - (e) The proposed phasing of development of the site, including stripping and clearing, rough grading and construction, and final grading and landscaping. Phasing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas and the sequence of clearing, installation of temporary sediment control measures, installation of storm drainage, paving streets and parking areas, and establishment of permanent vegetative cover.
- (3) The Board of Trustees may waive specific requirements for the content of submissions upon finding that the information submitted is sufficient to show that the development of the proposed subdivision will comply with the objectives and principles of this Article. (Ord. No. 91-25, Sec. 3, 7-17-91).

## ARTICLE XI. TREE REMOVAL AND PRESERVATION

### **Section 19-130. Statement of Intent and Purpose**

The intent and purpose of this Article is to promote the public welfare by providing for the protection and preservation of trees within new subdivisions within the Village of Fox River Grove.

### **Section 19-131. Definitions.**

The following definitions shall apply to Article XI (Section 19-130 through Section 19-138).

*Construction Area:* The portion of tract of land on which grading, construction or compaction of the soil will or is likely to occur including those areas where septic fields and driveways will be located.

*Critical Root Zone:* A circle around the tree with a radius equal to one (1) foot per inch of the tree's diameter. This is used to establish the tree preservation limits.

*Diameter at Breast Height or "DBH":* A measurement of the diameter of a tree taken four and one half (4.5) feet above grade.

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*Tree Survey:* A scaled map clearly depicting the location of existing trees and identifying the trees by size, species and condition. A Tree Survey must meet the requirements set forth in Section 19-134.

*Tree Preservation Plan:* A scaled map which combines a Tree Survey and site plan together with text identifying trees to be preserved and the measures being taken to preserve such trees. A Tree Preservation Plan shall also identify the trees to be removed and set forth the plans for replacing these trees. A Tree Preservation Plan must comply with the provisions of Sections 19-135 through 19-137. (Ord. No. 09-23, Section 1, 9-17-09)

**Section 19-132. Restrictions of Tree Removal.**

- (a) Except as otherwise provided by Section 19-131(D), it shall be unlawful for any person to remove, move, cut down, destroy or damage any tree having a DBH of eight (8) inches or greater unless a tree removal permit has been issued authorizing the tree to be removed, moved, cut down, destroyed or damaged.
- (b) Except as otherwise provided by Section 19-131(E) a tree removal permit shall not be issued unless a Tree Survey and Tree Preservation Plan have been submitted to the Village in accordance with Sections 19-32(9)(i)& (j) and Section 19-34(2)(g) of this Chapter and have been approved by the Village’s Superintendent of Streets and Parks.
- (c) Even where no tree with a DBH of eight (8) inches or greater is to be removed, no work involving grading, building or other construction including septic field and driveway installation that requires a building permit or other type of permit may be undertaken and no Village permit required in connection with such work shall be issued unless a Tree Survey and Tree Preservation Plan have been submitted to the Village in accordance with Sections 19-32(9)(i)& (j) and Section 19-34(2)(g) of this Chapter and have been approved by the Village’s Superintendent of Streets and Parks.
- (d) The Tree Removal Permit requirements contained in this Article shall not apply to the following:
  - 1. Subdivisions for which a landscaping or tree preservation plan was approved by the Village prior to June 1, 1998 pursuant to the terms of an annexation agreement or a statement of intent and agreement.
  - 2. Removal of any tree listed on the following table or any other tree which has been designated by the state as a “nuisance” tree:

**TABLE 1: PROHIBITED TREE SPECIES**

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<b>Botanical Name</b>	<b>Common Name</b>
Acer negundo	Box Elder
Acer saccharinum	Silver Maple
Ailanthus glandulosa	Tree-of-Heaven
Catalpa spp.	Catalpa species
Elaeagnus angustifolia	Russian Olive
Fraxinus spp.	Ash species
Ginko biloba –Female	Female Ginko Tree
Gleditsia triacanthos	Thorned Honeylocust
<b>Juglans nigra</b>	<b>Black Walnut</b>
Maclura pomifera	Osage-Orange
Morus spp.	Mulberry species
Picea glauca densata	Black Hills Spruce
Poplar spp.	Populus species
Populus nigra	Lombardy Poplar
Rhamnus cathartica	Buckthorn
<b>Robinia pseudoacacia</b>	<b>Black Locust</b>
Salix spp.	Willow species
Ulmus Americana	American Elm
Ulmus chinesensis	Chinese Elm
Ulmus pumila	Siberian Elm

**Items in bold = prohibited in right-of-ways.**

- (e) A Tree Removal Permit may be issued for a tree which constitutes a hazard to persons or property without the submission of a Tree Survey and a Tree Preservation Plan. (Ord. No. 09-23, Section 1, 9-17-09)

**Section 19-133. Tree Removal Permits.**

- (a) Applications for Tree Removal Permits

Where a Tree Removal Permit is required, the person seeking the permit must file a written application for a Tree Removal Permit with the Village. The Tree Removal Permit shall not be considered and approved as provided in Section 19-133(b) until such time as the final plat of subdivision has been approved by the Village Board and recorded in the appropriate office of the Recorder of Deeds. All applications for a Tree Removal Permit must contain the following information:

1. The location of the property for which the permit is requested, including the street address and a legal description.

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2. The applicant's name, address and telephone number.
3. The quantity, species, DBH and description of the physical condition of all trees for which the applicant seeks a Tree Removal Permit.

### (b) Consideration of Tree Removal Permit Applications

The Village's Superintendent of Streets and Parks may, in his/her discretion, issue a Tree Removal Permit where (1) the tree or trees to be removed are found to be dead, diseased or disfigured due to natural causes such as wind, insects, viruses and lightening; or (2) the tree or trees to be removed constitute a hazard to persons or property.

All other applications for a Tree Removal Permit shall be approved by the Village's Superintendent of Streets and Parks subject to the Superintendent's approval of the applicant's Tree Survey and Tree Preservation Plan and approval by the Village Board of the final plat of subdivision for the subject property. The application shall be approved subject to any recommendations and/or imposition of conditions made by the Planning & Economic Development Commission and approved by the Village Board on the applicant's submitted Tree Preservation Plan during the preliminary plat and final plat approval procedures.

### (c) Fees, Escrow and Letter of Credit

1. All applications for a Tree Removal Permit shall be accompanied by an application fee of fifty (\$50.00) dollars for each tree that is to be removed. No fee for removal of trees on prohibited list or trees determined to be unhealthy by the Superintendent of Streets and Parks.
2. In addition, where the provisions of this Article XI require the applicant for a Tree Removal Permit to relocate or replace the tree or trees to be removed, and the cost of such removal and replacement is estimated by the Superintendent of Streets and Parks to exceed five thousand (\$5,000.00) dollars, the applicant shall provide a letter of credit or other security in an amount equal to one hundred ten (110%) percent of the estimated cost of relocating or replacing the trees to be removed. The letter of credit or other security shall be in a form approved by the Village Attorney and shall be maintained until the tree relocation and tree replacement work has been completed. (Ord. No. 09-23, Section 1, 9-17-09)

### **Section 19-134. Tree Surveys.**

Whenever a Tree Survey is required, the Tree Survey shall include the following:

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- (1) A list of all trees on the property covered by the survey which have a DBH of eight (8) inches or greater. The list shall include the location, size, species and conditions, including the common and botanical name.
- (2) A site plan or survey showing the location of all trees with a DBH of eight (8) inches or greater on the property in a manner that will allow the site plan or survey to be cross-referenced with a tree list prepared for the property.
- (3) The qualifications of the individual who prepared the Tree Survey.

The Village's Superintendent of Streets and Parks may limit the area required to be covered by a Tree Survey to less than the entire property for which a Tree Removal Permit is being sought where the property is a tract of land under single ownership which has an area greater than one (1) acre and where either the construction area is less than the whole tract or the Superintendent determines that the tree removal for which approval is being sought will not impact the entire tract. (Ord. No. 09-23, Section 1, 9-17-09)

### **Section 19-135. Tree Preservation Plans**

Whenever a Tree Preservation Plan is required, the Tree Preservation Plan shall be drawn as part of the engineering plan. The Tree Preservation Plan shall contain the following information:

1. A description of the condition of the trees which are to be removed.
2. A Site Plan or Survey which clearly identifies both the common and scientific name of each tree to be removed and the DBH of each tree to be removed.
3. A note stating that all trees proposed to be removed or destroyed shall be clearly marked in the field.
4. A designation of those trees which might be damaged or destroyed by construction activity. The following criteria shall be applied to determine whether a tree may be destroyed or damaged by construction activity:
  - (a) Storage of material, parking or operation of construction equipment within the critical root zone of a tree.
  - (b) The excavation of earth by cut or fill.
  - (c) Alteration of grades around the perimeter of a tree which results in a directional change to surface water.

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- (d) Removal of existing natural ground cover of forested environments without compensation and replacement with similar ground cover.
5. A description of the measures that will be taken to protect trees during construction including:
    - (a) A delineation of the tree preservation limits.
    - (b) A notation that tree protective fencing must be staked and placed securely along the tree preservation limits.
    - (c) A notation providing for the pruning, fertilizing and watering of trees with a canopy extending into the construction zone as necessary given field conditions.
    - (d) The imposition of a restriction prohibiting the placing of a limestone product or other building materials within the critical root zone of any tree which extends into a construction zone and which is not to be removed.
  6. A description of the proposed method of tree removal.
  7. The location and dimensions of existing and proposed buildings, paved areas, utility and access easements on and within fifteen (15) feet of the property to which the Tree Preservation Plan pertains.
  8. A survey, map or diagram showing the topography of the property at two (2) foot contour intervals and existing flood plain areas and wetlands. This survey map or diagram shall also describe the direction of surface drainage on the property.
  9. A plan that shows the location, species and size of all trees which will exist after trees are removed and the location, species and size of all replacement trees and any trees that are to be relocated.
  10. Such other data and information as the Superintendent of Streets and Parks may reasonably deem necessary in order to determine whether the granting of a Tree Removal Permit will be consistent with the intent and purpose of this Article. (Ord. No. 09-23, Section 1, 9-17-09)

### **Section 19-136. Replacement of Removed Trees.**

- (a) Whenever a Tree Removal Permit is sought for the removal of one (1) or more healthy trees with a DBH greater than eight (8) inches which are of a species listed below in Table 2, if the

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applicant for the permit is required to submit a Tree Preservation Plan, then the Tree Preservation Plan must provide for the relocation or replacement of all such trees which have a DBH of greater than eight (8) inches which the applicant seeks to have removed, unless the trees are being removed in order to restore an area to a natural marsh or prairie condition. The replacement trees must be in a location approved by the Village's Superintendent of Streets and Parks, of a species listed in Table 2 or equivalent plantings per Table 3 with preference given to native trees wherever possible, or of another other species which is approved by the Village's Superintendent of Streets and Parks.

**TABLE 2: APPROVED TREE LIST**

**A. SHADE/CANOPY TREES**

<u>Botanical Name</u>	<u>Common Name</u>
Acer nigrum	Black Maple
Acer platanoides	Norway Maple
Acer rubrum	Red Maple
Acer saccharum*	Sugar Maple*
Aesculus glabra	Ohio Buckeye
Betula nigra	River Birch
Betula papyrifera	Paper Birch
Carya cordiformis*	Bitternut Hickory*
Carya ovate*	Shagbark Hickory*
Catalpa speciosa	Catalpa
Celtis occidentalis*	Common Hackberry*
Corylus colurna	Turkish Filbert
Fagus grandifolia	American Beech
Fagus sylvatica	European Beech
Ginkgo biloba	Ginkgo
Gleditsia triacanthos f. inermis	Thornless Honeylocust
Gymnocladus dioicus	Kentucky Coffeetree
<b>Juglans nigra</b>	<b>Black Walnut</b>
Metasequoia glyptostroboides	Dawn Redwood
Picea glauca	White Spruce
Pinus resinosa	Red Pine
Platanus occidentalis	Sycamore
Platanus x acerifolia	London Planetree
Prunus serotina	Black Cherry
Quercus alba*	White Oak*
Quercus bicolor*	Swamp White Oak

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Quercus coccinea*	Scarlet Oak*
Quercus ellipsoidalis	Hill's Oak
Quercus imbricaria*	Shingle Oak*
Quercus macrocarpa*	Bur Oak*
Quercus muehlenbergii	Chinquapin Oak
Quercus prinus	Chestnut Oak
Quercus robur	English Oak
Quercus rubra*	Red Oak*
Robinia pseudoacacia	Black Locust
Taxodium distichum	Baldcypress
Tilia Americana	American Linden (Basswood)
Tilia cordata	Littleleaf Linden
Tilia x euchlora 'Redmond'	Redmond Linden
Ulmus x	Elm hybrid
(suitable cultivars i.s. "Accolode", 'Frontier', 'Homestead')	
Zelkova serrata	Zelkova

**Asterisk = native species.**

**Bold = allowed in parks and private property but not allowed in right-of-ways.**

### B. SMALL TREES

<u>Botanical Name</u>	<u>Common Name</u>
Acer canoestrc	Hedge Maple
Acer ginnala	Amur Maple
Amelanchier	Serviceberry
Carpinus caroliniana*	American Hornbeam (blue beech)*
Cercis Canadensis	Redbud
Cornus alternifolia	Pagoda Dogwood
Crataegus crus-galli	Cockspur Hawthorn
Crataegus laevigata	English Hawthorn
Crataegus mollis	Downy Hawthorn
Crataegus phaenopyrum*	Washington Hawthorn*
Magnolia x soulangiana	Saucer Magnolia
Malus spp.	Crabapple
Ostrya virginiana*	Ironwood*
Prunus serrulata	Japanese Flowering Cherry
Prunus virginiana	Chokecherry
Pyrus calleryana	Callery Pear
Syringa reticulata	Japanese Tree Lilac
Thuja occidentalis	Eastern White-cedar

**Asterisk = native species**

**C. APPROVED REPLACEMENT EVERGREEN TREES**

<b>Botanical Name</b>	<b>Common Name</b>
<b>Abies concolor</b>	<b>White Fir</b>
<b>Picea abies</b>	<b>Norway Spruce</b>
<b>Picea glauca densata</b>	<b>Black Hills Spruce</b>
<b>Picea pungens</b>	<b>Colorado Green Spruce</b>
<b>Picea pungens glauca</b>	<b>Colorado Blue Spruce</b>
<b>Pinus nigra</b>	<b>Austrian Pine</b>
<b>Pinus strobes</b>	<b>White Pine</b>
<b>Pseudotsuga menziesii</b>	<b>Douglas Fir</b>
<b>Tsuga canadensis</b>	<b>Canadian Hemlock</b>

**Bold = not allowed in right-of-ways.**

- (b) The Tree Preservation Plan may provide that replacement trees are to have a DBH less than the DBH of the removed trees, provided that the total DBH of all replacement trees is equal to or greater than the total DBH of all trees which are to be removed and provided that all replacement trees shall have a DBH of not less than two (2) inches unless approved by the Superintendent of Streets and Parks.
- (c) At least fifty (50%) percent of the replacement trees shall be the trees native to the region wherever the site and soils permit as determined by the Superintendent of Streets and Parks. All replacement trees shall have size and species diversity as approved by the Superintendent of Streets and Parks.
- (d) Substitution of required replacement trees may be made with the approval of the Village’s Superintendent of Streets and Parks or the Village’s Board of Trustees in accordance with the following table:

**TABLE 3: SUBSTITUTION EQUIVALENCIES**

Number Type	
1 Shade/Canopy Tree=	2 Ornamental/or Small Trees
1 Shade/Canopy Tree =	2 Evergreen Trees
1 Shade/Canopy Tree =	1 Evergreen Tree greater than 8 feet in height

SUBDIVISIONS

1 Shade/Canopy Tree =	8 Evergreen Shrubs
1 Shade/Canopy Tree =	15 Deciduous or Flowering Shrubs
1 Shade/Canopy Tree =	500 Square Feet of Ground Cover

- (e) If an applicant for a Tree Removal Permit seeks to relocate a tree to another location of the property covered by the Tree Removal Permit and the Village agrees to permit such relocation, the applicant shall not be required to provide a replacement tree for the relocated tree provided that the relocated tree survives for a period of three (3) years after it is relocated. If the relocated tree does not survive for a period of three (3) years after it is relocated, then the applicant will be required to replace the tree as provided in this Section.
  
- (f) If, in keeping with good forestry practices as determined by the Village’s Superintendent of Streets and Parks, sufficient space is not available on the property for which a Tree Removal Permit is sought to plant the number of replacement trees required by this Section 19-136, then the Village shall authorize the applicant to plant fewer trees on the property than is required by the tree replacement schedule set forth in Section 19-136(a) and to either plant trees elsewhere in the Village, such as in a public park, or to donate cash in lieu of tree plantings. Where cash in lieu of tree plantings is to be donated to a Village tree planting program, the donation shall be equal to the value of the tree plus installation costs. However, not more than fifteen thousand (\$15,000.00) dollars per acre shall be required no matter how many trees are removed from that acre of property. Annual adjustments shall be made to increase the per acre maximum amount of fifteen thousand (\$15,000.00) dollars at a rate equal to the rate of increase in the Consumer Price Index for all Urban Consumers in the Chicago Metropolitan Area as published by the United States Department of Labor - Bureau of Labor Statistics. (Ord. No. 09-23, Section 1, 9-17-09)

**Section 19-137. Criteria for Approval of Tree Preservation Plans.**

In addition to determining whether there has been compliance with the requirements of Sections 19-135 and 19-136, when deciding whether to approve a Tree Preservation Plan and issue a Tree Removal Permit, the Village’s Board of Trustees and the Village’s Superintendent of Streets and Parks shall also consider the following:

- a. The general design of the proposed Tree Preservation Plan and any associated landscape plan.
  
- b. Planting specifications, such as the appropriateness of the species of any trees which are proposed to be relocated or any new trees that are proposed to be planted.
  
- c. General and environmental conditions such as whether the trees to be removed are located in a flood plain or wetland and whether the plan calls for the relocation or the

cutting of replacement trees in flood plains and wetlands.

- d. The extent that the proposed Tree Preservation Plan will preserve existing forested land in its natural state and utilize native species and whether the applicant for the Tree Removal Permit is making reasonable efforts to retain existing trees on property covered by the Tree Removal Permit Application, taking into account the development which is proposed for the property.
- e. The appropriateness and adequacy of the techniques proposed for the preservation and protection of the existing trees during construction.
- f. The nature and proposed use of the property and surrounding property, and the economic feasibility of using or developing property if the existing trees are preserved. (Ord. No. 09-23, Section 1, 9-17-09)

**Section 19-138. Implementation of Tree Preservation Plan, Inspection and Permit Revocation.**

- a. Where submission of a Tree Preservation Plan is required by this Article XI, the Tree Preservation Plan must be implemented and all trees replaced or relocated as provided in the Tree Preservation Plan and in accordance with the requirements of this Article within not more than ninety (90) days after the date the Tree Removal Permit is issued, unless the Tree Removal Permit specifies a longer period of time.
- b. The Superintendent of Streets and Parks or such persons who may be designated by the Superintendent of Streets and Parks shall, as necessary, conduct inspections and surveys to determine whether there has been compliance with the provisions of this Article. A copy of the Tree Removal Permit, along with the approved Tree Preservation Plan shall be kept at the site for which the Tree Removal Permit is issued during the period that work is being done pursuant to the Tree Removal Permit. Where the Superintendent of Streets and Parks determines that work has occurred or is occurring which violates the provisions of a Tree Removal Permit or a Tree Preservation Plan, the Superintendent of Streets and Parks may issue a stop work order.
- c. The Village President may, after conducting a hearing, revoke a Tree Removal Permit if it is determined that the terms and conditions of this Article, the Tree Removal Permit or a Tree Preservation Plan has been violated. (Ord. No. 98-07, Sec. 3, 3-19-98; Ord. No. 09-23, Section 1, 9-17-09)