

VILLAGE OF MONTGOMERY



**SUBDIVISION ORDINANCE
& EXHIBITS**

**SUBDIVISION ORDINANCE
OF THE
VILLAGE OF MONTGOMERY, ILLINOIS**

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**SUBDIVISION ORDINANCE FOR THE VILLAGE OF
MONTGOMERY, ILLINOIS**

WHEREAS, to the end that the future development of the Village may be controlled and the public health and safety, comfort, morals and welfare of persons living within the territory governed by the Village may be promoted, the President and Board of Trustees of the Village of Montgomery, Illinois, deem it necessary that an ordinance be passed providing regulations which shall govern the subdivision and platting of lands lying within the corporate limits of the Village as now are or hereafter existing and, to the extent that such provisions and regulations may be applicable, shall also govern the subdivision and platting of lands lying within the contiguous territory which is not more than one and one half (1-1/2) miles beyond the corporate limits of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS.

SECTION 1.00 – TITLE

This ordinance shall be known and may be cited and referred to as the "Subdivision Regulations for the Village of Montgomery, Illinois," and is adopted pursuant to the authorization of Chapter 24 of the Illinois Revised Statutes.

SECTION 2.00 – PURPOSE

While it is recognized that regulations are needed to assure orderly extension of Village streets, there are additional purposes for enactment of such controls:

- A. To insure sound, harmonious subdivision development and community growth, and to safeguard the interest of the homeowner, the subdivider, the investor and the Village;
- B. To provide permanent assets to the locality and to the Village;
- C. To prevent scattered development beyond existing public utilities and prevent excessive development costs;
- D. To assure the development of land for optimum use with necessary protection against deterioration and obsolescence;
- E. To limit and control the pollution of the environment that can be caused by inadequate or incomplete urban development;
- F. To lessen congestion in the streets and along the highways;
- G. To provide for adequate light and air;
- H. To facilitate adequate provision for transportation, water, sewerage, schools, and other public necessities;
- I. To insure proper legal description and proper monumenting of subdivided land.

These regulations are established with reasonable consideration of the character of the Village with a view toward conserving the value of buildings upon the land and providing the best possible environment for human habitation. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and development standards contained in the Building Code, Official Map Regulations, Zoning Ordinance and the Official Village Comprehensive Plan.

SECTION 3.00 – APPLICATION OF ORDINANCE

The Subdivision Ordinance of the Village of Montgomery, Illinois, shall apply to all subdivisions of land, as defined herein, located within the Village of Montgomery and entirely or in part within the unincorporated area within the one and one-half (1-1/2) miles jurisdictional limits of the Village, in accordance with Chapter 24 of the Illinois Revised Statutes. The subdivision plans and plats, proposed improvements to be installed and all procedures in relation thereto, shall in all respects be in full compliance with the regulations herein. The document entitled "Standard Specification for Improvements" shall be included as part of this Ordinance.

SECTION 4.00 – GENERAL PROVISIONS

- A. Whenever any subdivision of land shall hereafter be laid out within the incorporated limits of the village of Montgomery, or within the contiguous territory not more than one and one-half (1-1/2) miles beyond the incorporated boundaries of the Village or Montgomery, the subdivider thereof or his agent shall submit both a preliminary and a final subdivision plat to the Village for its deliberation. The subdivision plats and all procedures relating thereto shall in all respects be in full compliance with these regulations.
- B. Until preliminary plats and plans for the subdivision is approved;
 1. No land shall be subdivided, nor any street laid out, nor any improvements made to the natural land.
 2. No lot, tract or parcel of land within any subdivision shall be offered for sale, nor shall any sale, contract for sale or option be made or given.
 3. No improvements- such as sidewalks, water supply, storm water drainage, sanitary sewerage facilities, gas service, electric service, lighting, grading, paving, or surfacing of streets -- shall hereafter be made by any owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent.
 4. *Unsuitable Land* - No land shall be subdivided for any use which is determined by the Plan Commission, after investigation by the Village Engineer, to be unsuitable for such use by reason of flooding or bad drainage, adverse earth and rock formation or topography, or any other feature likely to be harmful to the health, safety or welfare of the future residents in the proposed subdivision or the community. However, if the subdivider agrees to make improvements which will, in the opinion of the Village Engineer, make the area safe for occupancy and provide adequate lot and street drainage and storm, water retention or detention facilities, the subdivision may then be approved.

For flood limits, surface water runoff and hardship, refer to the following:

- a. *Flood Hazard Maps* - Maps prepared by the U.S. Department of the Interior, U.S. Geological Survey, shall be utilized as the determination of the area subject to flooding.
 - b. *Surface Water Runoff*- For regulations relative to control measures for surface water runoff, refer to the Village of Montgomery, Illinois, Surface Water Runoff Control Ordinance.
 - c. *Hardship* - Where the land developer or subdivider can show that the strict adherence to the design standards set forth causes an unnecessary hardship, the Village Board may approve a variance. Such variance may be granted after recommendation of the Plan Commission, and where topography and conditions peculiar to the site or surrounding area substantiate a variance without destroying the intent of the provisions of this ordinance.
- C. All offerings of dedications of land to the Village for use as streets, highways, alleys, schools, parks, playgrounds, or other public uses shall be referred to the Plan Commission for review and recommendation before being accepted by the Village Board or by any other governing authority of the Village of Montgomery.
- D. Where a tract of land is proposed for subdivision as part of a larger, logical subdivision unit in relation to the Village as a whole, the Plan Commission shall, before approval, require a plan for the entire area or neighborhood, such plan to be used by the Commission as an aid in judging the proposed plat. The Village Engineer and Village Planner shall cooperate with the Plan Commission in the preparation of this plan and shall furnish such surveys and data as may be necessary.

4.01 INTERPRETATION

- A. **MINIMUM STANDARDS ESTABLISHED.** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- B. **HIGHER STANDARDS GOVERN.** Where the conditions of this ordinance upon the subdivision of land are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- C. **EASEMENTS OR COVENANTS NOT ABROGATED.** This ordinance is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement, the requirements of this ordinance shall govern.
- D. **EXISTING SUBDIVISIONS.** No subdivision of land which was not lawfully existing at the time of the adoption of this ordinance shall be made lawful solely by reason of the adoption of this ordinance, and to the extent that said subdivision of land is in conflict in any manner with the requirements of this ordinance, said subdivision of land remains unlawful hereunder.

4.02 SEPARABILITY

It is hereby declared to be the intention of the Village of Montgomery that the provisions of this ordinance be separable in accordance with the following:

- A. SEPARABILITY OF PARTS. If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment.
- B. SEPARABILITY OF APPLICATION. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular subdivision of land, such judgment shall not affect the application of said provision to any other subdivision of land, not specifically included in said judgment.

SECTION 5.00 – RULES AND DEFINITIONS

In the interpretation of his ordinance, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

5.01 RULES

The language set forth in the text of his ordinance shall be interpreted in accordance with the following rules of construction:

- A. Words used in the present tense shall include the future, and words used in the singular number shall include the plural number, and the plural the singular.
- B. The word “shall” is mandatory and not discretionary.
- C. The word “may” is permissive.
- D. The word "lot" shall include the words "plat" and “piece” and "parcel."
- E. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", and "occupied for".

5.02 DEFINITIONS

ALLEY. A public right-of-way primarily for vehicular traffic along the side or in the rear of properties, which affords only a secondary means of access to abutting properties.

BLOCK. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, bulkhead lines or shore lines or waterways, or corporate boundary lines of the Village.

BORING, SOIL. Examination and analysis of the subsoil conditions of a specific parcel of land by drilling.

BUILDING. Any structure with substantial walls and roof entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or openings; and which is designed or intended for shelter, enclosure or protection of persons or animals.

BUILDING PERMIT. A permit issued by the village of Montgomery for the construction, erection, addition or alteration of a structure or building.

BUILDING SETBACK LINE. A line parallel to the street line at a distance from it, regulated by the front yard requirements of the Montgomery Zoning ordinance.

COMPREHENSIVE PLAN. The composite of the functional and geographic elements of the Official Comprehensive Plan of the Village of Montgomery and Environs or any segment thereof, in the form of plans, maps, charts, text of reports, implementing ordinances, and the Official Map.

CORING, PAVEMENT. Examinations and analysis of the completed surface and/or sub-surface of a finished pavement by removing a core by drilling.

CROSSWALK. A public right-of-way located across a block to provide pedestrian access to adjacent streets or alleys.

CUL-DE-SAC. A minor street having one open end and being permanently terminated by a vehicular turnaround.

CURB. The permanent edge of a paved surface designed to separate the vehicular travelway from the landscaped parkway.

DATUM PLANE. A reference point from which elevations are measured. The datum plane is mean sea level as established by the United States Geodetic Survey (U.S.G.S.).

DETENTION BASIN. A covered or uncovered reservoir designed to temporarily store an excessive accumulation of storm water so as to reduce peak flow in a storm water drainage system.

DRAINAGE SWALE. A drainage ditch of shallow depth with side slopes not exceeding one to six (1:6).

EASEMENT. 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.

ELEVATIONS. The vertical distance measured from a point on the ground to the datum plane.

EXCAVATION. 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 including the conditions resulting therefrom.

EXISTING GRADE. The vertical location of the existing ground surface prior to excavation or filling.

FILL. Any act in which earth, sand, gravel, rock, or any other material is deposited, placed, replaced, pushed, dumped, pulled, transport or moved by man to a new location and including the conditions resulting therefrom.

FRONTAGE ROAD. A right of way being a roadway, street, thoroughfare, or highway, not an alley or pedestrian way, which runs adjacent to another right of way, street, thoroughfare, or highway which may or may not provide access to such adjacent right of way but which does give access to an area or neighborhood on the opposite side of such right of way from the adjacent *right* of way.

GRADE. The slope of the land, road, street, or other public way expressed in percent.

GRADING. Excavation of fill or any combination thereof and including the conditions resulting from any excavation or fill.

GRASS LAND AREA. The entire area at a development including lots, streets and alleys, measured to the centerline of any bounding streets.

LOT. A parcel of land legally described as a distinct portion or piece of land of record.

LOT, THROUGH. A lot having frontage on two parallel or approximately parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lines.

OFFICIAL MAP. The map showing the streets, highways and parks heretofore laid out, adopted and established by law and any amendments or additions thereto resulting from the Board of Trustees action or the approval of subdivision plats.

PARCEL. All contiguous land in one ownership.

PARKWAY. That portion of the street right-of-way between the property line and the curb.

PERSON. Any person, firm or corporation, public or private, the State of Illinois and its agencies or political subdivisions, and the United States of America, its agencies and instrumentalities, and any agent, servant, offices, or employee of any of the foregoing.

PLAN COMMISSION. The word "Plan Commission" as used herein, refers to the Plan Commission of the village of Montgomery.

PLANNED UNIT DEVELOPMENT. A parcel or tract of land, initially under single ownership or control, which contains two or more principal buildings and one or more principal uses, planned and constructed as a unified development where specific regulations of a given zoning district are modified through the issuance of a special use permit.

PLAT. A plan, map, drawing or chart on which the subdivider's plan for the subdivision of land is presented and which he submits for approval and intends to record in final form.

PLAN, FINAL. The drawings and documents presented for final approval as described in Subsection 8.08.

PLAN, PRELIMINARY. The drawings and documents presented for tentative approval as described in Subsection 8.03.

PLAN, SKETCH. A general map or drawing on which the subdivider's design for the subdivision of land is presented for discussion purposes prior to the preparation of the preliminary plan.

RESIDUE AREA. A residue area is that portion of planned development not platted as residential lots or designed for dedication as streets or alley.

RETENTION BASIN. A stormwater storage facility that is designed to be maintained as a free water surface or pond.

ROADWAY. The paved area within a street right-of-way intended for vehicular traffic, including all curb and gutter facilities.

SITE. A lot or parcel of land, or a contiguous combination thereof, where any work is performed as a single unified operation.

SITE DEVELOPMENT. A procedure altering terrain and/or vegetation and constructing driveways.

SOIL TESTING. Determination and analysis of the subsoil conditions of a specific land area by use of soil boring.

STREET, APPROVED. Any streets, whether public or private, meeting standards and specifications of and accepted by the Village of Montgomery.

STREET, HALF. A street of less than the total required width along one or more property lines of a subdivision.

STREET, MAJOR. A street of considerable continuity, which serves or is intended to serve as a major traffic artery connecting various sections of Montgomery.

STREET, MARGINAL ACCESS. A minor street which is parallel and adjacent to highways and major streets and which provides access to abutting properties and protection to local traffic from fast, through moving traffic on the highways and major streets.

STREET, MINOR. A street primarily as access to abutting properties.

STREET, PUBLIC. Any major or secondary street or minor street which is shown on the subdivision plat and is or is to be dedicated to public use.

STREET, SECONDARY OR COLLECTOR. A street which carries traffic from minor streets to the major street system, including the principal entrance streets of residential development and streets for circulation within such development.

STREET WIDTH. The shortest distance between lines of lots delineating the public street.

SUBDIVIDER. The person or persons responsible for preparing and recording the plats of the subdivision and for carrying out all appropriate requirements relating thereto as outlined in this ordinance.

SUBDIVISION. A described tract of land which is to be, or has been divided into two (2) or more lots or parcels, any of which is less than five (5) acres, for the purpose, whether immediate or future, of transfer of ownership or building development, including all public streets, alleys, ways for public service facilities, parks, playgrounds, school grounds or other public grounds, and all tracts, parcels, lots or blocks, and numbering of all such lots, locks, or parcels by progressive numbers, giving their precise dimensions. The term subdivision includes resubdivision and where it is appropriate to the context, relates to the process of subdividing or to the land subdivided, provided, however, that the following shall not be considered a subdivision and shall be exempt from the requirements of this ordinance.

1. The division of lots or blocks of less than one (1) acre, or any recorded subdivision which does not involve any new streets or easements of access;
2. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
3. The conveyance of parcels of land or interest herein for use as right-of-way for railroads or other public utility facilities which does not involve any new streets or easement of access;
4. The conveyance of land owned by a railroad or other public utility, which does not involve any new streets or easement of access;
5. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
6. Conveyances made to correct descriptions in prior conveyances;

7. The division of lots of records into no more than two (2) parts and not involving any new streets or easements of access, provided that the two (2) parts meet the requirements of the applicable zoning ordinance and all other ordinances of the Village of Montgomery.

VACANT. Land on which there are no structures or only structures, which are secondary to the use or maintenance of the land itself.

VILLAGE. The Village of Montgomery, Illinois.

WATER LEVEL, CONSTANT. The minimum depth of water designed to be contained at all times within a retention basin.

WATER LEVEL, OCCASIONAL. The maximum depth of water designed to be contained within a retention or detention basin during periods of peak storm water flow.

SECTION 6.00 – GENERAL GUIDELINES

Any owner of land which is within the corporate limits of the Village of Montgomery or within one and one-half (1-1/2) miles of such corporate limits on unincorporated land, wishing to divide the same into lots or to resubdivide for the purpose of sale or assessment, or both, or wishing to dedicate streets, alleys, or other lands for public use, shall follow the procedures and requirements of this ordinance.

6.01 PRELIMINARY CONSULTATION

- A. **INFORMAL MEETING.** The subdivider submits a letter of intent to the Plan Commission through the Plan Commission Secretary and meets informally with them to discuss his sketch plan and proposed improvements.
 1. *General subdivision Information* shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the submitted plans. This information may include data on existing covenants, land characteristics, and available community facilities and utilities; and information describing the subdivision proposal, such as number of residential lots, typical lot width and depth, price range, business areas, school, playground and park areas, and other public areas, proposed protective covenants, and proposed utilities and street improvements.
 2. *Sketch Plan* on topographic survey shall show in simple sketch from the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be a free hand pencil sketch made directly on a print of the topographic survey. The sketch plan shall include the existing data and contours of not less than five (5) foot intervals.
- B. **SUBDIVIDER ADVISED.** The Plan Commission, after checking the proposed sketch plan, shall advise the subdivider within thirty (30) days from the meeting as to the apparent adequacy of the proposed plan and thus, apprise the subdivider of any requirements the Village might have that should be incorporated into the design of the subdivision.

6.02 PRELIMINARY PLAN

- A. **PLAN AND APPLICATION.** The subdivider prepares a preliminary plan, including a proposal for the installation of improvements, a school demographic study, and intended dedication or reservation of public lands, and submits an application and twenty three (23) copies of the proposed plat to the Plan Commission through the Plan Commission Secretary.
- B. **ACTION BY PLAN COMMISSION.** The Plan Commission obtains the required recommendations from the Village Engineer, the Village Planner, the affected school districts, and other Village officers and then, after applying the provisions of this ordinance, approves the preliminary plan, or approves the preliminary plan subject to modification, or rejects the preliminary plan. Findings are reported in writing to both the subdivider and the President of the Board.
- C. **ACTION BY VILLAGE BOARD.** When the preliminary plan meets the requirements of this ordinance, as determined by the Plan Commission, such plan will be recommended to the Village Board for tentative approval. Upon approval by the Board, the preliminary plan will be returned to the subdivider for compliance with final approval requirements.

6.03 FINAL PLAT

- A. **PLAT AND DOCUMENTS.** After complying with the above requirements, the subdivider prepares and submits to the Village Clerk through the Plan Commission Secretary, the original and 20 copies of the final plat incorporating all required modifications to the preliminary plan.
- B. **ACTION BY PLAN COMMISSION.** The Plan Commission determines whether or not the final plat conforms with the approved preliminary plan and forwards the plat, with its recommendation, to the Village Board.
- C. **ACTION BY VILLAGE BOARD.** The Village Board approves or rejects the final plat.
- D. **ACTION BY SUBDIVIDER.** After the Village Board has approved the final plan, the subdivider installs street and utility improvements, and other improvements indicated on the plan, or the subdivider (in lieu of constructing said improvements) may enter into a contract with the Village, before the plat is recorded, agreeing to install the required improvements and provides an irrevocable letter of credit or performance bond. (See Appendix, Exhibit A)
- E. **RECORDING OF PLAT.** After the approval of the final plat, the Village records the plat with the Recorder of Deeds of Kane and Kendall County, and the subdivider may then proceed to develop and sell lots in his subdivision.

SECTION 7.00 – GENERAL PROVISIONS FOR SUBDIVISION APPROVAL

7.01 PLAN COMMISSION GUIDELINES

- A. **PARTICULAR ATTENTION OF THE PLAN COMMISSION.** The Plan Commission, in the examination of subdivision plans for approval, and in the application of this ordinance, shall take into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to width and location of streets, suitable sanitary utilities, storm water drainage, lot sizes and arrangements, as well as local requirements such as parks and playgrounds, schools and recreation sites, and other public uses.

- B. CONFORMITY WITH COMPREHENSIVE PLAN. The Plan Commission shall especially require that all subdivisions conform to the provisions and conditions of the Comprehensive Plan. Plat approval may be withheld if a subdivision does not conform to the provisions of the Comprehensive Plan.
- C. AREA PLAN REQUIRED. Where a tract of land proposed for subdivision is part of a large logical subdivision unit in relation to the Village as a whole, the Plan Commission may, before recommending approval, cause to be prepared a plan for the entire area or neighborhood, such plan to be used by the Plan Commission as an aid in judging the proposed plat.
- D. STORM WATER PROVISIONS REQUIRED. The Plan Commission shall not recommend for approval by the village Board any plat of subdivision, which does not make adequate provision for storm or flood water runoff channels or basins.
- E. PRESERVATION OF NATURAL FEATURES. In all subdivisions due regard shall be given to the preservation of natural features such as large trees, watercourses, historical sites or structures, and similar features.

7.02 UNSUITABLE LAND

No land shall be subdivided for any use which is determined by the Plan Commission, after investigation by the Village Engineer, to be unsuitable for such use by reason of flooding or bad drainage, adverse earth or rock formation or topography, or any other feature likely to be harmful to the health, safety, or welfare of the future residents in the proposed subdivision or of the community. However, if the subdivider agrees to make improvements which will, in the opinion of the Village Engineer, make the area safe for occupancy and provide adequate lot and street drainage and storm water detention facilities, the subdivision may then be approved.

7.03 VACATION OF A PLAT OF SUBDIVISION

- A. Any plat or any part of a plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.
- B. Such an instrument shall be approved by the Village Board in like manner as plats of subdivisions. The Village Board may reject any such instrument which abridges or destroys any public rights in any of its streets. Such an instrument shall be executed, acknowledged or approved, and recorded, or filed, in the like manner as plats of subdivisions; and being duly recorded, or filed, shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, and public grounds, and all dedications laid out or describe in such plat.
- C. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.

8.00 – PROCEDURE FOR SUBDIVISION APPROVAL

8.01 PRELIMINARY CONSULTATION

Prior to the submission of the preliminary plan of any proposed subdivision within the jurisdiction of this ordinance, the subdivider shall make known his intentions to the Plan Commission via the Plan Commission Secretary. During this preliminary or pre-application stage, the following actions shall be taken.

- A. **ACTION BY THE SUBDIVIDER.** The subdivider shall meet with the Plan Commission Secretary for the purpose of presenting a general outline of his proposal, including but not necessarily limited to the following:
1. *Written Notification.* Written notification in the form of a letter of intent from the subdivider to the Village Board establishing the subdivider's intent to develop the land.
 2. *General Subdivision Information.* General subdivision information that shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the submitted plans. This information shall include data on existing covenants, land characteristics, and available community facilities and utilities; and information describing the subdivision proposal, such as number of residential lots and units broken down by type and bedroom count, typical lot width and depth, price range, business areas, school, playground and park areas, and other public areas, traffic study, proposed protective covenants and proposed utilities, street improvements and soil boring test results.
 3. *Sketch Plan.* A plan on a topographic survey that shall show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be a free hand sketch made directly on a print of the topographic survey. The sketch plan shall include the existing topographic data and contours of not less than five (5) foot intervals. This may be attached to U.S.G.S. topographic data.
 4. *Tentative Engineering Proposals.* Tentative engineering proposals regarding water supply, sewage disposal, storm water drainage, and street improvements.
- B. **ACTION BY THE PLAN COMMISSION SECRETARY.** The Plan Commission Secretary shall discuss the proposed subdivision with the subdivider and so advise of any Village plans or projects which might affect the proposed subdivision, the procedural steps, design and improvement standards, and the general planning requirements. After which, the Plan Commission Secretary shall proceed with the following investigations:
1. *Zoning Check.* Check the existing zoning of the tract and advise the subdivider if a zoning change is necessary or desirable.
 2. *Public Facility Impact.* Determine the adequacy of existing or proposed schools, parks, existing water supply, and other public infrastructure conditions and needs in the vicinity of the proposed subdivision.
 3. *Site Inspection.* Inspect the site or otherwise determine its relationship to major streets, utility systems, and adjacent land uses, and determine any unusual problems in regard to topography, utilities, flooding, etc.
 4. *School Sites.* Advise the developer of the potential acreage allotment, or funds in lieu thereof, to be donated and utilized for public school sites based upon the developer's

estimates of the needs of each affected school district, and the Comprehensive Plan, Official Map of the Village of Montgomery, and the Land-Cash Ordinance of the Village.

5. *Comprehensive Plan Conformity.* Advise the developer of the Comprehensive Plan, which delineates the areas to be served by either public and/or private water and/or sanitary sewer service. This will determine the feasibility of the proposed subdivision, the sizes of the utilities, and the lots therein.

8.02 PROCEDURE FOR APPROVAL OF PRELIMINARY PLAN

- A. **ACTION BY THE SUBDIVIDER.** The subdivider shall cause to be prepared a preliminary plan, which plan shall include all of the property owned or controlled by the applicant, which properties are adjacent to or considered to be contiguous to the proposed subdivision, together with improvement plans and other supplementary material as specified shall be submitted to the Village Clerk via the Planning Commission Secretary, with written application for approval. Accompanying this preliminary plan shall be a School Demographic Study, prepared in accordance with Subsection 8.03 of this ordinance. Twenty-three (23) copies of the preliminary plan and all accompanying documentation including the School Demographic Study and the required filing fee shall accompany the application.
- B. **ACTION BY THE PLAN COMMISSION.** The Plan Commission shall instruct the Village staff to assist the Commission in assembling plans and reports for the design and construction of streets and other such public improvements as are required by this ordinance or any other ordinances of the Village. The Plan Commission, and Village staff will review the preliminary plan for compliance with these regulations and other ordinances of the Village of Montgomery and the Plan Commission shall, upon completion of all reviews, make the following referral:
 1. *Make Recommendations.* Approve or disapprove the proposed preliminary subdivision plan and submit its written recommendations, which shall include the recommendations of the Village Engineer, to the Village Board of Trustees; or
 2. *Advise Subdivider.* If the Plan Commission finds that changes, additions or corrections are required on the preliminary plan, the Plan Commission shall so advise the subdivider in writing. The subdivider may resubmit the preliminary plan to the Plan Commission without paying an additional fee, for its consideration at the next regular meeting of said Commission. The Plan Commission shall at said meeting approve or disapprove the preliminary plan and submit its recommendations in writing, which shall include the recommendations of the Village Engineer, to the Village Board of Trustees and the subdivider.
 3. *Notification to Subdivider.* The Plan Commission shall notify the owner or subdivider in writing as to the time and place of the Plan Commission meeting at which he will be afforded an opportunity of being heard.
- C. **ACTION BY THE VILLAGE BOARD.** If such plan is recommended for approval by the Plan Commission to the Village Board, the Village Board of Trustees shall accept or reject said plan within one (1) month after its next regular meeting following the action of the Plan Commission. The Village Board of Trustees may extend the one-month period.

1. *Qualifications of Approval.* The following qualifications shall govern approval of the preliminary plan:
 - a. Approval of a preliminary plan by the Montgomery Plan Commission and the Village Board of Trustees is tentative only, involving merely the general acceptability of the layout submitted.
 - b. The Plan Commission and Village Board of Trustees may require such changes or revisions as are deemed necessary in the interest of the needs of the community.
 - c. Approval of the preliminary plan shall be effective for a maximum period of one (1) year, unless upon application of the developer, the Village Board of Trustees grants an extension. The application for said extension shall not require an additional filing fee, or the submittal of additional copies of the plan of subdivision.
2. *Notice of Approval Required.* Upon approval of the preliminary plan by the Board of Trustees, the Notice of Approval of Preliminary Plan shall be stamped upon four (4) prints thereof, and required signatures affixed:

This form is located in Appendix, Exhibit A

- D. DISTRIBUTION OF APPROVED PLANS. Twenty-three (23) prints of such approved preliminary plan shall be distributed by the Village Clerk as follows:
 1. Eight (8) prints shall be sent to the Plan Commission;
 2. One (1) print shall be sent to each affected school district;
 3. One (1) print shall be sent to the affected sanitary district;
 4. One (1) print shall be sent to the affected fire protection district;
 5. Eleven (11) prints shall be retained by the Village Clerk for filing and departmental use; and
 6. One (1) print shall be returned to the subdivider.

8.03 PRELIMINARY PLAN REQUIREMENTS

The purpose of the preliminary plan is to allow the Plan Commission, the Board of Trustees, and other public bodies to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The preliminary plan shall be prepared by a qualified professional, trained experienced in the layout of subdivisions.

The following graphic and descriptive items are normally required to be shown on the preliminary plan and the accompanying application for approval. The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause for disapproval of a preliminary plan.

- A. APPLICATION FOR APPROVAL. Written application by the owner, or his agent, for approval, on forms furnished by the Plan Commission, shall accompany each preliminary plan and contain the following information:

1. *Name for File Identification.*
 - a. Name of subdivision of property is within an existing subdivision.
 - b. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded in Kane or Kendall County.
 - c. Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known).
2. *Location and Description of Property.* Location by government lot, section, township, range, and county.
3. *Basic Facts and Proposals Pertaining to the Property.*
 - a. Size of tract in acres or of existing lots, if any, in square feet.
 - b. Existing zoning classification of property and any rezoning proposed to be requested.
 - c. Number of lots proposed in subdivision.
 - d. Area of lots proposed; minimum, average, and maximum.
 - e. Proposed linkage with water and sewer facilities.
 - f. Any other proposal, such as parcels of land intended to be dedicated, conveyed, or served for public use, and the conditions proposed for such disposal and use.
 - g. Names and addresses of all other local governments affected.
 - h. Location of nearest flood way/flood plain.
4. *Information as to Ownership, Preparation of Flat, and Submission.*
 - a. Name and address, including telephone number, of legal owner or agent of property and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
 - b. Citation of any existing legal rights-of- way or easements affecting the property.
 - c. Existing covenants on the property, if any.
 - d. Name and address, including telephone number, of the professional responsible for the subdivision design shall be shown on the preliminary plat as submitted – Registered Professional Engineer of Illinois, responsible for the design of public improvements, and Registered Illinois Land Surveyor, responsible for surveys.

B. DEDICATION OF PARK LANDS AND SCHOOL SITES OR FOR PAYMENT OF FEES IN LIEU THEREOF TO THE VILLAGE OF MONTGOMERY.

As a condition of approval of a final plat of subdivision, or of a final plat of a planned unit development, each subdivider or developer will be required to dedicate land for park and recreational purposes and land for school sites, to serve the immediate and future needs of the residents of the development, or cash contribution in lieu of actual land dedication, or a combination of both, at the option of the Village, in accordance with the following criteria and formula:

I. Criteria for Requiring Park and Recreation Land Dedication:

- a. **Recruitment and Population Ratio.** The ultimate density of a proposed development shall bear directly upon the amount of land required for dedication. The total requirement shall be 10.00 acres of land per 1,000 of ultimate population in accordance with the following classifications:

TYPES OF RECREATION AREA	SIZE RANGE	MINIMUM ACRES PER 1,000 PEOPLE
i. Play Lot	Minimum 8,000 sq. ft.	Not applicable
ii. School-Park/Neighborhood	Minimum Park of 5 acres	2.5
iii. Neighborhood Park	Minimum 3.5 acres	2.0
iv. District-wide Park	Minimum 4 acres up to 30 acres	2.5
v. Community-wide	Minimum 12 acres	3.0
	Total	10.00 acres of land per 1,000 people

- b. **Location.** The Comprehensive Park and Recreation Plan and/or the “Standards by Types of Recreation and Park Areas” as adopted by the Fox Valley Park District and the Oswegoland Park District and the Montgomery Comprehensive Plan, shall be used as guidelines in locating sites. A park site adjoining all elementary school sites of not less than 5 acres shall be considered a requirement. A central location which will serve equally the entire development is most desirable in large developments, these sites can be located throughout the development according to established standards for park area distances.
- c. **Credit for Private Open Spaces and Recreation Areas.** When subdividers or developers provide their own open space for recreation areas and facilities, it has the effect of reducing the demand for local public recreational services. Depending on the size of the development, a portion of the park and recreation area in subdivisions or planned unit developments may, at the option of the Village Board, be provided in the form of "private" open space in lieu of dedicated “public" open space. The extent of same shall be determined by the Village Board, based upon the needs of the projected residents and in conformance to the total park and recreation land for the general area.

In general, a substitution of private open space for dedicated parks will imply a substantially higher degree of improvement and the installation of recreational facilities,

including equipment by the developer as part of his obligation. Detailed plans of such areas, including specifications of facilities to be installed, must be approved by the Village, and before any credit is given for private recreation areas, the subdivider or developer must guarantee that these private recreation areas will be permanently maintained for such use by the execution of the appropriate legal documents. Private "swimming clubs" are included in this provision. A copy of "Suggested Criteria for Swimming Pool Development" as adopted by the Fox Valley Park District and the Oswegoland Park District shall be used for the guidance of the developer. When an adjustment for private recreation areas is warranted, it will be necessary to compute the total park land dedication that would have been required from the subdivision or planned unit development and then subtract the credit to be given.

2. *Criteria for Requiring School Site Dedication:*

- a. **Requirement and Population Ratio.** The ultimate number of students to be generated by a subdivision or planned unit development shall bear directly upon the amount of land required to be dedicated for school sites. The land dedicated requirement shall be determined by obtaining the ratio of: (1) estimated children to be served in each such school classification over the (2) maximum recommended number of students to be served in each such school classification as stated herein, and then applying such ratio to the (3) said minimum recommended number of acres for a school site of each such school classification as stated herein. The product thereof shall be the acres of land deemed needed to have sufficient land for school sites to serve the estimated increased children in each such school classification.

- b. **School Classification and Size of School Site.** School classifications and size of school sites within the Village shall be determined in accordance with the following criteria:

School Classification by Grades	Maximum Number of Students for Each Such School Classification	Minimum Number Acres of Land for Each School Site of Such Classification
<i>Elementary Schools, Grades Kindergarten through 5th (K-5)</i>	600 Students	11 acres
<i>Junior High Schools, Grades 6th through 8th (6-8)</i>	900 Students	29 acres
<i>High Schools, Grades 9th through 12th (9-12)</i>	2300 Students	53 acres

- c. **Location.** The Comprehensive School Plan and/or the standards adopted by the affected School District shall be used as a guideline in locating sites.

3. *Criteria for Requiring a Contribution in Lieu of Park and School Sites:* Where the 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 or a school site, 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 by the Village, solely for the acquisition of park and recreation land as hereinbefore classified, 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. The cash contributions in lieu of school sites shall be held in trust by the Village or other public body designated by the Village, solely for use in the acquisition of land for a school site to serve the immediate or future needs of children from that subdivision or development or for the improvements to any existing school site which already serves such needs, or for the construction of any school buildings or additions thereto. If any portion of a cash contribution in lieu of park and recreation land dedication or cash contribution in lieu of school site is not expended for the purposes set forth herein within ten years from the date of receipt, it shall be refunded to the developer who made such contribution, upon receipt of a written demand by said developer.
 - a. *Fair Market Value.* The cash contribution in lieu of land shall be based on the “fair market value” of the acres of land in the area improved as specified herein, that otherwise would have been dedicated as park and recreation and school sites. It has been determined that the present “fair market value” of such improved land in and surrounding the Village is \$88,000 per acre and such figure shall be used in making any calculation herein, except as provided in Section One (c)(i)(a) or unless the subdivider or developer files a written objection thereto. In the event of any such written objection, the subdivider or developer shall submit an appraisal showing the “fair market value” of such improved land in the area of his development or other evidence thereof and final determination of said “fair market value” per acre of such improved land shall be made by the Village Board based upon such information submitted by the subdivider or developer and from other sources which may be submitted to the Village Board by Village staff, the park district, school district or others.
 - i. As stated in the aforementioned section, the current “fair market value” of improved land in and surrounding the Village is \$88,000 per acre, however, said value as of 9/9/99 was fixed at \$42,500 in this ordinance, prior to amendment. In order to foster development, the required contribution amount shall be reduced to the following amounts per acre for the following years, if the required amount is approved by the Village Board and actually paid within said calendar year:
 - ii. Criteria for Requiring Dedication and a Fee.

Calendar year 1999	\$44,000
Calendar year 2000	\$55,000
Calendar year 2001	\$66,000
Calendar year 2002	\$77,000
Calendar year 2003 and beyond	\$88,000

- b. Criteria for Requiring Dedication and a Fee. There will be situations in subdivisions or planned unit developments when a combination of land dedication and a contribution in lieu of land are both necessary. These occasions will arise when:
- i. Only a portion of the land to be developed is proposed as the location for a park or school site. That portion of land within the subdivision falling within the park or school 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;
 - ii. A major part of the local park or recreation site or school site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portions shall be required by dedication, and a cash contribution in lieu thereof shall be required.
4. *Density Formula:* The following table of population density is generally indicative of current and short range projected trends in family size for new construction and shall be used in calculating the amount of required dedication of acres of land or the cash contributions in lieu thereof unless a written objection is filed thereto by the subdivider

**Table of Estimated Ultimate Population Per Dwelling Unit
Children Per Unit**

Type of Unit	Pre-School	Elementary	Junior High	Senior High	TOTAL Grades K-12	Adults (18 years+)	TOTAL Population per Dwelling Unit
Single Family (Detached)							
2 Bedroom	0.113	0.136	0.048	0.02	0.204	1.7	2.017
3 Bedroom	0.292	0.369	0.173	0.184	0.726	1.881	2.899
4 Bedroom	0.418	0.53	0.298	0.36	1.188	2.158	3.764
5 Bedroom	0.283	0.345	0.248	0.3	0.893	2.594	3.77
Attached Single Family							
1 Bedroom	0.00	0.00	0.00	0.00	0.00	1.193	1.193
2 Bedroom	0.064	0.088	0.048	0.038	0.174	1.752	1.99
3 Bedroom	0.212	0.234	0.058	0.059	0.351	1.829	2.392
4 Bedroom	0.323	0.322	0.154	0.173	0.649	2.173	3.145
Apartments							
Efficiency	0.00	0.00	0.00	0.00	0.00	1.294	1.294
1 Bedroom	0.00	0.002	0.001	0.001	0.004	1.754	1.758
2 Bedroom	0.047	0.086	0.042	0.046	0.174	1.693	1.914
3 Bedroom	0.052	0.234	0.123	0.118	0.475	2.526	3.053

Note:

There are only three significant categories provided in this chart. Because of the similarity of yields of all types of attached single family dwelling units, only one category is provided. The same is true with apartments; thus only one category . Be

or developer. Statistical data obtained from the United States Census Bureau and/or other sources approved by the Village of Montgomery shall be deemed as acceptable sources of demographic data.

In the event a subdivider or developer files a written objection to the Table of Estimated Ultimate Population listed herein, he shall submit his own demographic study showing the estimated additional population to be generated from the subdivision or planned unit development and in that event final determination of the density formula to be used in such calculations shall be made by the Village Board based upon such demographic information submitted by the subdivider or developer and from other sources which may be submitted to the Village Board by the Park Districts, School District, or others. It is recognized that population density, age distribution and local conditions change over the years, and the specific formula for the dedication of land, or the payment of fees in lieu thereof, as stated herein, is subject to periodic review and amendment if necessary.

5. *Reservation of Additional Land:* Where the comprehensive plan or the standards of the Village call for a larger amount of park and recreational land or school sites in a particular subdivision of planned unit 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 is made within one year from the date of approval of the final plat.
 6. *Combining with Adjoining Developments:* Where the subdivision of planned unit development is less than 40 acres, public open space or a school site which is to be dedicated should, where possible, be combined with dedications from adjoining developments in order to produce usable recreation areas or school sites without hardship on a particular developer.
 7. *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.
 8. *Improved Sites:* All sites shall be dedicated in a condition ready for full service of electrical, water, sewer and streets (including enclosed drainage and curb and gutter) as applicable to the location of the site, or acceptable provision made therefore. The sidewalk and trees normally included with the definition of "improved" sites may be deleted due to the delay time between dedication of any such school site and construction of school facilities thereon.
 9. *Land Donations:* All land donations required by the ordinance shall be contiguous in one location. All land donations shall be in addition to any detention or retention facilities and shall be measured in acres of land above the high water level. No storm management areas shall be accepted as part or in whole of the land donation requirement.
- C. ACCOMPANYING DOCUMENTATION REQUIRED. The preliminary plan of subdivision shall be accompanied by:

1. *Annexation Statement.* A statement that the proposed subdivision (where contiguous) is or is not to be annexed to the Village.
 2. *Preliminary Plan for Sewer and Water.* Either a preliminary engineering plan for sewer, water and storm sewers or a written statement setting forth general plans for such improvements and indicating the method to be employed to overcome particular problems that may be encountered with the development of the proposed subdivision.
 3. *Soil Analysis.* A soil analysis for each proposed subdivision shall be completed by an engineer registered in the State of Illinois and shall be of sufficient scope to point out potential ground absorption, runoff, flooding deficiencies, the presence of unstable soils or of soils of such low bearing capacity as to constitute problems for conventional construction, or the presence of subsurface rock that would affect the installation of underground improvements on the provisions of above ground improvements. If the subdivision contains questionable soil and, in the opinion of the Village Engineer, additional soil investigations, boring or other soil tests are necessary to determine the nature and extent of such questionable material, the owner or developer shall retain or cause to be retained the services of a competent testing laboratory to perform the needed investigations.
 - a. Copies of the completed reports prepared by the testing laboratory shall be filed with the Village Engineer and Plan Commission.
 - b. Neither the Village Engineer nor the Village shall have any liability for costs connected with the tests, boring or interpretations of results of such work.
 4. *Protective Covenants.* Draft of protective covenants, whereby the subdivider proposes to regulate land use in the subdivisions and otherwise protect the proposed development.
- D. *DRAWINGS AND DATA REQUIRED.* The preliminary plan and required accompanying maps shall be drawn on reproducible medium in a manner that is clear and legible prints can be made therefrom, and shall be at a scale of not less than two hundred feet to the inch (1" = 200'). It shall show all existing conditions required below and shall show all proposals including the following:
1. *Identification and Description.* Identification and description shall be as follows:
 - a. Name of the subdivision: not a duplication of a name of any plat heretofore recorded in the Village or in Kane or Kendall County, Illinois.
 - b. Location of the Subdivision: location by section, township, and range, or by other approved legal description, including present tract designation according to official county records.
 - c. Survey of the Subdivision: boundary line survey on an accompanying map which is prepared and certified by a registered land surveyor.
 - d. Designer of the Subdivision: name and address of the site planner and/or engineer.
 - e. Owner of the Subdivision: name and address of the owner and/or subdivider.
 2. *Existing Conditions.* Data required as a basis for the preliminary plan shall include existing conditions as follows, except when otherwise specified by the Plan Commission.

- a. Boundary Lines: in accordance with Section D(1)(c) above.
- b. Total Acreage: within the boundary lines.
- c. Existing Zoning Districts: both in proposed subdivision and all adjacent tracts.
- d. Existing Improvements: location, widths, and names of all existing or previously platted streets or other rights-of-way showing type of improvement (if any), railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures and their street address numbers, easements, and section and corporate lines within the tract and to a distance of one hundred (100) feet beyond the tract.
- e. Utilities on and Adjacent to the Tract: location and size of existing sewer lines, water mains culverts, or other underground facilities within the tract and to a distance of one hundred (100) feet beyond the tract – also indicating such data as locations and surface and invert grade elevations of catch-basins, manholes, and fire hydrants. If water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and the size of nearest usable facilities.
- f. Location Map: drawn at a scale of not less than one inch equals one thousand feet (1" = 1,000') or larger, showing boundary lines of adjoining unsubdivided land within an area bounded by nearest arterial streets or other natural boundaries, but not less than one-half mile beyond the subdivision boundaries in subdivisions located beyond the Village limits, identifying type of use and ownership of surrounding land and showing alignments of existing streets.
- g. Topographic Data: data including existing contours at vertical intervals of not more than three (3) foot, except. in unusual topographical conditions, such vertical intervals may be required to be altered as determined by the Village Engineer, (topographic data shall refer to United States Geodetic Survey or adjusted Village of Montgomery Datum).
- h. Other Conditions of the Tract: water courses, marshes, rock outcrop, wooded areas, isolated preserveable trees one (1) foot or more in caliper at one (1) foot above ground level, houses, barns, shacks, and other significant features.
- i. Reference to Monuments: locations of or reference to locations of existing monuments or survey markers used in preparation of survey and grade elevation of each monument and marker.
- j. Proposed Public Improvements: highway or other major improvements planned by public authorities for future construction on or near the tract.
- k. Easements: location, width, and purpose.
- l. Other Conditions on Adjacent Land: approximate direction and gradient of ground slope, including any embankments or retaining walls, character and location of buildings, railroads, power lines, towers, and other nearby non-residential land uses or adverse influences; and owner of adjacent unplatted land (for adjacent platted land refer to subdivision plat by name,

recording date, and number and show approximated percent built-up, typical lot size and dwelling type).

3. Subdivision Design Features. Subdivision design features shall be as follows:

- a. Accord with Comprehensive Plan: the preliminary plan shall be in substantial accord with the Comprehensive Plan as amended from time to time.
- b. Proposed Zoning Changes: the Village of Montgomery zoning districts proposed for the subdivision shall be shown.
- c. Layout of streets: showing right-of-way widths and street names (not duplicating the name of any street heretofore used in the Village or its environs unless such street is an extension of or in line with an already named street in which event that name shall be used) and showing proposed through streets extended to the boundaries of the subdivision and approximate grades and gradients. The street numbering system as adopted by the Village shall be adhered to.
- d. Other Rights-of-way: location and width of pedestrian ways, and utility easements.
- e. Location of Utilities: if not shown on other exhibits.
- f. Lotting: layout, total number of lots, and dimensions on the lot containing the minimum width and depth and the maximum width and depth, lot numbers and block numbers.
- g. Sites to be Reserved or Dedicated: sites, if any, to be reserved or dedicated for schools, parks, playgrounds or other public uses. Such sites shall be designated by letter or number.
- h. Setback Lines: minimum front and side street building lines – indicating dimensions.
- i. Sewers and Drainage: proposed location of sewer lines and storm water drains and proposed method of sewage and waste disposal including sufficient information to show the intent of surface drainage and detention and/or retention facilities conforming to minimum standards of the Village of Montgomery.

Such layout shall show the storm and sanitary sewers, stubs, valves, line hydrants and water mains including size, capacity and location. Included with this shall be proposed dimensions of storm and sanitary sewers and water mains, and a written statement by the subdivider or his engineer describing the adequacy of these proposed facilities as well as the effect they will have on existing or future facilities.

- j. Grading: the subdivider shall submit proposed detailed grading plans of blocks and lots. No land will be approved for subdivision which is subject to periodic flooding or which contains inadequate drainage facilities or other topographic conditions which may increase danger to health, life or property or; aggravate erosion of flood hazard unless the subdivider agrees to make improvements which will, in the opinion of the village Engineer and Plan Commission, make such land safe for development and occupancy, including construction of adequate storm water detention facilities.

- k. Land Use Intent: sites, if any, for multi-family dwellings, shopping centers, churches, industry, or other non public uses exclusive of single family dwellings.

8.04 PLANS AND SPECIFICATIONS FOR REQUIRED LAND IMPROVEMENTS

- A. ENGINEERING PLANS REQUIRED. After the approval of the preliminary plan and prior to filing an application for approval of the final plat, the subdivider shall submit to the Village Clerk twenty-three (23) complete sets of engineering plans and specifications for the land improvements required by this ordinance along with a single estimate of the cost of the proposed improvements. Said plans and specification shall bear the seal of the design engineer and shall include the following documents:
 - 1. *Topographic Map.* A topographic map of the proposed subdivision at a minimum scale of one inch equals two hundred feet (1" = 200'), the limits of which shall extend at least one hundred (100) feet beyond the limits of the proposed development or a grading plan of the subdivision showing the existing grades, the floor grade of the proposed structures, the direction of flow of surface runoff, the finished grade of all corners of a lot, or as requested by the Village Engineer.
 - 2. *Construction Drawings.* Construction drawings with a horizontal scale of one inch equals fifty feet (1" = 50') and a vertical scale of one inch equals five feet (1" = 5'). Existing and proposed construction are to be shown on these drawings.
 - 3. *Detail Sheets.* Detail sheets of the Village of Montgomery showing the various standards for streets, street lights, manholes, catch basins, curb/gutter design, valve boxes, sewer and water services, shall be attached to and made a part of the subdivider's construction drawings.
 - 4. *Specifications.* Complete set of specifications covering the work to be done.
- B. ENGINEERING PLANS APPROVAL. The Village Clerk shall forward twenty-three (23) complete sets of such copies of preliminary plans and specification for land improvements and grading plans to the Plan Commission such set of plans and specifications to the Village Engineer.
 - 1. *Review by Village Engineer.* The Village Engineer and other public officials having jurisdiction shall approve such engineering and specification or set forth the revisions necessary for approval. Based upon the conditions of approval of the plans and specifications the subdivider shall have prepared, by a registered engineer, final plans and specifications covering such required land improvements. Such plans and specification shall be approved by the Village Engineer and other public officials having jurisdiction and such approval shall be certified on the final plat.
 - 2. *Review Fees.* The Village will charge the subdivider for review of plans for required surface and underground improvements on a time plus material basis as established by the Village of Montgomery and the Village Engineer.

This fee will be paid by the subdivider prior to the approval of his engineering plans.

8.05 CONSTRUCTION OF REQUIRED IMPROVEMENTS

- A. **Installation Required.** After approval of the preliminary plan by the Village Board, and after approval of the plans and specifications for required improvements by the Village Engineer, and Board of Trustees, the subdivider shall install street and utility improvements, and other improvements indicated on the plan, in accordance with specifications hereinafter provided. If such improvements are not installed as required at the time the final plat is submitted for approval, the subdivider shall, before the recording of his plat, enter into a contract with the Village of Montgomery agreeing to install the required improvements. Such contract shall be in such form as required by Subsection 8.06 of this ordinance.
- B. **Deeding of Improvements.** All underground public improvement up to the property line shall be deeded over to the Village of Montgomery and become the property of the Village after approval by the Village Engineer and when accepted by resolution of the Village Board.

8.06 AGREEMENTS AND GUARANTEE OF IMPROVEMENTS

The requirements of this section shall be complied with prior to the approval and recording of a final plat of subdivision.

- A. **ACTION BY THE SUBDIVIDER.** Prior to the filing of an application for final plat, the subdivider shall submit the following to the Village Clerk:
 - I. *Statement of Agreement.* A statement of agreement that:
 - a. The land improvements, required by this ordinance, shall be completed by the owner or subdivider in accordance with the plans and specifications approved by the village Engineer.
 - b. Four (4) sets plus one (1) reproducible set on mylar of as built plans, as required by section 10.00 herein, shall be submitted by the owner or subdivider.
 - c. If payment in lieu of funds is to be made on an installment basis, the subdivider shall inform the Building Department in writing within five (5) days of any such initial occupancy of a family unit and also submit any such payment concurrent therewith to the Village Clerk for ultimate payment to the appropriate school district.
 - d. All improvements, and the as built plans of said improvements, shall be completed by the owner or subdivider within two (2) years following approval of the final plan by the President and Board of Trustees.
 - e. That no home in any block shall be occupied for longer than seven (7) months without all sidewalks, curb and gutter, and roadway base and surfacing being completed for the entire block by the owner or subdivider, or whenever at least seventy-five (75) percent of a designated block has occupied homes on it, then the owner or subdivider shall have completed constructing all of the sidewalks, curb, gutter and street pavements in that block.
 - 2. *Performance Guarantee*
 - A. Any subdivider or developer must provide security for completion of all public improvements required of said subdivision or development as may be shown on the final

plat or plan as approved by the Village. The security for the completion of said public improvements must be one of the following, subject to the other terms and conditions hereof:

1. Cash in the amount of 110% of the engineer's estimated cost of the public improvements remaining to be completed;
 2. A letter of credit in the amount of 110% of the estimated cost of the public improvements remaining to be completed, certifying that adequate funds are and will be available at a banking or financial institution authorized to do business in the State of Illinois and approved by the Village; or
 3. A subdivider's bond in the amount of 110% of the estimated cost of the public improvements remaining to be completed.
- B. With respect to either a letter of credit or a bond, the amount and the provider of the guarantee for completion, shall be as approved by the Village Engineer and/or the Village Attorney and shall include the following:
1. Be irrevocable.
 2. Contain an accurate legal description of the subdivision, phase, or unit to which the guarantee pertains and identify the public improvements included therein.
 3. Be issued solely for the benefit of the Village and all funds payable by reason of default be payable solely to the Village.
 4. Contain a specific expiration date including a renewal provision such that it will remain in force at least six months beyond the completion date and acceptance by the Village.
 5. Provide for notification to the Village not less than 60 nor more than 90 days prior to any such expiration date and provide that if notice is not issued and received by the Village of such expiration, that the guarantee contained therein shall not expire until after a notice has been provided not less than 60 nor more than 90 days from the extended expiration date.
 6. Include a commitment by the developer or subdivider or owner to complete the public improvements as specified in the final plat and plans as approved by the Village Engineer.
 7. Contain a completion date by which all public improvements must be completed and accepted.
 8. Provide that upon notification and certification by the Village Engineer of non-performance (which shall include any failure to complete the public improvements by the completion date) that the same will constitute a default.
 9. Specify a mechanism, form and timing for payment of funds to the Village upon the certification described in subsection 8 hereof and that no consent from the guarantor or the developer or subdivider is needed to obtain funds.
 10. Provide that the company or bank issuing the financial instrument must meet the Village's rating criteria:
 - a. Banks (for letters of credit): A financial institution authorized to do business in the State of Illinois.
 - b. Insurance Companies (for surety bonds): A.M. Best Company rating of Superior (A++ and A+), Excellent (A and A-), and Very Good (B++ and B+), or equivalent.

- C. Public improvements completed prior to the required date of posting may be omitted from the amount of the guarantee. Completed public improvements are those (1) which have been previously accepted by the Village, or (2) which the Village has not designated for acceptance and which the Village acknowledges as complete.
 - D. The security for completion of public improvements may be released only upon fulfillment of the following conditions:
 - 1. Completion of the public improvements and acceptance by the Village.
 - 2. Submission of one set of reproducible mylar as-built drawings of the public improvements.
 - 3. A bill of sale on a contractor's affidavit and lien waivers in accordance with the Illinois Mechanic's Lien Act for all public improvements which have been designated by the Village for acceptance.
 - 4. Acceptance and approval by the Village Engineer of a guarantee for maintenance of public improvements. The guarantee shall be in one of the following formats:
 - a. Cash in the amount of 10% of the estimated cost or actual construction costs of the public improvements to be accepted or acknowledged as complete by the Village.
 - b. A subdivider's bond in the amount of 10% of the estimated cost or actual construction costs of the public improvements to be accepted or acknowledged as complete by the Village.
 - c. A letter of credit in the amount of 10% of the estimated cost or actual construction costs of the public improvements to be accepted or acknowledged as complete by the Village, certifying that adequate funds are and will be available at a sound and reputable banking or financial institution authorized to do business in the State of Illinois.
 - E. The form, amount and provider of such guarantee shall be subject to the approval of the Village Engineer and/or the Village Attorney and shall contain the same provisions as set forth above for the security for completion of such public improvements.
- B. **ACTION BY THE VILLAGE CLERK.** The Village Clerk shall not certify the approval of the President and Board of Trustees on the final plat until the requirements of this section have been completed.
- C. **GUARANTEE OF COMPLETED IMPROVEMENTS.** Upon completion of the improvements covered by the accepted form guaranteeing improvements, the subdivider shall notify the Village Building Inspector in writing and request inspection of the completed improvements. The subdivider shall submit, with the request for inspection, an as built plan covering the improvements to be accepted. Said as built plan shall meet the requirements of Section 10.00 herein. After the improvements have been inspected by the Village and found to be complete, but before acceptance by the Village Board, the subdivider shall furnish an applicable letter guaranteeing the improvements against faulty workmanship and/or materials for a period of one (1) year after acceptance. Said letter shall be of an amount equal to at least ten (10) percent of the total cost of the improvements to be accepted.

Since a Letter of Credit or performance bond is already on file guaranteeing completion of the improvements, the subdivider need not furnish this before acceptance by the Village Board. However, said acceptance by the President and Board of Trustees shall release an amount equal to but not more than ninety (90) percent of the original security to enable the subdivider to furnish a new Letter of Credit or performance bond of an amount equal to or not less than 10 (10) percent of the cost of the improvements for one (1) year after acceptance.

D. LETTER OF CREDIT OR PERFORMANCE BOND REQUIRED

1. See *Appendix, EXHIBIT A*.
2. *Subdivisions Outside Corporate Limits.* Such agreements, as set forth above shall not be required for the subdivisions located in the unincorporated areas within one and one-half miles beyond the Village limits when there is evidence that agreements are entered into between the owner or subdivider and Kane or Kendall County, except when the Village standards for public improvements are of higher quality than Kane or Kendall County standards, such agreements may be required by the Village.

8.07 ACCEPTANCE OF REQUIRED LAND IMPROVEMENTS

- A. ACCEPTANCE OF IMPROVEMENTS BY RESOLUTION. Upon the completion of construction of any public improvements required by this ordinance, in conformance with approved engineering plans and specifications, the subdivider shall prepare and submit to the Village Building Department four (4) sets, plus one (1) reproducible set on mylar of as built plans and certification by the Village Engineer that such public improvements have been satisfactorily completed in accordance with the approved engineering plans and specifications. The Village Board will enact a resolution accepting said improvements.
- B. FINAL PLAT APPROVAL NOT ACCEPTANCE OF IMPROVEMENTS. If any final plat of subdivision contains public streets or thoroughfares which are therein dedicated as such, whether located within the corporate limits of the Village, or all or in part outside thereof, or contains existing streets located outside of said corporate limits, the approval of the final plat by the Board of Trustees or the subsequent annexation of the property to the Village shall not constitute an acceptance thereon or therein, irrespective of any act or acts by an officer, agent, or employee of the Village with respect to such streets or improvements. The acceptance of such streets or thoroughfares shall be made only by the adoption of a resolution by the Board of Trustees, after there has been filed with the Village Engineer certifying that all improvements required to be constructed or installed in or upon such streets or thoroughfares, in connection with the approval of the plat of subdivision by the Board of Trustees, have been fully completed and the construction or installation thereof has been approved by him.

8.08 PROCEDURE FOR APPROVAL OF FINAL PLAT

- A. ACTION BY THE SUBDIVIDER
 1. *Application to Village Clerk.* Application for approval of the final plat including all engineering drawings, shall be submitted in writing to the Village Clerk via the Plan Commission Secretary and shall be accompanied by the fee and engineering review as required in these regulations. The application shall be submitted at least fourteen (14) days prior to the

regular meeting of the Plan Commission for its review and recommendations for approval or disapproval.

2. *Conformance with Preliminary Plan.* The final plat shall conform substantially to the preliminary plan as approved and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plan which he proposed to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.

B. ACTION BY THE PLAN COMMISSION. Within two (2) months after it's meeting, at which the application for approval of the final plat is reviewed, the Plan Commission shall approve or disapprove it. If the Plan Commission approves, it shall affix upon the plat the certifying signature of its Chairman. If it disapproves, it shall set forth its reasons in its own records and provide the applicant with a copy.

C. ACTION BY THE BOARD OF TRUSTEES

1. *Plat Submitted to Board of Trustees.* After approval of final plat by the Plan Commission and the fulfillment of the requirements of these regulations, on (1) tracing of the final plat of the subdivision, drawn in ink on tracing cloth or mylar drafting film not to exceed thirty-six (36) inches by forty-eight inches (36" x 48") in size, shall be submitted to the Village Board of Trustees for approval.

2. *Action by Board of Trustees.* Action must be taken by the Village Board of Trustees within two (2) months after the meeting at which the final plat and all drawings, maps and other documents required have been submitted for its approval. The Village Board of Trustees may grant an extension of the two (2) month period.

3. *Approved Plat Copies.* Upon approval by the Board of Trustees, the Village Clerk shall receive from the subdivider through the Plan Commission Secretary one (1) cloth or mylar reproducible print and three (3) contact prints of the approved final plat, and three (3) copies of the approved supporting documents. The cost of such prints and copies of documents shall be paid by the subdivider.

- a. One (1) contact print of the final plat, when applicable one (1) copy of the accompanying protective covenants and one (1) copy of the supporting documents shall be delivered to the Plan Commission;

- b. One (1) contact print and all specifications, drawings, and estimates shall be delivered to the Village Engineer; and

- c. One (1) transparency print and one (1) contact print and all other supporting documents shall be retained by the Village Clerk.

D. FILING OF FINAL PLAT

1. *Filing with County.* Upon approval by the Village Board of Trustees, the Village Clerk shall record the plat with the Kane or Kendall County Recorder within three (3) months. If construction does not begin within two (2) years from approval, such plat shall be null and void.

2. *Filing for Local Record.* The final plat in exact form as approved by the Board of Trustees, and as filed for local record by the Village Clerk. Such file copy shall bear the appropriate documentation number as assigned by the Kane or Kendall County Recorder.
- E. **DRAWINGS AND DATA FOR FINAL APPROVAL.** The final plat shall be accurately drawn in ink on tracing cloth or mylar drafting film, in a manner that clear and legible transparent or contact prints or photostatic copies can be made. The final plat shall be at a scale of not less than one hundred feet to the inch (1" = 100') on sheets not to exceed thirty-six by forty-eight inches (36" x 48"). Where necessary, the plat may be drawn on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections satisfactory to the Plan Commission. The final plat shall show the following:
- I. *General Information.* General information shall be as follows:
 - a. **Boundary Lines:** in accordance with item D of Subsection 8.03.
 - b. **Layout of Streets:** showing right-of-way widths and street names (not duplicating the name of any street heretofore used in the Village or its environs unless such street is on extension of, or in line with, an already named street in which event that name shall be used) and showing proposed through streets extended to the boundaries of the subdivision.
 - c. **Other Rights-of-Way:** location and width of alleys, pedestrian ways, and utility easements.
 - d. **Sites to be Reserved or Dedicated:** sites to be reserved or dedicated for schools, parks, playgrounds or other public uses, or for the exclusive use of property owners within the subdivision. Such areas shall be designated by letter or number and by legal description.
 - e. **Accurate Dimensions:** accurate angular and lineal dimensions for all lines, angles, radii, and arcs used to describe all boundaries including perimeter survey of tract, streets easements, areas to be reserved or dedicated for public use, and other important features. Error of closure of boundary line surveys shall not exceed one in ten thousand (one (1) foot for each ten thousand (10,000) feet of perimeter survey). Angular error shall not exceed plus or minus twenty (20) seconds. Lot lines to show dimensions in feet and hundredths, and when angle occurs in any lot lines between lot corners, the measurement of the angle shall be shown in degrees, minutes, and seconds. The final plat shall show accurately the location of all permanent lot markers as actually installed.
 - f. **Control Points:** true angles and distances to the nearest established street lines and official monuments (not less than three (3)), which shall be accurately described in the plat by location, size and elevation, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
 - g. **Identification System:** an identification system for all blocks and lots using consecutive numbers for lots within a block and, where applicable, a street address number in accord with current Village policies.

- h. Correlation with Existing Boundaries: municipal, township, or section lines accurately correlated to the lines of the subdivision by distances and angles.
 - i. Location of Monuments: accurate location of all monuments which shall be placed at all block corners, angle points, and at intermediate points as shall be required by the Village Engineer, and installed in such a manner that they may be located by a licensed surveyor. All U.S.G.S., State, County, Village, or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position.
 - j. Covenants: protective covenants, or filed as an accompanying document in form for recording.
 - k. Setback Lines: proposed building setback lines on all lots and other sites.
 - l. Name of Subdivision.
 - m. Location: by section, township, and range.
 - n. Title, Scale, North Arrow, Date.
 - o. Certification: certification by a registered land surveyor certifying to the accuracy of the survey and plat.
 - p. Other Data: such other certificates, affidavits, endorsements, or dedications as may be required by the Plan Commission in the enforcement of these regulations.
2. *Certification Required.* The application for approval of the final plat shall not be deemed completed until the following certificates, (See Appendix, EXHIBITS A-J)
3. *Subdivisions Outside Corporate Limits.* Except as otherwise required by statute, certification on final plats of subdivision located in the unincorporated areas within one and one-half miles beyond the Village Regulations, except when Village of Montgomery Subdivision Regulations are more restrictive, the applicable certifications contained herein shall also be required.

SECTION 9.00 – PLANNING STANDARDS FOR SUBDIVISION DESIGN

The subdivision of land- including the arrangement, character, extent, width, *grade*, and location of all streets, cross-walks, easements, sites for parks, playgrounds, and schools or other land to be dedicated for public use- shall conform to the Comprehensive Plan and official map of the Village of Montgomery, and approval of design standards shall be considered on the basis of their relation to existing and platted streets, reasonable circulation of traffic within the subdivision and adjacent land, topographic conditions, runoff of storm water, public convenience and safety, and appropriate relation to the proposed uses of the area to be served.

9.01 STREET STANDARDS

- A. STREET ARRANGEMENT. Where such is not shown on the Comprehensive Plan, and/or official map, the arrangement of streets within a subdivision shall either (Refer to Appendix, EXHIBIT L):
1. *Continuity.* Provide for the continuation or projection of existing principal streets in adjacent areas; or
 2. *Conformity with Plan.* Conform to a plan for the area or neighborhood approved or adopted by the Plan Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
- B. STREET DESIGN. All required street right-of-way widths, and pavement widths, curves, gradients and site distances shall be as shown in the accompanying *Table of Minimum Standards for Street Design* (following) and in accordance with the following:
1. *Street Jogs.* Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
 2. *Intersections.* It must be evidenced that all street intersections and confluences encourage safe and efficient traffic flow and, in general, be at or near right angles and in no case shall a street intersect any other street at less than sixty (60) degrees. An intersection of more than two (2) streets shall not be permitted.
 3. *Cul-de-sac Streets.* A cul-de-sac street, in single-family residential districts, shall be no more than six hundred (600) feet in length, measured along its centerline from the point of origin to the end of its right-of-way. In multiple family residential areas, cul-de-sac streets shall not be permitted. Each cul-de-sac street shall have terminus of nearly circular shape with a minimum right-of-way diameter equal to pavement diameter plus twenty eight (28) feet and a pavement outside diameter of not less than eighty-four (84) feet.
 4. *Median Strips.* Median strips other than raised center curb separating lanes of traffic within a single right-of-way shall not be allowed. However, where a parkway exists on a new street which is an extension of the existing street, a median strip may be constructed not more than five hundred (500) feet in length to provide the transition to no median strip. All such median strips as described above shall have barrier curbs with gutters.
 5. *Access from Major Streets.* Provisions shall be made for vehicular and pedestrian access to residential property abutting a major street either by providing: (a) a marginal access road, or (b) by backing lots to the thoroughfare and providing access by a collector, minor, or cul-de-sac street one (1) lot depth removed and with a no-access strip at least twelve (12) feet wide along the rear lot line. These standards are established for the purpose of providing protection for the residential properties and to provide for traffic safety and the efficient use of the major street for its intended function of accommodating through traffic.
 6. *Frontage Roads.* Where a subdivision borders on or contains a railroad or highway, the Plan Commission may require a street approximately parallel to and on each side of such railroad or highway, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential district, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

7. *Reserve Strips.* Reserve strips controlling access to public utilities, streets or alleys shall be prohibited.
8. *Street Levels.* Street levels shall provide proper relation between the street and the elevation of the houses to assure positive drainage from the building to the street.

Table of Minimum Standards for Street Design								
Street	Right-of-way Width	Pavement Width	Radius of Horizontal Curves	Length of Vertical Curves	Tangent Between Horizontal	Maximum Gradient	Minimum Gradient	Clear Sight Distance
					Reverse Curves			
<i>Major</i>	100	66	500	200(a)	200	5%	4%	500
<i>Collector</i>	80	39	400	200(a)	200	5%	4%	400
<i>Minor</i>	66	31	150	100(b)	-	6%	4%	200
<i>Cul-de-sac</i>	60	31	150	100(b)	-	6%	4%	200
<i>Marginal Access</i>	60	38	400	200(a)	100	6%	4%	200
<i>ORI</i>	80-100	63	500	200(a)	200	2%	4%	500

Pavement measurements are in feet and are back to back of curb and include additional width for off-street parking.

(a) 50 feet of each 1% algebraic difference of grade but in no case less than 200 feet.
 (b) 40 feet of each 1% algebraic difference of grade but in no case less than 100 feet.

C. ALLEYS

1. In commercial, business and industrial districts, definite and assured provisions shall be made for service access such as off- street loading, unloading, and parking consistent and adequate for the uses proposed. If, in the opinion of the Plan Commission such facilities are not adequate, the Plan Commission may permit or require the dedication and improvement of a public alley.
2. Alleys in residential areas shall not be permitted, except where deemed necessary and on the recommendation of the Plan Commission.
3. The width of an alley where permitted or required, shall be twenty (20) feet in residential areas and thirty (30) feet in commercial, business and industrial districts.
4. Alley intersections and sharp changes in alley alignment shall be prohibited.
5. Dead-end alleys shall be avoided where possible, but if unavoidable, they shall be provided with adequate turnaround facilities at the dead-end, as determined by the Plan Commission.

D. PRIVATE ACCESS STREETS

1. *Planned Developments*

- a. *Design Approval.* The complete design for access streets, including specifications and designation of trafficway, driving lanes, paving widths, thickness, materials, etc., shall be submitted to the Plan Commission for review and approval prior to the issuance of building permits or sale or lease of buildings or land in “Planned Developments” as defined in this ordinance. The minimum number of off- street parking spaces shall be in accordance with

the requirements of the Zoning Ordinance of the Village of Montgomery. Where more than one (1) owner or lessee are to use the same private marginal access road or parking lot, a trust indenture shall be recorded before approval of the multi-family, commercial or industrial subdivision as defined herein.

- b. **Ingress and Egress.** A minimum distance may be recommended by the Plan Commission and required by the Village Board where deemed necessary between points of ingress and egress where all property to be subdivided is under one (1) ownership on the effective date of this ordinance. Where property has frontage on a State or Federal highway, the spacing and design of the points of ingress and egress to the major highway shall be subject to approval of the Illinois Department of Transportation.
2. **Conventional Development.** A paved accessway from the property line to the street shall be provided as wide as the driveway for the dwelling to be served, except that no access driveway shall exceed twenty-five (25) feet in width. In the case of property zoned for other than single-family dwelling units, the requirements for access shall be of concrete.

E. PUBLIC SIDEWALKS AND PEDESTRIAN WAYS

1. **Sidewalks Required.** Sidewalks shall be installed on both sides of all streets located wholly within a subdivision and on the interior side of any existing street or street right-of-way bordering a subdivision in accordance with the following:
 - a. **Sidewalks Separated from Streets.** Sidewalks shall be separated from public streets by the full width of parkways. Parkway shall be a minimum of eight (8) feet from the edge of the walk to the back of the curb.
 - b. **Carriage Walks Prohibited.** Sidewalks adjacent to, or in conjunction with street curbs, are not permitted.
2. **Pedestrian Ways Required.** Pedestrian ways or crosswalks, not less than ten (10) feet in right-of-way with a paved walkway in accordance with Subsection 11.05 of this ordinance, shall be provided near the center of any block in excess of one thousand (1,000) feet in length or in any other block as recommended by the Plan Commission and approved by the Village Board.

9.02 EASEMENTS

- A. **EASEMENT DESIGN AND LOCATION.** Utility distribution or transmission installations serving the subdivision, and when required, storm water drainage ways shall be located in easements as designated on the subdivision plat or record. Such easements shall be located along the rear lot lines or side lot lines at locations and extensions of utility installation between blocks, or continuity of drainage way. They shall occupy not less than the rear ten (10) feet of lot width adjoining the applicable side lot line, or may be of greater width if recommended by the Village Engineer and approved by the Board of Trustees. Additional easements at other locations may be recommended for specific conditions by the Village Engineer and required by the Board of Trustees.
- B. **CONTINUITY OF EASEMENTS.** Easements shall be designed to provide continuity from block to block.

- C. DRAINAGE EASEMENTS. Where a subdivision is traversed by a natural drainage way, channel, or stream, there shall be provided a drainage easement, conforming substantially with the areas bordering such water course that are subject to flooding. The easement width shall be determined by the Village Engineer.

9.03 BLOCKS

- A. CONFIGURATION OF BLOCKS. The shape of blocks shall be determined by topographical features, the basic street system and traffic pattern, lot depths, and areas designated for public and other nonresidential land uses. In addition to these, the lengths, widths, and shapes of blocks shall be determined with due regard to:
1. *Site Adequacy.* Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 2. *Zoning.* Zoning requirements as to lot sizes and dimensions within the corporate limits of the Village of Montgomery.
 3. *Convenience.* Needs for convenient access, circulation, control and safety or street traffic.
- B. LENGTH OF BLOCKS. Needs for convenient access, control and safety or street
1. *Residential.* In residential subdivisions, the maximum length of blocks shall not exceed fifteen hundred (1,500) lineal feet. No blocks shall be less than six hundred (600) feet in length unless recommended by the Plan Commission and approved by the Board of Trustees.
 2. *Non-Residential.* In manufacturing and business subdivisions, maximum length of blocks shall be as recommended by the Plan Commission and approved by the Board of Trustees.
- C. NON-RESIDENTIAL BLOCKS. Blocks or portions thereof intended for commercial or industrial use shall be designated as such, and the plan shall show adequate off-street areas to provide for parking, loading docks, fire lanes, and other such facilities.

9.04 LOTS

- A. CONFIGURATION OF LOTS. The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivisions and for the type of development and use contemplated and, in general, lots should be as nearly rectangular in shape as practicable.
1. *Conformance with Zoning Regulations.* Width and area of lots shall conform with lot width and area requirements set forth in the Zoning ordinance of the Village of Montgomery or that of Kane or Kendall County in the unincorporated areas beyond the Village limits. Corner lots shall be increased in width by twenty (20) percent over the width of typical interior lots, except that corner lots need not exceed ninety (90) feet in width if the ninety (90) feet in width is greater than the width of the typical lot, except the Board of Trustees may require, when recommended by the Plan Commission, a greater lot width to provide for the proper development of intersection design and traffic safety.

2. *Non-Residential Lots.* Width, area, and depth of lots in a manufacturing or business subdivision shall be as recommended by the Plan Commission and approved by the Board of Trustees.
 3. *Side Lot Lines.* Side lot lines of lots shall be at right angles or radial to the street line, or substantially so.
- B. **ACCESS TO LOTS.** Each lot within the subdivision must have access to a public or private street unless otherwise provided by local ordinance.
 - C. **SEPARATION FROM MAJOR STREETS.** Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from major streets or highways or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, and across which there shall be no right of vehicular access, shall be provided along the rear lot lines of lots abutting such highways and major thoroughfares.
 - D. **DOUBLE FRONTAGE LOTS.** Double frontage lots are not permitted, except where lots back upon a major street, upon a body of water in separate or undivided ownership, or in manufacturing and business subdivisions when specifically recommended by the Plan Commission and approved by the Board of Trustees.
 - E. **LOTS ABUTTING A WATER COURSE.** Lots abutting upon a water course, drainageway, channel, or stream shall have an additional depth or width as recommended by the Plan Commission and approved by the Board of Trustees in order to provide acceptable building sites.
 - F. **PRESERVATION OF NATURAL FEATURES.** In the subdividing of any land, due regard shall be given to the preservation of natural features, such as trees, water courses, historical landmarks, and similar community assets, which, if preserved, would add to the attractiveness and value of the subdivision, neighborhood or the community as a whole. The Plan Commission shall include in its report its conclusions as to compliance herewith.

9.05 BUILDING SETBACK LINES

Building setback lines in all new subdivisions shall conform to the front yard provisions of the Montgomery Zoning Ordinance.

9.06 PARKS, SCHOOL SITES, AND PUBLIC AREAS

Wherever required by this ordinance or any other ordinance of the Village of Montgomery, parks, school sites, and/or other public areas shall be shown on all plans and plats and shall be of such configuration as to be acceptable to the Plan Commission, Village Board, and concerned public agency.

SECTION 10.00 – MATERIALS AND METHODS OF CONSTRUCTION FOR REQUIRED UNDERGROUND IMPROVEMENTS

The owner or subdivider shall install storm and sanitary sewers, water supply system, street grading and pavement, alleys, cross-walkways, public utilities, street lighting, in accordance with applicable ordinances and standards of construction of the Village of Montgomery and/or other appropriate agencies involved (i.e. Fox Metro Sanitary District).

No subdivision of land shall be approved without receiving a statement signed by the Village Engineer, certifying that the improvements 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:

All trenches caused by the construction of sewers, water mains, water service pipes, and in excavation around catch basins, manholes, inlets and other appurtenances which occur within the limits of existing or proposed pavements, sidewalks, and curbs and gutters, shall be back filled with trench back fill.

Trenches and excavations near or adjacent to proposed or existing pavements, sidewalks, and curbs and gutters shall be back filled with trench back fill to an elevation equal to the intersection of a one-to-one slope line from the top of the pavement, sidewalks or curb edge, with a vertical line through the nearest edge of the trench of excavation.

Trench back fill shall consist of sand, pitrun gravel or crushed stone and shall be compacted in place to ninety- five (95) percent of maximum density at optimum moisture as determined by the Standard Proctor Test.

10.01 SANITARY SEWER SYSTEM

A. SEWER SERVICE REQUIRED

1. Sanitary sewers and sanitary sewer service shall be installed to service all properties being developed within the municipality.
2. Sanitary sewer laterals shall be a minimum of eight (8) inches in diameter with minimum service lines of six (6) inches in diameter.
3. Material of pipe jointing and the placement, care and maintenance of such facilities shall be as established by Village ordinance.
4. The infiltration limit for all sanitary sewers shall not exceed those standards set by the applicable sanitary district. Ex-filtration tests where allowed by the Village Engineer shall provide the same criteria as infiltration.
5. Such joints and material as are set forth shall be considered minimum, and in the case of the sanitary sewer, must meet infiltration and other specifications in order to be approved by the Village.

- B. APPROVAL FOR CONSTRUCTION. All sanitary sewer systems shall be constructed in accordance with standards approved by the Environmental Protection Agency of the State of Illinois, Aurora Sanitary District, and the Village of Montgomery, or such other utility corporation, public or private, whose service may be required. All sewer design, plans, and specifications shall be submitted to the above agencies for approval and file.
- C. LARGER CAPACITY SOMETIMES REQUIRED. Where sanitary sewer mains of larger capacity than necessary are required, as directed by the Board of Trustees to serve the subdivision as delineated in the preliminary plan, the subdivider shall be required to pay for the proportionate benefit of the installation to his subdivision, as established by the Board of Trustees.

10.02 STORM WATER DRAINAGE SYSTEM REQUIRED

- A. An adequate system of storm water drainage shall be constructed and installed, consisting of natural water courses, storm sewers and other necessary facilities which will drain the subdivision and protect roadway pavements.
- B. STORM DRAINAGE COMPUTATIONS
 - 1. The design engineer shall submit to the Village one copy of the storm drainage computations. The design engineer shall use the latest computer modeling methods available. Design assumptions shall include but not be limited to rainfalls based on a 24 hour Type II distribution storm. The storm sewer system shall be designed to carry a nominal five-year storm. The release rate of any storm water management basin shall not exceed 0.15 cfs per acre on average. Design assumptions shall include but not be limited to: tributary drainage characteristics, runoff curve numbers, and concentration times.
 - 2. *Downstream Capacity of Existing System.* The design engineer shall indicate in his drainage computations any cases where the downstream capacity of the sewer system is inadequate, and the proposed sewers will not handle the runoff, or where the topography is such that flooding can be expected more often than the period for which the system is designed.
 - 3. *Preventions of Flooding.* In areas where runoff from storm of greater intensity than those which the storm sewers are designed for will cause flooding of adjacent property, one of the following alternate procedures shall be instituted to preclude the possibility of flooding:
 - a. Design storm sewers to provide runoff capacity for maximum storm of record.
 - b. Change contours of land by grading to assure positive drainage.
 - 4. *Construction of Detention Basins.* Construction of detention basins shall be in accordance with the Village Engineer and the Village of Montgomery requirements.

A dry flow drainage shall be provided in detention areas.

Detention areas must be capable of total drainage in not over 72 hours.

Total area for parks with detention pond shall be not less than three (3) acres.

Detention basins shall be provided by the subdivider to accomplish the limiting of surface water runoff to not more than forty- two thousandths cubic feet per second per gross are (.042 CFS/Acre) and shall be designed on the basis of a one hundred (100) year storm in accordance with storm water detention standards established by the Village of Montgomery.

10.03 MANHOLES AND DRAINAGE APPURTENANCES

Manholes and drainage appurtenances as outlined below shall be constructed in accordance with the requirements of the Village of Montgomery.

- A. **MANHOLES.** Manholes shall be constructed of the type, style, and size as set forth within the ordinances and standards of the Village.
- B. **CATCH BASINS AND INLETS.** Catch basins, inlets and other drainage structures shall be constructed of the type, style, and size as set forth within the ordinances and standards of the Village.
- C. **FRAMES AND GRATES.** Frames, grates *and* covers shall be constructed of the type, style and size set forth within the ordinances and standards of the Village.

10.04 WATER SUPPLY AND DISTRIBUTION SYSTEM

- A. **WATER SUPPLY AND DISTRIBUTION SYSTEM REQUIRED.** Water distribution facilities, including piping, fittings, hydrants, valves, valve basins, water services, and all other needful appurtenances adequate for fire and domestic needs, shall be installed to serve all properties within the subdivision.
- B. **APPROVAL FOR CONSTRUCTION.** All water distribution systems constructed to or within a subdivision shall be constructed in accordance with standards approved by the State of Illinois Environmental Protection Agency, and the Village of Montgomery water and sewer department. All distribution system plans and specifications shall be submitted to the above agencies for approval and file.
- C. **LARGER CAPACITY SOMETIMES REQUIRED.** Where water mains of larger capacity are required, as directed by the Board of Trustees to serve the future growth in the vicinity of the subdivision, the subdivider shall be required to pay for the proportionate benefit of the installation to his subdivision, as established by the Board of Trustees.
- D. **WATER MAINS**
 - 1. A minimum of six (6) inches in interior diameter or larger as the development needs dictate.
 - 2. Main shall be ductile iron pipe Class 150, with a minimum depth of cover of five and one-half (5-1/2) feet or as set forth in standards and ordinances of the village as amended from time to time.
- E. **VALVES AND VAULTS.** Valves shall be non-rising stem gate valves with operating nut, designed to take full pressure on either face, furnished in full compliance with AWWA C500. All valves shall open by turning to the left. Valves shall operate at a working pressure of one hundred fifty

(150) pounds per square inch. Valves eight (8) inches and smaller shall be housed in valve vaults with an internal diameter of forty-eight (48) inches; valves over eight (8) inches shall be housed in vaults with an internal diameter of sixty (60) inches. Valve vault, sidewall and base construction shall conform to that required for catch basins.

F. HYDRANTS

1. Hydrants shall be of the compression or gate type conforming to AWWA C 502 and shall be of a make that has been adopted by the Village as standard. Hydrants shall be designed for a three hundred (300) pound test pressure and a one hundred fifty (150) pound working pressure.
2. Hydrants shall be furnished with two (2), two and one-half (2-1/2) inch hose nozzles and one (1), four (4) inch steamer nozzle. Threads on nozzles and caps, and operating nuts, shall be National Standard Threads. Hydrants shall open by turning to the left and shall be so marked.
3. Hydrants shall have a six (6) inch pipe connection, a five (5) inch valve opening and shall be equipped with auxiliary valves. Auxiliary valve shall be attached to hydrant with one hundred twenty-five (125) pound standard flanges. Joint for joining the auxiliary valve shall be of the same type as specified for the piping system.

- G. WATER SERVICES. All water services shall be constructed of Type K copper pipe, having a minimum internal diameter of one (1) inch. Such services shall be equipped with corporation cock, curb stops and other necessary fittings in accordance with current Village standards.

10.05 OFF-SITE IMPROVEMENTS

If it is determined that any existing infrastructure, including but not limited to water distribution systems, wastewater collection or treatment systems, storm sewers or other storm water management facilities, and street improvements, which may be situated either in part or entirely off-site, is inadequate to facilitate a proposed subdivision or development when 100% built-out, then improvements to any one or all of such facilities may be required, at such times during the construction of said subdivision or development as the Village deems appropriate.

SECTION 11.00 – STREET IMPROVEMENTS

All streets within all subdivisions, whether to be dedicated for public use or for private access to planned developments as herein defined, shall be improved with a durable hard-surfaced roadway in accordance with the following:

11.01 ROADWAYS

- A. **BASE COURSE AND SURFACE COURSE.** Base courses and surface courses shall conform to the requirements set forth on the Village of Montgomery Standard Detail Sheet.

All road structures shall be constructed in accordance with the Standard specifications for Bridge and Road Construction as adopted by the State of Illinois, Department of Transportation effective January 1, 1973 and subsequent revisions that may now be in effect.

Curb and gutter shall conform with type B6-12 standard, as specified in the standards of the State of Illinois, Department of Transportation or if modified to be approved by the Village Engineer.

11.02 DRIVEWAYS

- A. **MATERIALS AND MINIMUM THICKNESS.** Driveways shall be constructed using accepted procedures and equipment of one of the following alternates.

1. *Aggregate or crushed stone base course* - six (6) inches compacted with two (2) inches compacted thickness of Bituminous Concrete surface course (asphalt), or
2. *Portland Cement Concrete* - five (5) inches thickness reinforced with six inch by six inch (6" x 6") paving mesh, or
3. *Portland Cement Concrete base course* - four (4) inch thickness with two (2) inch compacted thickness of bituminous concrete surface (asphalt).

Any alternate materials other than those mentioned above shall be presented to the Village Engineer for his approval prior to the use thereof. No oil and chip surfaces will be allowed.

11.03 CURB CUTS

All curb-cuts necessary for driveways accessing on village streets shall be completed with one of the following procedures.

- A. The complete existing combination concrete curb and gutter shall be removed and then replaced with a new combination concrete curb and gutter (depressed) according with the "Standard Specification For Road and Bridge Construction" adopted by the State of Illinois Department of Transportation.
- B. The top of the existing concrete curb shall be saw-cut off using a concrete saw, leaving a smooth surface without jagged edges, with the cut being a minimum of two and one-half (2-1/2) inches above the gutter pan elevation of the combination concrete curb and gutter.

- C. The curb portion of the combination concrete curb and gutter or the back portion can be removed, but only if the removal of that portion equals or exceeds a depth of three (3) inches below the gutter pan elevation of the combination concrete curb and gutter. Acceptable metal connectors or anchors shall then be installed at a spacing not to exceed four (4) feet. The depressed portion of the curb can then be poured back with the cross-section corresponding to the standard depressed curb as specified in procedure CA) above. At no point shall the concrete pour be less than five (5) inches in thickness.
- D. Driveways may be finished off to match the top of the existing curb without a curb-cut, if desired by the owner or builder. Each lot is allowed up to a total of 25 feet driveway access.

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

SIDEWALKS: Shall be constructed by the Builder and/or Developer in all new areas, said walks shall be minimum of sixty (60) inches in width and four (4) inches in depth being constructed with P.C.C. concrete or approved equal said equal to be approved by the Village Engineer, walks to be cold jointed or scored at intervals not to exceed the width of the walk. Placement of walks shall be set with the back edge (the edge farthest from the curb) six inches outside of the property line and shall run the full width of the lot.

GENERAL: Any damage done to the existing street at the time or construction shall be repaired to the satisfaction of the Village Engineer.

At no time shall any portion of the combination concrete curb *and* gutter be poured as an integral part of the driveway. A joint using preformed joint tiller shall be provided between the back of the curb and the driveway portion.

11.04 CURB AND GUTTER

Barrier type curb and gutters shall be constructed on all streets using the type, style, and size as set forth within the ordinances and standards of the Village. No driveway pavement may extend into the street or gutter

11.05 FRONTAGE ROADS AND PARKING LOTS

The complete design for frontage roads, including specifications and designation of traffic ways, driving lanes, paving widths, thickness, materials, etc., shall be submitted to the Plan Commission for review and approval prior to the issuance of building permits or the sale or lease of buildings or land in Planned Developments as defined in this ordinance. The minimum number of off-street parking spaces shall be in accordance with the requirements of the Zoning Ordinance of the Village of Montgomery. Frontage roads and parking areas shall be designed in accordance with other provisions of this ordinance, but in no case shall the minimum equivalent thicknesses be less than six (6) inches for Portland Cement concrete or six (6) inches of Possolanic base course with two and one-half (2-1/2) inches of bituminous concrete binder and surface course (combined compacted thickness). When a frontage road is to be dedicated to public use, the specifications shall be in accordance with the minimum width, thickness and standards of the Village of Montgomery. Where more than one owner

or lessee are to use the same private frontage road or parking lot, a trust indenture shall be recorded before approval of the multi-family, commercial or industrial subdivision as defined herein.

A minimum distance may be required by the Commission where deemed necessary between points of ingress and egress where all property to be subdivided is under one ownership on the effective date of this ordinance. Where property has frontage on a state or Federal highway, the spacing and design of the points of ingress and egress to the major highway shall be subject to approval of the Illinois Division of Highways and in accordance with any adopted plans for highway corridor development as established by the municipality.

11.06 PARKWAYS

Parkways shall be required on both sides of a street to the sidewalk line. They shall be graded by the subdivider with not less than four (4) inches of topsoil.

11.07 ALLEYS

Alley pavement shall conform with specifications in Section 11.00 herein.

11.08 STREET LIGHTING IMPROVEMENTS

Street lighting improvements shall be installed to service all property to be developed. Such improvements shall be of the individual service utilizing the standard luminaries of the constant wattage type to provide lighting levels as hereinafter set forth. The design shall be in accordance with the Illuminating Engineering society's Handbook, 5th Edition, 1972.

Street Type	Foot Candles
<i>Minimum</i>	0.3
<i>Major</i>	0.9
<i>Thoroughfare</i>	1.2
<i>Business & Commercial</i>	2.0

11.09 FILING OF ENGINEERING PLANS AND REVIEW FEE

A. Four (4) complete sets of engineering plans and specifications of required land improvements as regulated by subsection 8.08 A-I, together with an estimate of the cost of improvements, said plans and specifications to bear the seal of an Illinois registered professional engineer along with his signed statement that such plans and specifications have been prepared in compliance with this ordinance and with good engineering practice. Said plans shall be drawn to a minimum horizontal scale of fifty (50) feet to the inch and minimum vertical scale of five (5) feet to the inch. Plans shall show profiles of all utility and street improvements, with elevations referred to United States Geological Survey datum.

B. Plan review fee based on the following schedule shall be paid by the Developer to the Village:

- | | |
|----------------------------------------------------------------------------|-----------|
| 1. <i>Minimum Fee</i> | \$ 200.00 |
| 2. <i>First \$50,000.00 of Estimated Construction Cost of Improvements</i> | 1.75% |
| 3. <i>Next \$150,000.00 of Estimated Construction Cost of Improvements</i> | 1.25% |

- 4. Next \$300,000.00 of Estimated Construction Cost of Improvements 0.75%
- 5. All over 0.60%

C. Inspection of facilities to be constructed for land under consideration within this ordinance charge shall be based on cost to the Village for having such inspection performed by the Village Engineer or designate of the Village Board.

11.10 ACCEPTANCE OF REQUIRED LAND IMPROVEMENTS

Upon the completion of construction of all public improvements required by this ordinance, in conformance with approved engineering plans and specifications, the Design Engineer engaged by the subdivider, builder or land developer shall prepare and submit to the Village Department of Public Works one set of mylar reproducible plans plus three (3) sets of as built plans and certification by Village Engineer that all public improvements have been satisfactorily completed in accordance with the approved engineering plans and specifications. The Village Board will enact a resolution accepting said improvements.

11.11 LANDSCAPING WITHIN PUBLIC RIGHTS-OF-WAY

- A. GRASS SEEDING OR SOD REQUIRED. All unpaved areas within street rights-of-way shall be seeded or sodded with Kentucky Bluegrass mixture or with such other grass mixture as approved by the Village Board. Before the release of the twelve (12) month maintenance bond can be recommended by the Village Engineer, all unpaved areas between the edge of the road pavement and the right-of-way line must support an adequate mat of grass. Provisions shall be made to assure the growth of all landscaping.
- B. PARKWAY TREES REQUIRED. Parkway trees shall be planted within the parkway at a maximum of forty (40) feet on center. Existing trees shall be preserved, if possible, as determined by the Village Planner. The type of tree shall be limited to those varieties as recommended below. Parkway trees shall not be installed over sewer and/or water service lines.
 - 1. *Tree Sizes.* Deciduous trees shall be a minimum size of two and one-half (2 ½) inches caliper (measured one (1) foot from the ground), balled and burlapped (B&B) when installed. Evergreen trees shall be a minimum six (6) feet in size feet in height (B&B) when installed in screening areas as described below.
 - 3. *Parkway Tree Varieties.* The following trees are recommended for use in parkways. The Village Planner must approve all other trees.

Recommended Parkway Trees

Acer x freemani cultivars	Freeman Maple cultivars
Acer platanoides cultivars	Norway Maple
Acer rubrum cultivars	Red Maple cultivars
Acer saechururn cultivars	Sugar Maple cultivars
Fraxinus americana cultivars	White Ash cultivars
Fraxinus pennsylvanica cultivars	Green Ash cultivars

Ginkgo biloba cultivars	Ginkgo cultivars
Fraxinus quadrangulata cultivars	Blue Ash
Gleditsia triacanthos var inermis cultivars	Thornless Honey locust cultivars
Tilia amencana cultivars	American Linden cultivars
Tilia cordata cultivars	Littleleaf Linden cultivars
T. tomentosa cultivars	Silver Linden cultivars
Ulmus carpinifolia cultivars	Smoothleaf Elm cultivars

The following trees are prohibited within public rights-of-way as parkway trees. Those that are indicated with an asterisk (*) may be used in park or buffer settings, but not in parkways as street trees.

Prohibited Trees

Betula species	Birch species*	All cultivars
Fagus Species	Beech species*	All cultivars
Gymnocladus dioicus	Kentucky Coffee	All cultivars
Quercus species	Oak species*	All cultivars
Acer saccharinum	Silver Maple	All cultivars
Populus species	Poplar species	All cultivars
Salix species	Willow species*	All cultivars
Acer negundo	Box Elder	All cultivars
Catalpa speciosa	Northern Catalpa*	All cultivars
Ailanthus altissima	Tree of Heaven	All cultivars
Sorbus acuparia	Mountain Ash	All cultivars
Morus alba	Mulberry	All cultivars
Ulmus parvifolia	Chinese Elm	All cultivars

- C. SCREEN PLANTING REQUIRED. Protective screen planting is required to secure an effective physical barrier between residential properties and adjoining non-residential uses, including collector streets and larger roadways, to minimize adverse conditions of sight and sound. The screen planting plan shall be prepared by a Landscape Architect and shall meet the approval of the Plan Commission. Screen plantings shall consist of a combination of shade trees (as listed above), ornamental trees, evergreen trees and shrubs.

11.12 BLASTING

No blasting shall take place in connection with any work in a subdivision until appropriate Village authorities have been notified and the applicable village ordinances complied with.

11.13 MARKERS

Iron pipe or steel bars not less than one-half (1/2) inch in diameter and twenty-four (24) inches long shall be at the intersection of street center lines and at all corners of lots. Markers shall be set level with the finished grade. The subdivider shall replace all or verify the existence of the iron pipes at all lot corners and all bends in property lines after the completion of all construction and before final acceptance of the subdivision by the Village Board of Trustees.

11.14 WATER RETENTION OR DETENTION FACILITIES

Retention ponds or reservoirs may be constructed. Such retention facilities shall be designed to retain a certain water level at all times *and* may, in addition to serving as part of the storm water drainage system of the Village of Montgomery, be used for scenic and recreation purposes. Detailed engineering plans and specifications for retention or detention facilities shall be prepared by the design engineer for review by the Village Engineer and Plan Commission and approval by the Village Board. The design of retention or detention facilities shall be in accordance with the following guidelines:

- A. There must not be any pollution of any kind entering the water area during or after construction.
- B. Not less than two (2) access drives into area from opposite directions, paved from curb to sidewalk.
- C. An emergency overflow shall be constructed at all ponds.
- D. When possible, a mechanical drain shall be constructed with the outlet pipe at the lowest possible elevation and connected to the storm sewer.
- E. A mechanical control gate shall be used at the outlet pipe.
- F. The ends of all incoming storm sewer lines shall be above the normal pool elevation and shall be set in a concrete headwall or end section.
- G. Retention ponds of less than three (3) acres at normal water elevation are not permitted.
- H. Depth of pool at normal elevation shall be not less than ten (10) feet over a minimum of thirty (30) percent of the pool.
- I. The bottom slope of the pool shall be four (4) to one (1) from the maximum of thirty (30) percent of the pool.
- J. The entire area shall be graded and seeded and the soil shall be stable enough to support mowing equipment and landscaped. Minimum five (5) trees per acre of two and one-half inch (2- 1/2") diameter.
- K. The distance from the normal pool elevation to the nearest lot line shall be not less than one hundred (100) feet.
- L. At flood stage, the water shall be not closer than fifty (50) feet to the nearest lot line.
- M. DAMS AND CONSTRUCTED WALLS. All dams and constructed walls shall be designed by a registered engineer and, if of earth, shall have a maximum slope of 2.5 to 1, be constructed of compacted clean earth fill, and have an interior core wall of concrete on sheet steel.
- N. EMBANKMENTS. Shaped earth embankments shall have a maximum slope of 3 to 1 and shall be compacted to remove all voids exposed by cutting and shall be cleared of all extraneous material and foliage below the designed water line.

- O. DEPTH. Retention facilities shall maintain a minimum constant water depth of ten (10) feet over thirty (30) percent of the surface water area, in addition to the depth of occasional water detained in the facility in storm situations.
- P. AREA. Retention facilities smaller in area than three (3) acres shall be measured at the constant water level.
- Q. OVERFLOW OUTLETS. Overflow outlets shall be provided as necessary to keep the water level within a retention facility within its design limits. Materials and methods of construction for overflow piping shall be the same as for storm sewer construction as shown in subsection 10.02 of this ordinance. Maximum overflow rate shall be designed in accordance with subsection 10.02 of this ordinance. Overflow spillways shall be of concrete and so constructed that no erosion of the dam or outfall shall occur.
- R. OVERFLOW OUTFALLS. Overflow outfalls shall be as specified in Subsection 10.02 of this ordinance for storm drainage outfalls.
- S. BANK STABILIZATION AND LANDSCAPING. All cut embankments, earth dams, or other earth surfaces shall be seeded or sodded, in accordance with Subsection 11.11 of this ordinance, to the designed occasional water level of the retention facility. From this point to the constant water level, sand or gravel may be used. Stabilization with stone, concrete, or other material may be used if specifically approved by the Village Board. Trees shall not be planted on or within twenty (20) feet of any earth dam.
- T. CONFORMANCE WITH SURFACE WATER RUNOFF ORDINANCE. In all instances the control of storm water runoff will be carried forth as delineated in the *Montgomery Surface Water Runoff Ordinance*.

11.15 INSPECTION OF SURFACE IMPROVEMENTS

- A. INSPECTION REQUIRED. All grading, paving, landscaping, or other surface improvements as required by this ordinance shall be inspected during the course of construction and upon completion by the Village Engineer and by the Building Department of the Village of Montgomery.
- B. NOTIFICATION REQUIRED. During the course of construction of the improvements, the subdivider shall notify the Village twenty-four (24) hours before any required inspection.
- C. INSPECTION FEES. The subdivider shall pay the cost of all inspection services to the Village Treasurer. The fee shall be established by the Village, based on current rates and standard engineering practice.

11.16 EROSION AND SEDIMENTATION CONTROL

- A. PURPOSE
 - I. The purpose of this is to take active measures to prevent excessive soil erosion from areas that are undergoing development for certain non-agricultural uses, including but not limited

to, the construction of dwelling units, commercial buildings and industrial plants, the building of roads and highways, and the creation of recreational facilities.

2. That the washing, blowing, and falling of eroding soil across and upon open roadways tend to create conditions that are not in the best interests of the general public. These conditions include but are not limited to: clogging of storm sewers and ditches; addition of silt and pollution to rivers, streams, lakes, ponds, reservoirs and other waterways; the destruction of fish and other aquatic life; and reduction in the channeling capacity of waterways, resulting in an increased chance of flooding in other areas.

B. GENERAL CRITERIA AND STANDARDS

1. Temporary vegetation or, where appropriate, mulching or other non-viable cover shall be used to protect areas exposed during development.
2. Sediment basins, debris basins, desilting basins, or silt traps shall be installed and maintained to remove sediment and run off waters from land undergoing development.
3. Provisions shall be made to effectively accommodate the increased run off caused by changed soil and surface conditions during and after development.
4. The plan of development shall relate to the topography and soils of the site so that the lowest potential for erosion is created, and natural plant covering is retained.

C. EROSION AND SEDIMENTATION CONTROL PLAN

1. Included with any site plan or sketch submitted to the Village should be the locations of existing utilities, known drains, water courses, drainage patterns.
2. The developer will produce a plan which will show the following.
 - a. Whether the drainage course is barren or vegetated.
 - b. Whether the natural or proposed outlet is subject to long term or continuous flow.
 - c. Whether the existing outlet is actively eroding.
 - d. Whether there is evidence of a high water table (permanent or seasonal).
 - e. The elevation of all normal water level in all proposed and natural outlets.
3. The provisions of the *Village of Montgomery's Flood Plain Ordinance, Ordinance # 620* shall be complied with.

SECTION 12.00 – ADMINISTRATION AND ENFORCEMENT

12.01 ORGANIZATION

The following offices of the government of the Village of Montgomery are concerned with the administration of this ordinance.

- A. THE VILLAGE BOARD. The Village Board is vested with the following responsibilities in regard to subdivision control:
 1. *Plans and Plats.* Approval or disapproval of all preliminary plans and final plats referred to it by the Plan Commission.
 2. *Variations.* Approval or disapproval of all variation and exceptions recommended by the Plan commission.
 3. *Amendments.* Amendment of the regulations of this ordinance when found necessary and desirable after review by the Plan Commission.
 4. *Enforcement.* Initiation of appropriate proceedings to enforce the provisions of this ordinance.

- B. THE VILLAGE PLAN COMMISSION. The Plan Commission shall administer the provisions of this ordinance, in furtherance of said authority shall:
 1. *Maintain Ordinances.* Maintain permanent and current records of this ordinance, including amendments thereto.
 2. *File Plans and Plats.* Receive and file all preliminary plans and final plats (together with applications).
 3. *Liaison with Concerned Agencies.* Forward copies of the preliminary plan to other appropriate offices and agencies for their recommendations and report.
 4. *Liaison with Village Board.* Forward with recommendations to the Village Board all preliminary plans.
 5. *File All Checked Plats.* Receive and file all final plats, and check their compliance with the preliminary plan.
 6. *Forward Plats to Village Board.* Forward with recommendations to the Village Board all final plats.
 7. *Other Determinations:* Make all other determinations required by the regulations herein.

C. THE VILLAGE ENGINEER.

1. *Review of Plans.* The Village Engineer shall review all preliminary subdivision plans and make determinations in the areas of design standards and engineering specifications, as stipulated herein.
2. *Inspection of Work.* The Village Engineer shall inspect all improvements required by this ordinance both during construction and after completion to insure compliance with this ordinance and with good construction practice.

12.02 ENFORCEMENT

- A. **BUILDING AND ZONING OFFICER TO ADMINISTER ORDINANCE.** It shall be the duty of the Building and Zoning Officer of the Village of Montgomery or his designee to administer this ordinance and to bring any violation or lack of compliance herewith to the attention of the Village Attorney.
- B. **COMPLIANCE REQUIRED BEFORE SALE OF LOTS OR INSURANCE OF BUILDING PERMIT.** No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell such parcel, nor shall any public official issue a building permit for the construction of buildings or structures within a proposed subdivision, before the final plat of said subdivision has been approved by the Village Board, in accordance with the provisions of this ordinance, and filed with the Recorder of Deeds of Kane or Kendall County, Illinois.
- C. **USE OF MITES AND BOUNDS MEASURE PROHIBITED.** The subdivision of any lot or any parcel of land by the use of mites and bounds for the purpose of sale, transfer, or lease with the intent of evading this ordinance will not be permitted. All such described subdivisions shall be subject to all of the requirements and regulations contained in this ordinance.
- D. **COMPLIANCE REQUIRED BEFORE PLAT APPROVAL.** No final plat of subdivision shall be approved which does not comply with all the provisions of this ordinance.

12.03 VARIATIONS AND EXCEPTIONS

- A. **HARDSHIPS.** Where the Plan Commission finds that extraordinary hardships or particular difficulties regarding the physical development of land may result from strict compliance with these regulations, it may recommend variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this ordinance; and further provided the Plan Commission shall not recommend variations or exceptions to the regulations of this ordinance unless it shall make findings based upon the evidence presented to it in each specific case that:
 1. *Public Welfare Protected.* The granting of the variation will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 2. *Unique Conditions.* The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property;

3. *Particular Physical Conditions.* Because of the particular physical surroundings, shape or topographical conditions of the property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
- B. **CONDITIONS.** In recommending exceptions, the Plan Commission conditions as will, in its substantially the objectives of requirement of this ordinance variations and may require such judgment secure the standards or
- C. **PROCEDURE.** A petition for any such variance shall be submitted in writing by the subdivider at the time the preliminary plan is filed for consideration by the Plan Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.
- D. **RECOMMENDATIONS.** Such variations and exceptions as may be recommended by the Plan Commission shall be forwarded to the Village Board in writing, substantiating the recommended variations and/or exceptions. The Village Board may approve such variations or exceptions from the requirements of this ordinance in specific cases as listed on the final plat, which in its opinion do not adversely affect the adopted Comprehensive Plan or the intent and purpose of this ordinance.

12.04 RECORD OF PLATS

All of such plats of subdivisions, after the same have been submitted and approved as provided in this ordinance, shall be copied upon a book of plats of said Village of Montgomery and shall be filed and kept by the Village of Montgomery.

12.05 VALIDITY

If any section, subsection, sentence, clause, or phrase of this ordinance is adjudged to be void, such decision shall not affect the validity of the remaining portions of this ordinance.

12.06 APPEALS

Any person or corporation may appeal within sixty (60) days to the Village Board of Trustees any final action taken by the Plan Commission. The Board of Trustees shall act as a Board of Appeals and shall hear and decide appeals from and review any final order, requirement, decision or determination made by the Plan Commission, under this Subdivision Control Ordinance. The concurring vote of two-thirds (2/3) of the Board of Trustees shall be necessary to reverse any final order of the Plan Commission under this ordinance.

12.07 REPEAL

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent that such conflict exists, are hereby repealed.

12.08 AMENDMENTS

For the purpose of promoting public health, safety, and general welfare, the Village Board may from time to time amend the regulations imposed by this ordinance. The Plan Commission shall hold a public hearing on proposed amendments and make recommendations thereon to the Village Board.

12.09 VIOLATIONS AND PENALTIES

Any person, firm, or corporation who fails to comply with, or violates, any of the provisions of this ordinance, shall be subject to a fine of not less than twenty five dollars (\$25.00) and not more than five hundred dollars (\$500.00), and each day the violation continues shall be considered a separate offense.

Whoever shall sell or offer for sale, lease or offer for lease, while this ordinance is in effect any lot or lots or block or blocks, within the incorporated limits of the Village of Montgomery, or any resubdivision of any lot or block therein, or within contiguous territory and not more than one and one-half (1-1/2) miles beyond the incorporated boundary of the Village of Montgomery before a final plat of subdivision has been approved by the Plan Commission and the Village Board of Trustees as required by this ordinance, shall be fined not less than Twenty Five Dollars (\$25.00) not more than Five Hundred Dollars (\$500.00) for each lot, block, or part thereof so disposed of, offered for sale or leased.

12.10 FEES

A. CONDITIONS. In order to cover the costs of plan examination, filing, recording, and other expenses incidental to the approval of a subdivision, the subdivider shall pay a fee at the time of application for approval of a preliminary plan. Such fee shall be based on the projected number of lots to be created, and an adjustment of the fee will be made; the subdivider to pay an additional amount or to receive a refund. There shall be no refund of any portion of the fee if the subdivider fails to apply for final approval of the subdivision. There shall be no fee for the preliminary consultations prior to the submission of the preliminary plan.

B. AMOUNT

Number of Lots	Fee
1 to 25	\$30.00
26 to 50	\$30.00 plus \$0.50 for each lot in excess of 25
51 to 100	\$42.50 plus \$0.40 for each lot in excess of 50
101 to 200	\$62.50 plus \$0.25 for each lot in excess of 100
Over 200	\$87.50 plus \$0.15 for each lot in excess of 200

All such fees shall be payable to the Village of Montgomery by certified check or money order.

C. RECORDING FEES. In addition to the fees listed in paragraph B above, the subdivider shall also bear the cost of recording the plat.

12.11 ADOPTION

This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

12.12 PUBLICATION

This ordinance shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

12.13 EFFECT

The ordinance shall be in full force and effect from and after its passage and publication according to law.

Approved this _____ day of _____ 19____, A.D.

President, Board of Trustees
Village of Montgomery,
Kane and Kendall County, Illinois

Vote: _____ Ayes _____ Nays _____ Absent _____

Attested:

Village Clerk

EXHIBIT A

NOTICE OF APPROVAL OF PRELIMINARY PLAN

“Notice is hereby given that the preliminary plan of a subdivision shown hereon has received approval by the Board of Trustees of the Village of Montgomery, Illinois, and upon compliance by the subdivider with requirements of qualifications governing the approval of preliminary plans and with other revisions and stipulations that may be required, the Board of Trustees will receive the final plat for consideration when submitted by the subdivider in such form and within such time as required by this ordinance.”

The Board of Trustees
of the Village of Montgomery, Illinois

Date _____, 20____

By _____
President

Attest _____
Village Clerk

EXHIBIT B

OWNER'S CERTIFICATE

(For use in case of individual ownership)

STATE OF ILLINOIS)
COUNTY OF KANE OR KENDALL) SS

This is to certify that _____, and _____ his wife, are the owners of the land described as _____ in Kane or Kendall County, Illinois, shown hereon as (Lot ____ Block____) and that no other person has any right, title or interest in said land, and that said owners have caused the same to be surveyed and subdivided as indicated thereon the annexed plat (exception, if any); that no other person has any right, title or interest in said land, and that said company has caused the same to be surveyed and subdivided as indicated thereon, for the uses and purposed therein set forth, and do hereby acknowledge and adopt the same under the title thereon indicated;

Dated this _____ day of _____, 20__.

President

Secretary

EXHIBIT K

LETTER OF CREDIT

Letter of Credit # _____
Project _____
Amount _____

Name of Issuing
Institution _____
Address _____

Dear Sir:

The undersigned Bank of _____ by (name, title) _____, its duly authorized agent, hereby issues the Village of Montgomery, 1300 S. Broadway, Montgomery, IL 60538, this irrevocable letter of credit in the amount of \$ _____ which such credit may be drawn by said Village at sight on us.

Demands on said letter of credit must be accompanied by the certificate of the Village Engineer of the Village of Montgomery, certifying either (1) that said letter of credit is about to expire and has not been renewed; or (2) the work has not been completed in accordance with the plans, specifications and agreements (including any amendments thereof) for the following project:
_____, (the "project").

This irrevocable letter of credit shall expire on _____; provided, however, the undersigned shall notify the Village Clerk by certified mail, return receipt requested, at least 35 days prior to said expiration date that said letter is about to expire. In no event shall this irrevocable letter of credit or the obligation contained herein expire except upon said written notice, it being expressly agreed by the undersigned that the above expiration date shall be extended as shall be required to comply with this notice provision.

The undersigned further agrees that this irrevocable letter of credit shall remain in full force and effect and pertain to any and all amendments or modifications which may be made from time to time to the plans specifications and agreements to the project, without notice from said Village of such amendments or modifications.

All acts, requirements and other preconditions for the issuance of this irrevocable letter of credit have been completed.

The Bank of _____ hereby undertakes and engages that all demands made in conformity with this irrevocable letter of credit will be duly honored upon presentation. If within ten (10) days of the date of any demand (made in conformity with the irrevocable letter of credit) is presented, we fail to honor the same, we agree to pay all attorney fees, court costs and other expenses incurred by the Village of Montgomery in enforcing these terms of this letter of credit.

Dated: _____

Issuing Bank: _____

By: _____
Authorized signature

(seal)

Performance bond will be of similar format