

SUBDIVISION REGULATIONS CODE



VILLAGE OF GLEN ELLYN DUPAGE COUNTY ILLINOIS

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TITLE 11
SUBDIVISION REGULATIONS

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CHAPTER 1

JURISDICTION AND PURPOSES

SECTION:

- 11-1-1: Short Title
- 11-1-2: Jurisdiction And Applicability Of This Title
- 11-1-3: Policy
- 11-1-4: Purposes

11-1-1: **SHORT TITLE:** This title shall be known and cited as the *GLEN ELLYN SUBDIVISION REGULATIONS CODE*. (Ord. 6086, 11-13-2012)

11-1-2: **JURISDICTION AND APPLICABILITY OF THIS TITLE:** Each subdivision accepted by the village is or may become a permanent part of the physical structure of the village of Glen Ellyn. In order to ensure the maintenance of existing and future standards respecting the subdivision of land, all subdivisions hereafter planned, including any maps, plats, or subdivisions of any block, lot, subplot, or part thereof, shall be submitted to the village for its approval. The village shall have jurisdiction over all property within its corporate limits and unincorporated territory within one and one-half (1½) miles of the village boundaries.

No person shall subdivide any tract of land or plat any street or otherwise improve any tract of land or right of way even if such improvement does not entail the subdivision or platting of land within the village or in any unincorporated area which is located entirely or in part within one and one-half (1½) miles of the nearest limits of the village, except in conformity with the provisions of this title. The plans and plats for all such proposed improvements to be installed, and all procedures relating thereto, shall, in all respects, be in full compliance with any regulations herein. Acceptance by the village of any improvements made on public property shall be based on the conformity of such improvements with the provisions of this title. (Ord. 5334, 2-28-2005)

11-1-3: **POLICY:**

- (A) In order to provide for the orderly, planned, efficient, and economical development of the village, it is declared to be the policy of the village to regulate the subdivision of land and its subsequent development pursuant to the village's official plan.
- (B) Land to be subdivided shall be of such character that it can be used safely for building purposes, and shall conform to reasonable standards from time to time adopted by the village relating to standards for the design of subdivisions including reasonable requirements governing the location, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, streetlights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, stormwater drainage, water supply and distribution, sanitary sewers and sewage collection and treatment.
- (C) Existing and proposed public improvements shall conform and be properly related to the standards reflected in the official map and the official plan.
- (D) Land subdivided prior to the effective date hereof should, whenever possible, be in compliance with the standards for subdivisions established by the village. (Ord. 5334, 2-28-2005)

11-1-4: **PURPOSES:** The standards established by this title are designed:

- (A) To ensure that the village exercises proper authority and oversight in conjunction with the subdivision of land;

- (B) To ensure that sufficient arrangements are made for adequate public facilities and services and that the village will not be required to bear more than its fair share of the expense of providing public facilities and services by requiring developers to provide sufficient resources through fees, dedication of land, or similar measures to ensure the provision of capital facilities required to serve the properties created by the development;
- (C) To guide future growth and development of the village in accordance with the official plan;
- (D) To supplement and facilitate enforcement of the building and zoning ordinances of the village;
- (E) To protect the health, safety and welfare of the residents of the village and of developments approved in unincorporated territories within the village's planning area;
- (F) To protect the character and the social and economic stability of all parts of the village and to encourage the orderly and beneficial development of all parts of the village;
- (G) To protect and conserve the value of land throughout the village and the value of the buildings and improvements upon the land, and to minimize conflicts among the uses of land and buildings;
- (H) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation and other public requirements and facilities;
- (I) To provide a beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the village, specifically to avoid congestion on streets and highways, and provide for pedestrian traffic movement appropriate to the various uses of land and buildings, and provide for the proper location and width of streets and building lines;
- (J) To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land;
- (K) To ensure proper legal descriptions and monumenting of subdivided land;
- (L) To prevent pollution of air, streams and ponds, assure the adequacy of drainage facilities, safeguard the water table and encourage wise use and management of natural resources in order to preserve the integrity, stability and beauty of the community;
- (M) To preserve the natural beauty and topography of the village and to ensure appropriate development in regard to these natural features;
- (N) To provide for open spaces through the most efficient design layout of the land; and
- (O) To remedy the problems associated with inappropriately or illegally subdivided lands. (Ord. 5334, 2-28-2005)

CHAPTER 2

RULES AND DEFINITIONS

SECTION:

- 11-2-1: Rules
11-2-2: Definitions

11-2-1: **RULES:** The language set forth in the text of this title shall be interpreted in accordance with the following rules on construction:

- (A) The singular number includes the plural and the plural the singular;
- (B) The word "shall" is mandatory while the word "may" is permissive;
- (C) The masculine gender includes the feminine and neuter;
- (D) The present tense includes the past and future tenses and the future the present; and
- (E) Whenever a word or term defined hereinafter appears in the text of this title, its meaning shall be construed as set forth in the definition thereof, and any word appearing in parenthesis directly after a word herein defined shall be construed in the same sense as that word. (Ord. 5334, 2-28-2005)

11-2-2: **DEFINITIONS:** The following words and terms, whenever they occur in this title, shall be construed as herein defined:

ADEQUATE PUBLIC FACILITIES: Facilities determined, by the village, to be capable of supporting and servicing the physical area and density of the proposed subdivision.

APPLICANT: A person or entity, either the owner or owners of the subject property or having the express consent of the owner, who files an application with the village seeking the approval of a subdivision.

BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood.

BLOCK: Any tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights of way, shorelines of waterways or boundary lines of municipalities.

BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, or property.

BUILDING AND ZONING OFFICIAL: An individual appointed to the office of building and zoning official by the village or his or her duly authorized representative.

CAPITAL IMPROVEMENT: A public facility with a life expectancy of three (3) or more years owned and operated by or on behalf of the village.

CAPITAL IMPROVEMENT PLAN: A plan adopted by the village providing for the design, construction and maintenance of capital improvements.

CONSTRUCTION PLAN: A plan, or set of plans, consisting of maps, drawings and specifications calling for the location and design of improvements to be constructed in a subdivision.

DENSITY: A unit of measurement reflecting the number of dwelling units per acre, or other designated area of land.

DEVELOPER: The owner, or person authorized by the owner, presenting an application for the approval of a subdivision.

DIRECTOR OF PLANNING AND DEVELOPMENT: An individual appointed to the office of planning and development director by the village or his or her duly authorized representative.

EASEMENT: A grant of right for the use of a designated portion of a parcel of property, for a specific purpose to one or more designated parties, such as public utilities or to the public, in general.

ESCROW: An arrangement to provide for the deposit of property to be held as security to insure satisfaction of a condition or set of conditions for the village's approval of a project.

FINAL PLAT: A map or plan of a subdivision and any accompanying material as described in section 11-3-5 of this title which has been approved by the village and complies with the laws of the state of Illinois so as to qualify for recording with the county recorder of deeds.

FLOODPLAIN: The area typically adjacent to and including a body of water where ground surface elevations are at or below a specified flood elevation.

FLOODWAY: The channel of a watercourse and that portion of the floodplain adjacent to a stream or watercourse that is needed to convey the base (100-year) flood with no increase to exceed 0.10 foot in the base flood elevation.

GRADE: The slope of a road, street, or other public way, specified in percent gradient.

IMPROVEMENTS: See definition of Lot Improvement or Public Improvement.

LAND TRANSFER: The transfer of land between adjacent lots or parcels where no new lot or parcel is created.

LICENSED ILLINOIS LAND SURVEYOR: A person holding a current license to provide survey services in the state of Illinois.

LICENSED PROFESSIONAL ENGINEER: A person holding a current license to provide engineering services in the state of Illinois.

LOT: An individual portion of land separated from other parcels on a preliminary, final or recorded plat intended as a unit for transfer of ownership or for building development.

LOT CONSOLIDATION: The consolidation of multiple lots or parcels into one lot of record.

LOT, CORNER: A lot situated at the intersection of two (2) or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines projected tangent to the curve from the points of intersection between the curve and the lot lines meet at an interior angle of less than one hundred thirty five degrees (135°).

LOT, DOUBLE FRONTAGE: A lot, also referred to as a "through lot", having a pair of opposite lot lines along two (2) substantially, parallel improved public rights of way.

LOT, FLAG: An irregularly shaped lot, also referred to as a "rear lot" or "panhandle lot" characterized as a lot with minimal frontage on the public right of way, a nonconforming lot width measured at the minimum required front yard setback, and where a majority of the area of the lot is situated behind one or more lots fronting the public right of way.

LOT IMPROVEMENT: Any building, structure, work of art, or other object, or improvement on the land which it is situated constituting a physical betterment of real property, or any part of such betterment.

LOT, OUT LOT: A platted lot that is unbuildable and held in common ownership by a property owners' association or which is transferred to a public agency or utility.

MAJOR SUBDIVISION: See definition of Subdivision.

MINOR SUBDIVISION: See definition of Subdivision.

MULTIUSE PATH: An off street trail or pathway designed for use by more than one mode of transportation, such as: walking, jogging, horseback riding, bicycling, and rollerblading.

NONRESIDENTIAL SUBDIVISION: See definition of Subdivision.

OFFICIAL MAP: The map established by the village pursuant to law showing the streets, highways and parks and adopted and established by law, and any amendments or additions thereto adopted by the village board.

OFFICIAL PLAN: The composite of the functional and geographic elements of the comprehensive village plan, or any segment thereof, in the form of plans, maps, charts and textual material, as adopted by the village.

100-YEAR FLOOD: A flood magnitude with a one percent (1%) statistical chance of being equaled or exceeded during any year. The occurrence of such an event does not diminish the chance of its recurring again at any time.

OWNER: Any person, legal entity having merchantable title to a parcel of property.

PARKWAY: An unpaved strip of land situated within the street right of way.

PEDESTRIANWAY: A right of way across or within a block for use by pedestrian traffic.

PERFORMANCE SECURITY: Any form of security including an escrow account of instrument or credit in an amount and form satisfactory to the village.

PERSON: Any individual or group of individuals, or any corporation general or limited partnership, joint venture, unincorporated association, governmental or quasi-governmental entity.

PLAN COMMISSION: A zoning commission established by the village pursuant to the authority of section 11-13-2 of the Illinois municipal code, as from time to time amended, and designated as "the Glen Ellyn plan commission".

PLANNED UNIT DEVELOPMENT: One or more uses accommodated in a planned environment under more flexible standards than those allowed in the zoning district in which the development is located.

POLICE POWER: Inherent, delegated, or authorized legislative power for purposes of regulation to secure health, safety and general welfare.

PRELIMINARY PLAT: The preliminary drawing(s) or plan described in this title indicating the manner or layout of the proposed subdivision.

PUBLIC FACILITY: Facilities such as schools, libraries, parks, and other similar facilities, which serve the public and are owned, operated and maintained by a unit of government.

PUBLIC HEARING: An adjudicatory proceeding held by the plan commission preceded by published notice to the public as required herein and where the applicant and public may attend, call witnesses and introduce evidence for the purpose of demonstrating that plat approval should or should not be granted or raise general questions or concerns about the proposed subdivision.

PUBLIC IMPROVEMENT: Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrianway, streetlights, planting strip or other facility for which the village may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which the village is responsible.

RESUBDIVISION: A change of an approved or recorded subdivision plat if such change affects any street layout or area reserved thereon for public use, or any lot line, or if it affects any plat legally recorded prior to the adoption of any regulations controlling subdivisions. A resubdivision includes lot consolidations and will result in the recording of a new plat of subdivision.

RIGHT OF WAY: A strip of land dedicated for use as a public way, and which may be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, parkway trees, light poles, sidewalks, drainage facilities or other similar uses. The right of way is separate and distinct from the lots or parcels adjoining such right of way and not included within the dimension or areas of such lots or parcels.

ROAD AND/OR ROADWAY: The portion of the right of way intended for vehicular traffic.

SIDEWALK: That portion of a street or pedestrianway, generally located in the right of way, paved or otherwise surfaced, and intended for pedestrian use only.

SKETCH PLAN: A preliminary and dimensioned plan showing a proposed subdivision of land and public improvements intended for review at a preapplication meeting with plan commission.

STORMWATER ORDINANCE: The DuPage County countywide stormwater and floodplain ordinance as adopted and, from time to time, amended by the village.

STREET: A right of way as specified in the official plan of the village of Glen Ellyn, which affords primary means of access by pedestrians and vehicles to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, court, or however otherwise designated.

- (A) **Alley:** A public or private right of way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
- (B) **Arterial:** A street with a high degree of continuity and serving as a trafficway between the various districts within the village and connecting with major state and interstate roadways and other arterials.

Local Arterial Street: A street that provides for the handling of local traffic over extended distances as specified in the village's official plan.

Regional Arterial Street: A street that provides a link in the regional transportation system for both through and local traffic as specified in the village's official plan.

Village Arterial Street: A primarily residential street intended to connect different parts of the community as specified in the village's official plan.

- (C) **Collector Street:** A street, which carries traffic from local streets to an arterial street.

Community Collector Street: A street intended to connect different activity areas in the village as specified in the village's official plan.

Neighborhood Collector Street: A street intended to service vehicle trips generated to and from the neighborhood it serves and which distributes traffic to other streets as specified in the village's official plan.

- (D) **Cul-De-Sac:** A local street with only one outlet that terminates in a vehicular turnaround having an appropriate terminal for the safe and convenient reversal of traffic movement.
- (E) **Dead End Street:** A road or portion of a road having only one vehicular outlet.
- (F) **Expressway:** A divided high volume street for through traffic and having limited access with a grade separated intersection as specified in the village's official plan.
- (G) **Half Street:** A street bordering one or more property lines of a tract of land in which the applicant has allocated less than the full required right of way width.
- (H) **Local Street:** A street of limited continuity used primarily for access to abutting properties and local needs of a neighborhood.

- (l) **Marginal Access Street:** A local street which is parallel to and adjacent to an arterial street, and which provides access to abutting properties and protection from through traffic.

STREET, PRIVATE: A street that is owned and maintained by one or more property owners, or an association, or other entity other than the village.

STREET, PUBLIC: A public dedicated way for vehicular traffic.

STREET WIDTH: The shortest distance between the property lines delineating a street.

STRUCTURE: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences and signs.

SUBDIVIDER: Any person who, having an interest in land, causes it, directly or indirectly, to be subdivided into a subdivision.

SUBDIVISION: A described tract of land, which is to be or has been divided into two (2) or more lots or parcels.

Major Subdivision: All subdivisions not classified as minor subdivisions, two-lot subdivisions, land transfers or lot consolidations including, but not limited to, subdivisions resulting in the creation of five (5) or more lots.

Minor Subdivision: Any subdivision resulting in the creation of three (3) or four (4) lots, or a subdivision resulting in the creation of two (2) lots in which one or both of the proposed lots or associated public improvements will not conform to standards established by the village's zoning ordinance and/or subdivision regulations.

Nonresidential Subdivision: A subdivision whose intended use is other than residential.

Resubdivision: The term subdivision includes the resubdivision of land previously subdivided.

Two-Lot Subdivision: The division of a lot or lots of record into two (2) lots, which conform to all requirements of the village's zoning ordinance and this title.

- (A) **Exception:** For the purpose of this title, a subdivision shall not include the division of a parcel of land into two (2) or more lots or parcels, all of which resultant parcels exceed five (5) acres and that no new street is sought thereby to be dedicated or is contemplated or projected through said lands.

SUBDIVISION PLAT: The map or drawing described in these regulations on which the subdivider's plan of subdivision is presented and which conforms to the standards established by the Illinois plat act, as amended from time to time.

TRACT: Used interchangeably with the term "lot", particularly in the context of a subdivision, where a "tract" is subdivided into several lots, parcels, sites, units, plots, condominiums, tracts, or interest.

VILLAGE: The village of Glen Ellyn, Illinois.

VILLAGE BOARD: The president and board of trustees of the village of Glen Ellyn, Illinois.

VILLAGE CLERK: An individual appointed to the office of village clerk by the village or his or her duly authorized representative.

VILLAGE CODE: The village code of the village of Glen Ellyn, also known as the Glen Ellyn municipal code.

VILLAGE ENGINEER: An individual appointed to the office of village engineer by the village or his or her duly authorized representative.

WETLANDS: Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated conditions.

ZONING ORDINANCE: The zoning ordinance adopted and from time to time amended by the village.

In addition to the above definitions, further explanations may be found in other applicable titles of this code. (Ord. 5334, 2-28-2005)

CHAPTER 3

SUBDIVISION PROCEDURE

SECTION:

- 11-3- 1: Initial Plat Investigation
- 11-3- 2: Preapplication Meeting Encouraged
- 11-3- 3: Fees
- 11-3- 4: Preliminary Plat
- 11-3- 5: Final Plat
- 11-3- 6: Combined Review Of Preliminary And Final Plats
- 11-3- 7: Procedures For Minor Subdivisions
- 11-3- 8: Recording
- 11-3- 9: Land Transfers, Lot Consolidations And Two-Lot Subdivisions
- 11-3-10: Criteria For Subdivision Approval
- 11-3-11: Variances
- 11-3-12: Changes And Amendments

11-3-1: INITIAL PLAT INVESTIGATION: Before subdividing any tract or parcel of land within the corporate limits of the village or the unincorporated territory within one and one-half (1½) miles of the village limits, an owner, or subdivider shall submit the appropriate application as set forth in this chapter and the ordinances of the village. (Ord. 5334, 2-28-2005)

11-3-2: PREAPPLICATION MEETING ENCOURAGED: It is recommended that the subdivider of a major or minor subdivision meet with the plan commission for advice and assistance before submitting for official filing of a preliminary plat in the case of a major subdivision or a final plat in the case of a minor subdivision. This step does not require formal application, or filing of a plat with the village but shall include submission and review by the plan commission of:

- (A) Ownership information for the subject property;
- (B) A narrative statement including information about the proposed use of the lots, the type and number of dwelling units and/or type of business and industry, how the lots would be served by public utilities and the stormwater management plan;
- (C) An accurate plat of survey showing existing buildings, streets and natural features;
- (D) A dimensioned preliminary sketch plan; and
- (E) A preapplication fee as set forth in section 4-1-4 of this code.

Before appearing before the plan commission for a preapplication meeting, the subdivider shall schedule an appointment and meet with the director of planning and development to discuss the procedure for review of a subdivision plat and the requirements as to general layout of streets and for reservation of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services, including schools. (Ord. 5334, 2-28-2005)

11-3-3: FEES:

- (A) Fee Schedule: The fee schedule for all applications sought under this title is as set forth in section 4-1-4 of this code.

- (B) **Escrow Deposit:** The subdivider shall deposit cash for an escrow account in an amount to be determined by the director of planning and development to cover village out of pocket expenses including all costs directly attributable to recording testimony of all witnesses at public hearings, reproduction costs, public notice mailing costs, newspaper publication charges and all expenses for professional consultants including, but not limited to, attorneys, engineers, traffic engineers, planners, wetland consultants or other professionals outside the employee staff.
- (C) **Recapture Agreement Collection Fee:** In the event the subdivision is required to install public improvements as a condition precedent to approval of that subdivision and when those improvements, in the opinion of the village board, can be used for the benefit of property not contained in that subdivision, then the village may agree to enter into a contract with the subdivider pursuant to the provision of the Illinois Compiled Statutes to be reimbursed for a portion of those costs. The recapture agreement, which must be approved by the village board, shall specify those properties receiving benefit from the public improvements and the proportionate fees. The recapture agreement shall be recorded. The village shall only be required to turn over to the subdivider such funds as are actually received. In the event that there is a contest of the recapture agreement, it shall be the obligation of the subdivider to defend the agreement, including the village and its officers and employees. The village and its officers and employees may cause the use of the subdivision improvement by others with no fee or a reduced fee if the parties seeking to be the beneficiary of the recapture agreement do not adequately protect the interests of the village and other named parties. The village may require a cash deposit from the subdivider to secure the payment of any fees or charges incurred by the village if it should choose to support the recapture agreement.
- (D) **Inspection Fees:** Inspection fees for required public improvements shall be paid prior to initiation of construction on the improvements.
- (E) **Building Permits:** No building permits shall be issued until all such fees are paid. All improvements made under this title shall be maintained at the subdivider's expense until dedicated and accepted by the village. (Ord. 5334, 2-28-2005)

11-3-4: **PRELIMINARY PLAT:** A subdivider requesting approval of a major subdivision shall submit an application for preliminary plat approval as set forth below.

- (A) **Submission Requirements:** A total of six (6) collated copies of the following materials shall be submitted to the planning and development director with an application for approval of a preliminary plat of subdivision:
1. **Application:** Application for preliminary subdivision approval;
 2. **Topography And Elevation:** There shall be submitted simultaneously with the preliminary subdivision plat a study or studies which shall show topography and the elevations as a part of any phase of subdividing;
 3. **Narrative Statement:** A narrative statement including, but not limited to, information concerning the proposed use of the lots, the type and number of dwelling units and/or type of business or industry and the manner in which subdivision is to be served by public utilities;
 4. **Prints:** Prints of a preliminary plat of the proposed subdivision. The preliminary plat, shall show the following:
 - (a) **Identification And Description:**
 - (1) Proposed name of the subdivision;
 - (2) Location by township, section, town and range, or by other legal description;
 - (3) Names and addresses of the owners, the developer, and the surveyor who made the plat, and the title under which the proposed subdivision is to be recorded;
 - (4) Scale of plat, not smaller than one inch equals one hundred feet (1" = 100');
 - (5) Date; and

(6) North point.

(b) Delineation Of Existing Conditions:

(1) Boundary line of proposed subdivision indicated by a solid heavy line and a notation of the approximate total acreage encompassed thereby;

(2) Location, widths, and names of all existing streets or other public ways, railroad and utility rights of way, easements, parks and other public lands, permanent buildings and structures, and section lines and municipal boundaries within and adjacent to the tract for a distance of not less than one hundred feet (100');

(3) Locations of existing sewers, water mains, culverts, and other underground facilities within the tract and to a distance of one hundred feet (100') beyond the tract, and invert grade elevations of catch basins, manholes and culverts;

(4) Boundary lines of adjacent properties for a distance of not less than one hundred feet (100') from the proposed subdivision. Ownership of these properties shall be shown;

(5) Existing zoning districts of the proposed subdivision and adjacent tracts;

(6) Topographic data, including existing contours at vertical intervals of not more than two feet (2'), 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 the national geodetic vertical datum. The location of watercourses, marshes, and other significant features shall be depicted. Soil boring data and seepage tests may be required at locations and depths as determined by the village engineer;

(7) Locations of or reference to locations of existing monuments or survey markers used in preparation of survey and grade elevation of each monument marker;

(8) Ownership of contiguous properties;

(9) The location of wells, septic fields and field tiles;

(10) A tree preservation plan identifying all trees with a ten inch (10") or greater diameter breast height and any significant trees including hickory, oak or walnut species with a five inch (5") or greater diameter breast height within and adjacent to the tract for a distance of not less than fifty feet (50');

(11) The location of any brush lines, wetlands, watercourses, historic sites and any other similar site features and irreplaceable assets; and

(12) The location of all structures adjacent to the proposed subdivision for a distance of not less than one hundred feet (100').

(c) Delineation Of Proposed Conditions:

(1) Street system, including location and width of proposed streets or public ways, right of way widths and street names with proposed through streets shown extended to the boundaries of subdivision;

(2) Location and width of alleys, pedestrianways, and utility easements;

(3) Layout of blocks and lots, and numbering of all such blocks and lots by progressive numbers and dimensions of such blocks and lots, scaled to the nearest foot;

(4) Building and setback lines indicating dimensions;

(5) The proposed zoning district for the subdivision upon annexation to the village;

(6) Areas intended to be dedicated or reserved for community facilities, open space, common open area, parks, playgrounds, or other private or public reservation, indicating in each the square footage and dimensions. Such areas shall be designated by letter or number;

(7) Source of domestic water supply, type of sanitary sewerage disposal, and proposed location of sanitary sewers; and

(8) Stormwater management plan and stormwater permit application in accordance with the DuPage County countywide stormwater and floodplain ordinance as adopted and amended by the village including storm drains, overland flow routes, and mitigation plans for impacts to special management areas, such as floodplains, wetlands and riparian areas;

5. Key Map: A print of the appropriate tax map or its equivalent at a scale not smaller than one inch equals one thousand two hundred feet (1" = 1,200') with the boundaries of the proposed subdivision indicated thereon shall accompany the preliminary plat. Where the proposed subdivision is outside the corporate limits of the village of Glen Ellyn, the map shall include the area within one-half ($1/2$) mile of the site;

6. Development Report: A development report which is a narrative statement describing the existing features of the site and the engineering impact of the proposed development of the site. Development reports shall include a resource information report from the Kane-DuPage soil conservation district when required by law;

7. Traffic Studies: If required by the planning and development director, a traffic analysis shall be prepared evaluating the impact of the project on the existing or proposed surrounding roadway system and/or the internal traffic movements on the site of the proposed subdivision;

8. Environmental Assessment: A phase I environmental assessment may be required in accordance with state law;

9. Archaeological Report: An archaeological report may be required in accordance with state law;

10. Historic Resources Survey: A historic resources survey may be required in accordance with state and federal law or upon the request of the director of planning and development;

11. Zoning Variations: Whenever a zoning variation is requested in association with a subdivision, a zoning variation application shall be submitted and reviewed by the plan commission concurrent with the review of the preliminary plat; and

12. Additional Materials: The planning and development director may, at his or her discretion, require the submission of such other additional materials or data related to the possible impact of the proposed uses of the subdivision on public facilities and services.

(B) Consideration Of Preliminary Plat By Plan Commission:

1. Referral To The Plan Commission:

(a) Application To Plan Commission: Upon receipt of all required documents necessary for a preliminary plat and following review(s) for completeness and conformance to this title by village staff, the director of planning and development shall instruct the subdivider to submit the requisite number of complete and collated application packets for review by the plan commission and village board and shall refer such application to the plan commission. The date of the plan commission meeting at which the plan commission indicates its acknowledgment of the plat submission shall be the date from which the statutorily imposed time period for action shall commence.

(b) Public Hearing: As part of the review process, the plan commission shall hold a public hearing at such time and place as shall be established by the commission. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner, as the commission shall prescribe from time to time.

(c) Public Hearing Notice Procedures:

(1) Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the village, not more than thirty (30) days or less than fifteen (15) days before the hearing; and

(2) For those properties located within the village boundaries, notice of the hearing shall also be mailed to property owners within two hundred fifty feet (250') of the land proposed to be subdivided, exclusive of road rights of way, at least ten (10) days prior to the hearing and one or more placards shall be placed on the site not less than fifteen (15) days prior to the date of the hearing. The placard shall remain until completion of the public hearing, at which time, it shall be removed. Such placards shall be provided by the village and contain such information as directed by the planning and development director. Jurisdiction of the plan commission to hold hearings shall not be affected by the absence of a placard, if such absence is not the result of the subdivider's act or omission.

2. Review By Plan Commission:

(a) The plan commission may recommend that changes or revisions be made to the preliminary plat that are deemed necessary in the interests and needs of the community in keeping with the provisions of this title.

(b) The village engineer, after conferring with affected staff members, shall make written recommendations for revisions to the proposed plans and specifications prior to review by the plan commission.

(c) The plan commission shall recommend approval, conditional approval with qualifications, or disapproval of the application for preliminary plat approval and shall provide written comments to the village board which set forth the reasons for its recommendation within ninety (90) days from the date of application or the filing by the subdivider of the last item of required supporting data, whichever date is later, unless such time is extended by mutual consent. In reviewing and making a recommendation on the preliminary plat, the plan commission shall consider the provisions set forth in this title, particularly the criteria set forth in section 11-3-10 of this chapter.

(C) Consideration Of Preliminary Plat By The Village Board:

1. Upon receipt of a preliminary plat from the plan commission, the village clerk shall place the matter upon the village board agenda not later than the second next regular meeting of the board of trustees or a later meeting set by mutual consent, and shall notify the subdivider of the meeting date.

2. The board of trustees shall accept, reject or modify the preliminary plat, or require it to be returned to the plan commission for further hearings within thirty (30) days of its first meeting date at which the application is reviewed by the village board unless action on the application has been extended by mutual consent.

3. The board of trustees shall approve, reject or modify the preliminary plat on the basis of how the proposed subdivision complies with the provisions in this title. The board of trustees shall also consider the recommendations of the plan commission with respect thereto and may return the matter to the plan commission to undertake specifically stated additional matters.

4. Approval of the preliminary plat shall be effective for not more than twelve (12) months following the date of approval by the board unless, upon written application by the subdivider, a written extension of time is granted by the village board. Where less than the entire land area shown in the preliminary plat is contained in the initial final plat to be filed for record, such recordation shall automatically extend the approval of the unrecorded balance of the preliminary plat for the successive twelve (12) month period.

5. If the preliminary plat, plans and specifications are disapproved by the village board, one print of the proposed preliminary plat and one copy of the proposed plans and specifications for land improvement shall be retained by the director of planning and development and a written statement identifying the reasons for such disapproval and specifying particular aspects in which the proposed plat fails to conform to this title shall be forwarded to the subdivider within thirty (30) days of disapproval of the preliminary plat by the village board.

(D) Conformance To Zoning Regulations: Every plat shall conform to the existing zoning regulations and this title applicable at the time of proposed final approval, except as varied by the approval of the village board. Any plat that

has received preliminary approval shall be exempt from any subsequent amendments to the zoning ordinance rendering the plat nonconforming as to bulk or use, provided that final approval is obtained within the one year period. (Ord. 5334, 2-28-2005)

11-3-5: FINAL PLAT:

- (A) **Major Subdivision:** In the case of a major subdivision, within twelve (12) months after receiving the last required approval of the preliminary plat and supporting documents by the village board, or a period of time beyond twelve (12) months that may be granted by the village board, there shall be submitted to the plan commission a final plat of all or a part of the area included in the approved preliminary plat.
- (B) **Submission Requirements:** A total of six (6) collated copies of the following materials shall be submitted to the planning and development director with an application for approval of a final plat:
1. An application for final subdivision approval;
 2. Prints of the final plat of the subdivision not larger than thirty inches (30") wide by thirty six inches (36") long. The final plat shall retain the design characteristics of the approved preliminary plat;
 3. The final plat shall show the following:
 - (a) Proposed name of the subdivision;
 - (b) Location by township, section, town and range, or by other legal description;
 - (c) Names and addresses of the owner, the developer and the surveyor who made the plat, and the title under which the proposed subdivision is to be recorded;
 - (d) Scale of plat, not smaller than one inch equals one hundred feet (1" = 100');
 - (e) Date;
 - (f) North point;
 - (g) Boundary of the plat based on an accurate traverse, with angular and linear dimensions. Error of closure of such boundary line survey shall not exceed one in ten thousand (10,000);
 - (h) Exact locations, widths, and names of all streets within and adjoining the plat, and the exact location and widths of all alleys and crosswalk ways;
 - (i) True angles and distances to the nearest established street lines or official monuments (not less than 3, which shall be accurately described on the plat). Monuments shall be placed at all block corners, angle points, and at intermediate points as shall be required by the village engineer. The monuments shall be of permanent character, in accordance with village of Glen Ellyn standards. All NGVD state, county, village or other official bench marks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position;
 - (j) Municipal, township, or section lines accurately tied to the lines of the subdivision by distances and angles;
 - (k) Radii, internal angles, points of curvature, tangents, bearings and lengths of all curves, including chord lengths and bearings;
 - (l) All easements for public services and utilities, including any restrictions for use of the property;
 - (m) Conservation easements for special management areas including maintenance responsibilities;
 - (n) All lot and block numbers with their lines accurately dimensioned in feet and hundredths. When an angle occurs in any lot line between lot corners, measurement of the angle shall be shown in degrees, minutes, and

seconds. The final plat shall accurately show the locations of all permanent lot markers as actually installed, or to be installed (lot markers shall be installed in accordance with village of Glen Ellyn standards);

(o) Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed covenant for the common use of all property owners;

(p) A soil condition survey to determine the corrosiveness of soils;

(q) Information regarding the ownership and maintenance responsibilities of public and nonpublic improvements, including, but not limited to:

(1) Common areas not owned by the village, such as stormwater management facilities; and

(2) Public areas in the public right of way such as islands and entrance areas; and

(r) Other information as required by state statutes.

(C) Endorsement/Certificates: At a minimum, the final plat of subdivision shall include the endorsement/certificates set forth in exhibit 1 of this title.

EXHIBIT 1

FINAL PLAT CERTIFICATIONS

The final subdivision plat shall contain the following certificates. Certificates by the plan commission and the village board shall be certified last in the order listed:

a. OWNER'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

This is to certify that the undersigned is the owner of the land described in the annexed plat, and that he has caused the same to be surveyed and subdivided, as indicated thereon, for the uses and purposes therein set forth, and does hereby acknowledge and adopt the same under the style and title thereon indicated.

I hereby dedicate for public use the lands shown on this plat for thoroughfares, streets, alleys, and facilities; and I hereby also reserve for that company or companies which have been granted by the Village or other entities with the power to do so, franchises within the Village for utility services, including natural gas, electricity, telephone, water, sewer, cable and other similar entities the easement provisions, which are stated on their standard form, which is attached hereto.

This is to certify, as Owner of the property described herein and legally described on the plat, that I have determined to the best of my knowledge and belief that each of the subject lots lie wholly within (Name School Districts(s)).

(address)

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

b. NOTARY CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

I, _____, a Notary Public in and for said County, in the state aforesaid, do hereby certify that _____, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such owners, appeared before me this day in person and acknowledge that they signed the annexed plat as their own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this ____ day of _____, A.D. 19____.

Notary Public

c. SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

This is to certify that I, _____ Licensed Illinois Land Surveyor No. _____, have surveyed and subdivided the following described property: as shown by the annexed plat, which is a correct representation of said survey and subdivision. All distances are shown in feet and decimals thereof. I further certify that all regulations enacted by the Village Board relative to plats and subdivisions have been complied with in the preparation of this plat.

(Insert legal description)

I further certify that the property shown on the Plat hereon drawn is situated within the Corporate Limits of the Village of Glen Ellyn which has adopted a Comprehensive Plan and which is exercising the special powers authorized by Division 12 of Article II of Illinois Municipal Code as heretofore and hereafter amended and that based upon a review of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map Community Panel _____ with an effective date of _____, it is my opinion that the property platted hereon (is or is not) located within a Special Flood Hazard Area.

I hereby authorize a representative from the Village of Glen Ellyn to record this Plat.

Given under my hand and seal at _____, Illinois, this ____ day of _____, A.D. 19____.

Name

d. COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

I, _____, County Clerk of DuPage County, Illinois, do hereby certify that there are no delinquent general taxes, no unpaid forfeited taxes, and no redeemable tax sales against any of the land included in the annexed plat. Given under my hand and seal at Wheaton, DuPage County, Illinois, this ____ day of _____, A.D. 19____.

County Clerk

e. CERTIFICATE AS TO SPECIAL ASSESSMENTS

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

I, _____, Village Collector of the Village of Glen Ellyn, do hereby certify that there are no delinquent or unpaid current or forfeited special assessments or any deferred installments thereof that have been apportioned against the tract of land included in the plat.

Dated at Glen Ellyn, DuPage County, Illinois, this ____ day of _____, A.D. 19____.

Village Collector

f. VILLAGE ENGINEER'S CERTIFICATE AS TO STREETS, DOMESTIC WATER, AND SANITARY SEWER SYSTEMS

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

I, _____, Village Engineer of the Village of Glen Ellyn, do hereby certify to the best of my knowledge and belief that all matters pertaining to plat requirements as prescribed in the regulations governing plats adopted by the Village Board of the Village of Glen Ellyn, Illinois, insofar as they pertain to the subject plat, have been complied with. I further certify to the best of my knowledge and belief that the required performance security is posted for the completion of the improvements covering sanitary sewerage system and domestic water supply and transmission system under the jurisdiction of the Village of Glen Ellyn, based on engineer's plans and specifications prepared by a licensed engineer and approved by all public authorities having jurisdiction, except: _____. I further certify that the street names have been examined by me and found to comply with the Village of Glen Ellyn regulations.

Dated at Glen Ellyn, DuPage County, Illinois, this ____ day of _____, A.D. 19____.

Village Engineer

g. PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

Approved by the Plan Commission of the Village of Glen Ellyn, DuPage County, Illinois, this ____ day of _____, 19____.

Signed _____
Chairman

Attest _____
Recording Secretary

(j) Written evidence from the proper governmental agencies of their willingness to accept and maintain dedicated areas;

Note: Such documents shall not be required for subdivisions located in the unincorporated areas one and one-half (1½) miles beyond the Glen Ellyn village limits when there is evidence that these documents have been submitted to and approved by DuPage County officials, except when the village of Glen Ellyn standards of public improvements are of higher quality than DuPage County standards, such applicable documents shall be required by the village of Glen Ellyn;

(k) Neither the village board nor the plan commission shall approve such plat, unless, in addition to any other requirements of such village board or plan commission, the topographical and profile studies submitted with the subdivision plat have on their face a certification of a licensed professional engineer, and the owner of the land or his duly authorized attorney, to the effect that to the best of their knowledge and belief the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof, or, that if such surface water drainage will be changed, adequate provision has been made for collection and diversion of such surface waters into public areas, or drains which the subdivider has a right to use, and that such surface waters will not be deposited on the property of adjoining landowners in such concentrations as may cause damage to the adjoining property because of the construction of the subdivision. The topographical and profile studies required herein shall not be recorded, but shall be retained and filed by the village as permanent public documents; and

(l) Neither the village board nor the plan commission shall approve a final plat unless in addition to any other requirements of such village board or plan commission, when said plat has any lands bordering on or including any public waters of the state in which the state of Illinois has any property rights or property interests, unless such subdivision plat is approved by the department of transportation, nor shall any person offer or present for recording or record any map, plat or subdivision of lands, any part of which as shown on the map, plat or subdivision is situated within five hundred feet (500') of any surface drain or watercourse serving a tributary area of six hundred forty (640) acres or more, until such map, plat or subdivision of lands has been reviewed by the department of transportation either independently or in cooperation with federal, state or local agencies, for the purpose of determining, for the protection of persons and property, the flood hazards involved and a report thereon filed by that department with the recorder.

2. Village Board: In addition to those items listed in subsection (D)1 of this section, the following additional materials must also be submitted to the planning and development director prior to review of the final plat by the village board:

- (a) Complete estimates of cost of all proposed public improvements, including costs of engineering inspection;
- (b) A statement signed by the village engineer approving the specifications, drawings and estimates of costs;
- (c) The performance security required in chapter 5 of this title; and

(d) Signed copies of any proposed development agreements, easement agreements, annexation agreements, vacation agreements or any other agreements related to the proposed subdivision in a form acceptable to the village attorney.

(E) Consideration Of Final Plat:

1. Plan Commission:

(a) Upon receipt of all required documents necessary for a final plat, and following review(s) by staff of the application for completeness and conformance to this title, the director of planning and development shall instruct the subdivider to submit the requisite number of complete and collated application packets for review by the plan commission and village board and shall refer the application to the plan commission.

(b) The plan commission shall review the proposed plan and specifications pertaining to water supply and water distribution systems; sanitary sewerage systems, including mains and sewage disposal or treatment facilities; stormwater drainage systems; street lighting; street name signs; fire hydrants; grading, gradients and widths of roadways and sidewalks; the paving of roadways and sidewalks; proposed detailed grading plans of blocks and lots, the tree preservation plan, any areas designated as common open area and/or open space and other aspects of the

subdivision as deemed necessary by the plan commission to determine if the subdivision provides adequate public facilities and services and conforms to the rules and regulations in section 11-4-1 of this title.

(c) The plan commission shall recommend approval, denial or modification of the final plat, including any requested variations to this title, based on whether or not the final plat complies with the provisions in this title, including the applicable rules and regulations set forth in section 11-4-1 of this title and any conditions placed on approval of the preliminary plat. The plan commission shall make its recommendations in writing to the village board on the final plat.

2. Village Board:

(a) Decision:

(1) Upon receipt of a final plat from the plan commission, the village clerk shall place the matter upon the village board agenda not later than the second next regular meeting of the board of trustees or a later meeting set by mutual consent, and shall notify the subdivider of the meeting date.

(2) The village board shall approve, deny or approve with modifications the final plat, including any requested variances to this title based on whether or not the final plat complies with the regulations in this title, including the applicable rules and regulations set forth in section 11-4-1 of this title and any conditions placed on approval of the preliminary plat and shall also consider the recommendation of plan commission with respect thereto.

(3) The village board shall act on the application for final plat approval within sixty (60) days from the date of filing the last required document or other paper or within sixty (60) days from the date of filing application for final plat approval, whichever date is later, unless the applicant and corporate authorities mutually agree to extend this sixty (60) day time period.

(4) If the village board is satisfied with the final plat and the supporting documents submitted therewith, it shall, by ordinance, approve said plat and authorize the village president to execute the final plat. Such approval shall be attested by the village clerk and sealed with the corporate seal of the village of Glen Ellyn.

(5) If the final plat, plans and specifications are disapproved by the village board, one print of the proposed final plat and one copy of the proposed plans and specifications for land improvement shall be retained by the director of planning and development and a written statement identifying the reasons for such disapproval and specifying particular aspects in which the proposed plat fails to conform to this title shall be forwarded to the subdivider within a reasonable period of time thereafter. (Ord. 5334, 2-28-2005)

11-3-6: **COMBINED REVIEW OF PRELIMINARY AND FINAL PLATS:** At a preapplication conference with the plan commission, the subdivider may request a combined review of the preliminary and final plats, which may be approved by an affirmative vote of a majority of the plan commission members present, provided however, that a quorum of the plan commission shall consist of at least six (6) members. If approved, the procedures and requirements for consideration of preliminary and final plats specified elsewhere in this title shall be followed, including the provision for a public hearing. (Ord. 5334, 2-28-2005)

11-3-7: PROCEDURES FOR MINOR SUBDIVISIONS:

(A) When a person desires to divide or subdivide a minor subdivision the plan commission need require only that a final plat and supporting documents as required by section 11-3-5 of this chapter be presented to it for recommendation for approval or disapproval, except that the planning and development director, at his or her discretion, may require the submission of additional documentation typically required for a preliminary plat that demonstrates the expected impact of the minor subdivision on public facilities and services by possible uses of the subdivision and that when a zoning variation is requested in association with a minor subdivision, a zoning variation application shall also be submitted and reviewed by the plan commission at the same time as the minor subdivision.

- (B) The procedures and requirements specified elsewhere in this title for consideration of final plats shall be followed with the addition of a requirement to hold a public hearing upon said final plat. Notice of time and place of such hearing shall be published in a newspaper of general circulation in the village not more than thirty (30) days or less than fifteen (15) days before such hearing.
- (C) When there is presented to the village board of trustees for approval a plat for a minor subdivision, within the corporate limits, if the board of trustees after consideration thereof and recommendation thereon by the plan commission, is of the opinion that the provisions of this title, including the intent and purpose of this title as set forth in section 11-1-4 of this title are not violated, the board of trustees may approve such plat without requiring further procedure. (Ord. 5334, 2-28-2005)

11-3-8: RECORDING:

- (A) After approval of a minor or major subdivision by the village board, the director of planning and development shall obtain the signatures of the village officials on the original mylar of the final plat submitted in accordance with section 11-3-5 of this chapter and shall record the final plat with the DuPage County recorder.
- (B) The director of planning and development shall not record the final plat until:
 1. The village engineer has verified that the plat is in a form suitable for recording; and
 2. The village has received the required security for any public improvements;

Upon the fulfillment of subsections (B)1 and (B)2 of this section, the director of planning and development shall record the final plat within sixty (60) days, barring any signature rejections.
- (C) The director of planning and development shall distribute copies of the recorded plat as follows:
 1. The original tracing containing the approval signatures shall be returned to the village clerk and kept as part of the official village records; and
 2. One print shall be kept by the planning and development department. (Ord. 5334, 2-28-2005)

11-3-9: LAND TRANSFERS, LOT CONSOLIDATIONS AND TWO-LOT SUBDIVISIONS: Land transfers, lot consolidations and two-lot subdivisions shall be permitted upon review and approval of the planning and development director subject to the following:

- (A) The applicant shall be required to submit to the director of planning and development a map in the form required by the village, which shall demonstrate that the request fully complies with all zoning ordinance requirements, with the following exceptions:
 1. Any preexisting nonconformities;
 2. For land transfers, only the lot transferring the land shall be required to comply with the provisions of the zoning ordinance following the transfer of land; and
 3. For lot consolidations, the consolidated lot shall not be required to comply with the provisions of the zoning ordinance;

all provided that any new building, structure or impervious surface area that may be proposed on any lots subject to the requirements of this section complies with all zoning ordinance requirements or a zoning variation for such has been granted.
- (B) If the director of planning and development finds that the requirement of conformity to the village's zoning ordinance has been satisfied as set forth above and that the request in no way violates the policy and purpose of this title as

set forth in sections 11-1-3 and 11-1-4 of this title, a certificate of compliance shall, upon request and payment of the required fee, be issued to the applicant and, if applicable, to the owner of the lot or parcel.

- (C) If the standards set forth above have not been satisfied, then the director of planning and development shall deny the request of the applicant and shall require the application to be reviewed by the plan commission and village board in accordance with the procedures for review of a minor subdivision set forth in section 11-3-7 of this chapter.
- (D) Once a land transfer, lot consolidation or two-lot subdivision is approved, the applicant shall record a plat with the county showing the land transfer, lot consolidation or two-lot subdivision as approved by the certificate of compliance granted by the village and shall submit a copy of such recorded plat to the planning and development department within thirty (30) days of recordation.
- (E) No public hearing or action by the plan commission shall be required in the case of an application for an adjacent land transfer, lot consolidation or two-lot subdivision, which complies with the provision of this section.
- (F) The above provisions shall not apply to land transfers and two-lot subdivisions if the subject lot(s) were part of a major, minor or two-lot subdivision or a land transfer approved within five (5) years of the current subdivision proposal. In such a case, the proposed subdivision shall be considered and reviewed as a minor subdivision. (Ord. 5334, 2-28-2005; amd. Ord. 5362, 6-13-2005)

11-3-10: CRITERIA FOR SUBDIVISION APPROVAL: A subdivision shall not be approved unless:

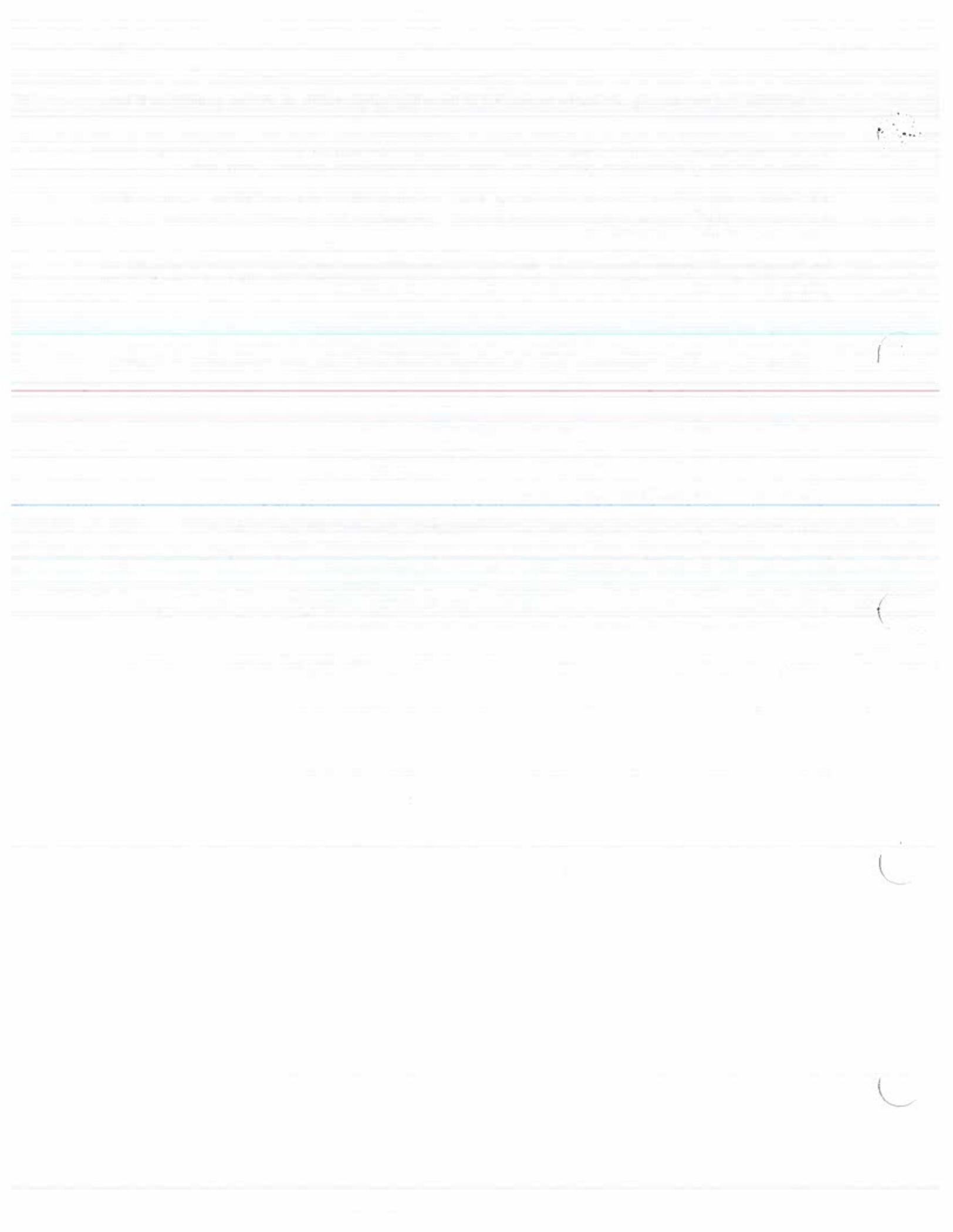
- (A) The proposed subdivision conforms to the provisions set forth in this title, including the rules and regulations referenced in section 11-4-1 of this title.
- (B) Definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed.
- (C) A public sewage system is proposed and adequate provision has been made for such system or, if other methods of sewage disposal are proposed that such systems will comply with federal, state and local laws and regulations.
- (D) All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precaution have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions.
- (E) The proposed subdivision will not be detrimental to the public health, safety and welfare.
- (F) No development shall be approved if such development, at full occupancy, will result in or increase traffic on an arterial or collector street to such an extent that the street does not function at a level of service deemed acceptable by the village. The applicant may propose and construct approved traffic mitigation measures to provide adequate roadway capacity for the proposed development. (Ord. 5334, 2-28-2005)

11-3-11: VARIANCES:

- (A) Where extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternate proposal, the village may approve variances to this title so that substantial justice may be done and public interest secured, provided that the variance shall not have the effect of nullifying the intent and purpose of this title.
- (B) All requests for variances to this title shall be forwarded to the plan commission for review and recommendation to the village board. The village board shall then approve, deny or conditionally approve the requested variance.
- (C) The plan commission shall not recommend approval of a variance nor shall the village board grant approval of a variance unless it determines that:

1. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements;
 2. The conditions upon which the request is based are unique to the property for which the relief is sought, create substantial difficulty in developing the property and are not generally applicable to other property; and
 3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.
- (D) For the purpose of supplementing the above standards, the plan commission and village board shall also take into consideration the extent to which the evidence establishes or fails to establish the following facts favorable to the applicant:
1. That the variation, if granted, will not alter the essential character of the locality;
 2. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
 3. That the proposed variation will not:
 - (a) Diminish or impair property values within the neighborhood;
 - (b) Unduly increase traffic congestion in the public streets and highway; or
 - (c) Result in an increase in public expenditures; and
 4. That the variation is the minimum variation that will make possible the reasonable use of the land;
 5. Whether or not the alleged difficulty or particular hardship has been created by any person presently having an interest in the property or by the applicant.
- (E) The plan commission shall forward a written recommendation on the request for a variance to the village board that shall set forth the reasons on which the plan commission's recommendation is based.
- (F) In approving variances, the plan commission may recommend and the village board may require such conditions as will in its judgment, secure substantially the purposes described in section 11-1-4 of this title.
- (G) A petition for any variance shall be submitted in writing by the subdivider at the time when the plat is filed for the 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.
- (H) Whenever a variance is requested under this title, the plan commission shall hold a public hearing thereon. Notice of the time and place of such hearing shall be published according to the procedures set forth in subsection 11-3-4(B) of this chapter. (Ord. 5334, 2-28-2005)

11-3-12: **CHANGES AND AMENDMENTS:** The plan commission shall from time to time propose and recommend in writing to the village board of trustees such changes or additions to the provisions and regulations herein contained as the plan commission may deem necessary or advisable. Such changes or additions shall become effective after the board of trustees passes an amendment to this title. (Ord. 5334, 2-28-2005)



CHAPTER 4
DESIGN STANDARDS

SECTION:

- 11-4- 1: Conformance To Applicable Rules And Regulations
- 11-4- 2: Lots
- 11-4- 3: Blocks
- 11-4- 4: Roads And Streets
- 11-4- 5: Storm Drainage And Sanitary Sewers
- 11-4- 6: Water Supply
- 11-4- 7: Sidewalks And Multiuse Paths
- 11-4- 8: Communication, Electric, Gas And Other Utilities
- 11-4- 9: Trees
- 11-4-10: Dedication Of Public Use Areas
- 11-4-11: Dedication Of Park Lands And School Sites Or For Payments Or Fees In Lieu Of

11-4-1: **CONFORMANCE TO APPLICABLE RULES AND REGULATIONS:** In addition to the requirements established herein, all subdivision plats shall comply with the following rules and regulations:

- (A) All applicable statutory provisions;
- (B) The village of Glen Ellyn zoning ordinance;
- (C) The applicable village of Glen Ellyn building codes and all other applicable laws of the appropriate jurisdictions;
- (D) The official plan, official map and capital improvement plan of the village including all streets, drainage systems, and parks shown on the official map or official plan as adopted;
- (E) The special requirements of these regulations and any rules of the county health department and/or appropriate state agencies;
- (F) The rules of the Illinois department of transportation, if applicable;
- (G) The DuPage County countywide stormwater and floodplain ordinance as adopted, amended or varied by the village; and
- (H) The village of Glen Ellyn standards for construction of public improvements. (Ord. 5334, 2-28-2005)

11-4-2: LOTS:

- (A) **Minimum Design Standards:** All lots within the subdivision shall meet or exceed the minimum design standards for the appropriate zoning as specified in the Glen Ellyn zoning ordinance or the DuPage County zoning ordinance for subdivisions in unincorporated areas within one and one-half (1^{1/2}) miles of the village corporate limits. References to lot dimensions in this section shall refer to the appropriate village or county zoning ordinance.
- (B) **Lot Arrangement:** The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the zoning ordinance, any applicable health regulations and providing driveway access to buildings on the lots from an approved street.
- (C) **Shape:** In general, lots should be as nearly rectangular in shape as practical.

- (D) **Corner Lots:** Corner lots shall comply with the minimum corner lot width set forth in the zoning ordinance for the district in which the lot is located. If a corner lot width is not specified in the district in which the lot is located, the village engineer shall review the proposed subdivision to ensure the proper development of an intersection design that promotes traffic safety and may require that the lot width be increased by twenty percent (20%) over the width of a typical interior lot.
- (E) **Front On Public Street:** All lots shall front upon a public street.
- (F) **Side Lines Of Lots:** Side lines of lots shall be at right angles or radial to the street line, or substantially so, unless a variation from this rule will provide a better street or lot plan.
- (G) **Double Frontage Lots:** Double frontage lots are not permitted in residential districts, except where one of the frontages is located adjacent to an improved alley.
- (H) **Screening And/Or Additional Lot Depth:** The village may require screening and/or additional lot depth when a subdivision is located adjacent to a marginal access street, alley, arterial street, expressway, railroad, utility or other similar feature to protect residential properties from any adverse impacts associated with such and to provide separation of the subdivision from through and local traffic.
- (I) **Lots Abutting On A Watercourse, Drainageway, Etc.:** Lots abutting upon or located on a watercourse, drainageway, channel, stream, special management area as defined in the stormwater ordinance, or a stormwater storage facility shall have an additional depth or width as required by the village board in order to provide acceptable building sites and shall comply with the regulations set forth in the floodplain hazard and land use regulations set forth in the zoning ordinance.
- (J) **Regard For Natural Features:** In the subdividing of any land, due regard shall be shown for all natural features such as tree growth, watercourses, historic spots, or similar conditions.
- (K) **Streets, Blocks, Depths:** Streets, blocks, depths of lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams, channels and detention basins. Wherever possible, the larger streams and floodplains shall be included within parks or other public grounds.
- (L) **Limit Traffic Hazards On The Street:** Where driveway access from a regional arterial street may be necessary for several adjoining lots, the plan commission may recommend and the village board may require that such lots be serviced by a combined access drive in order to limit possible traffic hazards on the street. Where possible, such driveways must be designed and arranged so as to avoid requiring vehicles to back into traffic on regional arterial streets.
- (M) **Easements:**
1. Easements shall be provided for any utility service, including stormwater drainage, where necessary. Easements for entities, including utilities which have been granted franchise by the village or the county shall be, unless otherwise specified within the franchise agreement, ten feet (10') wide and be established at the rear of each lot and adequate easements shall be provided along such other lot lines as may be necessary to provide continuity of alignment from block to block at deflection points in these easements.
 2. Where a subdivision is traversed by a natural watercourse, drainageway, channel, or stream, there shall be provided a drainage easement conforming substantially with the lines of such watercourse. It shall include an additional area of at least fifteen feet (15') wide adjoining both edges of the established area that would be affected by 100-year storm floods, as certified by the subdivider or his engineer.
 3. An easement shall be provided for any stormwater storage facility to include an area of at least fifteen feet (15') wide adjoining the design 100-year high water level as certified by the subdivider's engineer.
 4. A wider easement than specified in subsections (M)1, (M)2 and (M)3 of this section may be required at the discretion of the village engineer.
 5. All easement descriptions shall include information about any restrictions in regard to permitted landscaping on the area of the easement. (Ord. 5334, 2-28-2005)

11-4-3: BLOCKS:

- (A) In residential subdivisions, the maximum lengths of blocks where all lots are ninety feet (90') or more in width shall be one thousand eight hundred (1,800) linear feet, and the maximum length of blocks where lots are less than ninety feet (90') in width shall be one thousand two hundred (1,200) linear feet. No blocks shall be less than six hundred (600) linear feet in length unless approved by the plan commission. Pedestrianways leading to schools, parks, or other common destinations may be required by the plan commission.
- (B) In nonresidential subdivisions, block lengths shall be as approved by the plan commission in accordance with the proposed function and location of each subdivision.
- (C) The shape of blocks shall be dictated by topographical features, the basic street system and traffic pattern, lot depths, and areas designated for public and other nonresidential land uses.
- (D) Where a subdivision borders upon or is traversed by a railroad right of way, regional or local arterial street or expressway, the plan commission may require a marginal access street (on 1 or both sides of such right of way or street) approximately parallel to and at a suitable distance from such right of way or street appropriate for the use of the proposed subdivision. (Ord. 5334, 2-28-2005)

11-4-4: ROADS AND STREETS: In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access for police, firefighting, snow removal, sanitation, and road maintenance equipment, and to coordinate streets so as to compose a convenient roadway system, the following design standards for streets are hereby required:

- (A) **Street Plan:** The arrangement, character, extent, width, grade and location of all streets shall conform to the official plan, and shall be considered in relation to existing and planned streets; reasonable circulation of traffic within the subdivision and adjoining lands; topographical conditions; runoff of stormwater; public convenience and safety; and in their appropriate relation the proposed uses of the area to be served.
- (B) **Street Access:** No subdivision shall be approved unless it has access to an existing street or a new street proposed as part of the subdivision.
- (C) **Private Streets:** Private streets are discouraged but may be permitted by the village board in conjunction with planned unit developments. Such streets shall be constructed in accordance with the public street specifications and construction materials contained within this title unless modified by variance and subject to inspection by the village engineer. The street area may not be used to calculate lot size. All private streets shall be constructed to ensure the proper ingress and egress of police, fire and other public service vehicles.
- (D) **Streets In Close Proximity To Floodplain:** All streets in close proximity to the floodplain shall be elevated to one foot (1') above the base flood elevation. Where local streets intersect a drainageway it may be necessary to lower the street elevation below the base flood elevation. Such lowering shall not exceed six inches (6").
- (E) **Right Of Way Widths:** All right of way widths shall conform to the following minimum dimensions:

Type Of Street	Residential Subdivision	Nonresidential Subdivision
Collector streets and village arterial streets	80 feet	80 feet
Local streets	66 feet	70 feet
Cul-de-sac streets and local streets less than 600 feet in length	60 feet	70 feet
Marginal access streets	40 feet	50 feet
Expressways and regional and local arterial streets	In accordance with federal, state, and county requirements or the village of Glen Ellyn standards for construction of public improvements	

(F) Pavement Widths: All pavement widths shall conform to the following minimum dimensions:

PAVEMENT WIDTH
(Back Of Curb To Back Of Curb)

Type Of Street	Residential Subdivision	Nonresidential Subdivision
Collector streets and village arterial streets	25 feet	25 feet
Local streets	21 feet	36 feet
Cul-de-sac streets	21 feet	36 feet
Marginal access streets	21 feet	28 feet
Expressways and regional and local arterial streets	In accordance with federal, state, and county requirements or the village of Glen Ellyn standards for construction of public improvements	

(G) Pavement Design: All street pavements shall be designed in accordance with the pavement design specified in the village of Glen Ellyn standards for construction of public improvements.

(H) Prerequisite To Street Construction: Before the base course of the roadway pavement is laid, all of the underground work such as sewer, water and gas mains, house service connections therewith, and any underground conduits or wires for electric or telephone, shall be completely installed in place and the installation approved by the village engineer. The roadway pavement shall not be laid until the backfilling of all trenches dug for the installation of the aforementioned utility services have been completely settled or compacted to the satisfaction of the village engineer.

For asphalt streets, the final surface course shall not be installed until the binder course has been in place for one winter season. Prior to installation of the final surface course, the village engineer shall determine whether the existing binder course is in good condition or in need of repair. In a residential subdivision, the final street surface course shall not be installed before house construction is completed on seventy five percent (75%) of the lots but shall be installed not later than three (3) years from the date of final plat approval.

(I) Pavement Edging: All new streets shall have concrete curb and gutter constructed in accordance with the village of Glen Ellyn standards for construction of public improvements.

When a subdivision is proposed on an existing street, the village may, at its discretion, and upon the advice and recommendation of the public works director, require the installation of curb and gutter and/or the reconstruction of streets in conformance with the village of Glen Ellyn standards for the construction of public improvements on streets adjacent to the subdivision. (Ord. 5334, 2-28-2005)

(J) Details Of Design:

1. Cul-De-Sac Streets: Cul-de-sac streets in single-family residential districts shall not be more than five hundred feet (500') in length, measured along their centerline from the centerline of the street of origin to the end of the cul-de-sac right of way, or may be longer than five hundred (500) linear feet provided not more than twenty (20) lots abut upon the cul-de-sac right of way lines. In multiple-family residential districts, such cul-de-sacs shall not exceed three hundred feet (300') in length. Each cul-de-sac street shall have a right of way terminus of nearly circular shape with a minimum diameter of one hundred sixteen feet (116'). The terminus shall be connected with each right of way line of the approach segment of the street by a reverse curvature having a radius of not less than thirty feet (30'). A cul-de-sac terminus may have concentric to its radius point a landscape island regularly maintained by parties other than the village. If provided, the island shall not obstruct sight lines around and through the island. The minimum pavement width in the terminus is thirty one feet (31') back of curb to back of curb. The outside curb of the cul-de-sac shall have a minimum diameter of eighty two feet (82'). (Ord. 6148, 6-24-2013)

2. Horizontal Alignment:

(a) Where there is a deflection in horizontal centerlines within a given block at any given point in excess of ten degrees (10°), a curve shall be inserted with a radius of not less than:

Arterials	1,000 feet
Collector streets	300 feet
All other streets	100 feet

(b) Street jogs with centerline offsets of less than one hundred twenty five feet (125') shall not be permitted if they can be reasonably avoided.

(c) Local streets shall be so aligned that their use by through traffic will be discouraged.

(d) Street intersections and confluences shall be planned in a manner that will provide safe and efficient traffic flow:

(1) Streets shall intersect at or near right angles;

(2) An intersection of more than two (2) streets shall be avoided unless specific conditions of design indicate otherwise;

(3) Curved streets intersecting with arterial and collector streets shall do so with a tangent section of centerline fifty feet (50') in length, measured from the right of way line of the arterial or collector street; and

(4) At an intersection with an arterial street, the intersecting street gradient shall not exceed two percent (2%) for the fifty feet (50'), as measured from the right of way line from the arterial street.

3. Vertical Alignment:

(a) Gradients of streets shall be a minimum of 0.4 percent and not exceed on:

Arterial and collector streets	5 percent
All other streets	7 percent

(b) All changes in street gradients in excess of one percent (1%) shall be connected with vertical curves. Minimum length in feet of these curves shall provide a sight distance of not less than three hundred feet (300'), measured from an eye level four feet (4') high, with a clear view of an obstacle not over two feet (2') high. The minimum length of a vertical curve shall be as required by the village engineer but not less than one hundred feet (100').

4. Half Streets: Half streets shall be prohibited.

5. Residential Property Abutting Regional Arterial Streets And Expressways: Provisions shall be made for vehicular and pedestrian access to residential property abutting regional arterial streets and expressways either by providing: a) marginal access streets; or b) by backing lots to the regional arterial street or expressway and providing access by a collector, local or cul-de-sac street and with a visual barrier established in a nonaccess reservation strip along the rear property line (abutting the regional arterial street or expressway).

6. Dead End Streets: Dead end streets are prohibited, except when it is part of a continuing street plan and only if a temporary turnaround satisfactory to the village engineer in design is provided. A dead end street shall not exceed five hundred feet (500') in length.

7. Gradient: Any private drive or drive approach constructed as part of a subdivision shall have a minimum of a one percent (1%) gradient and a maximum eight percent (8%) gradient.

8. Reserve Strips: The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to the street.

- (K) **Street Names:** Proposed streets, which are obviously in alignment of continuation of existing streets already named, shall bear the name of such existing streets. In no case shall the name for proposed streets duplicate existing street names, irrespective of the use of the suffix street, avenue, road, boulevard, drive, place or court, or any abbreviation thereof. The village retains the right to require the names of streets to be changed at its absolute discretion, either at the time of platting or thereafter.
- (L) **Street Signs:** Appropriate street signs for public and private streets shall be erected at each street intersection within the subdivision. The type of street sign shall conform to those used throughout the village of Glen Ellyn and the number and location of such signs shall be as directed by the public works director of the village of Glen Ellyn. The cost of said street signs shall be borne by the subdivider.
- (M) **Street Lighting:** Streetlights shall be provided throughout the subdivision as approved by the public works director and in accordance with the standards for street lighting set forth in the village of Glen Ellyn standards for the construction of public improvements. Upon acceptance of the public improvements by the village, the streetlights shall be owned and maintained by the village. (Ord. 5334, 2-28-2005)

11-4-5: STORM DRAINAGE AND SANITARY SEWERS:

- (A) **Separation Of Systems:** The storm and sanitary sewer systems of any subdivision shall be separately constructed in accordance with this code, including, but not limited to, title 7, chapter 9 of this code and shall be constructed and located in accordance with the village of Glen Ellyn standards for the construction of public improvements.
- (B) **Storm Drainage:**
 - 1. **Storm Drains:** An adequate system of stormwater drainage shall be constructed and installed, consisting of pipes, tiles, manholes, inlets and other necessary facilities that will adequately drain the subdivision and protect roadway pavements. The storm sewer design shall incorporate the rational formula. The intensity used shall be a return frequency of not less than ten (10) years. Such drainage system shall be subject to approval by the village engineer for the village of Glen Ellyn. Storm sewers shall be constructed in accordance with the village of Glen Ellyn standards for the construction of public improvements.
 - 2. **Stormwater Management:** Stormwater runoff shall be controlled as prescribed by the DuPage County countywide stormwater and floodplain ordinance as adopted, amended or varied by the village of Glen Ellyn.
 - 3. **Site Grading:** The overall site grading shall be designed so that the street grades and lot and block grading provide positive overland drainage to the stormwater control facility in the event that the underground storm drainage system is blocked. Such positive drainage shall be capable of handling the 100-year storm. An easement shall be established to the 100-year high water line for all drainageways where the overland flow exceeds one cubic foot per second. The top of foundation of all structures adjacent to such drainageways shall be a minimum elevation of one foot (1') over the 100-year high water level. The top of foundation of all structures within at least two hundred fifty feet (250') of a stormwater storage facility or a floodplain shall be at a minimum elevation of two feet (2') over the 100-year high water level.
 - 4. **Erosion Control:** The grading plan and construction plan shall provide for erosion and sedimentation control:
 - (a) Erosion and sedimentation control measures shall be in conformance with the DuPage County countywide stormwater and floodplain ordinance as adopted and amended by the village of Glen Ellyn; and
 - (b) Lot grading, except on areas for stormwater detention facilities, shall not exceed five feet (5') in fill or cut, unless greater depth will not adversely affect abutting properties in the opinion of the village engineer.
- (C) **Wastewater Collection:**
 - 1. **Sanitary Sewers:** Sanitary sewer mains shall be constructed throughout the entire subdivision in such a manner as to adequately serve all lots and tracts with connection to the Glen Ellyn sewer system. Each lot shall be provided with an individual service to the sanitary sewer.

2. Standards For Construction Of Public Improvements: Sanitary sewer mains shall be constructed in compliance with the village of Glen Ellyn standards for construction of public improvements. (Ord. 5334, 2-28-2005)

11-4-6: WATER SUPPLY:

- (A) Water Mains: Water mains shall be constructed in the public right of way throughout the entire subdivision in accordance with the village of Glen Ellyn standards for construction of public improvements.
- (B) House Services: Each lot shall be provided with an individual service to the water main. (Ord. 5334, 2-28-2005)

11-4-7: SIDEWALKS AND MULTIUSE PATHS:

- (A) Sidewalks shall be located on both sides of the rights of way adjacent to all new and existing streets, except as varied by the village board.
- (B) Sidewalks, where required, shall be five feet (5') in width, unless the village requires a greater width. (Ord. 5334, 2-28-2005)
- (C) The open areas bordering the sidewalk shall be landscaped in accordance with plans approved by the village board. Any parkway in which a sidewalk is located shall be at least twelve feet (12') wide. (Ord. 6148, 6-24-2013)
- (D) Multiuse paths shall be provided as recommended in the official plan of the village of Glen Ellyn and the most recent DuPage County bicycle plan. Multiuse paths shall be ten feet (10') in width. The village board may waive the requirement for a multiuse path if it finds that the multiuse path would not serve a useful purpose.
- (E) Sidewalks and multiuse paths shall be constructed in accordance with the standards set forth in the village of Glen Ellyn standards for construction of public improvements.
- (F) Sidewalks and multiuse paths shall not exceed a maximum gradient of five percent (5%) except for curb ramps no longer than six feet (6'). (Ord. 5334, 2-28-2005)

11-4-8: COMMUNICATION, ELECTRIC, GAS AND OTHER UTILITIES:

- (A) In all new subdivisions and in subdivisions platted and recorded prior to the effective date hereof, all communication, electric lines and other similar utilities or entities which have received a franchise from the village or the county in the subdivision and in the rights of way adjacent to the subdivision shall be placed underground at the subdivider's expense. Such utilities shall be located within easements, preferably in the rear yards, or in dedicated public ways, and shall be placed in locations deemed appropriate by the public works director and in a manner, which will not conflict with other underground services. All transformer boxes shall be located so as not to be unsightly or hazardous to the public.
- (B) Underground utility installations, which traverse private property, shall also be protected by easements.
- (C) Gas service lines shall always be placed underground within easements or dedicated public ways, in a manner, which will not conflict with other underground services. (Ord. 5334, 2-28-2005)

11-4-9: TREES:

- (A) Preservation: Existing trees shall be preserved whenever possible. To this end, the director of planning and development shall review the proposed tree preservation plan and provide a recommendation to the plan commission and village board regarding the preservation of existing trees. Existing trees identified as being preserved on the tree preservation plan shall be preserved on a given lot until construction of the structure on that lot is complete and a certificate of occupancy is issued for the building. In unique and unusual circumstances, the director of planning and development may approve minor revisions to the tree preservation plan approved as part of the subdivision where

such revision is submitted on a revised tree preservation plan along with a statement describing the proposed change.

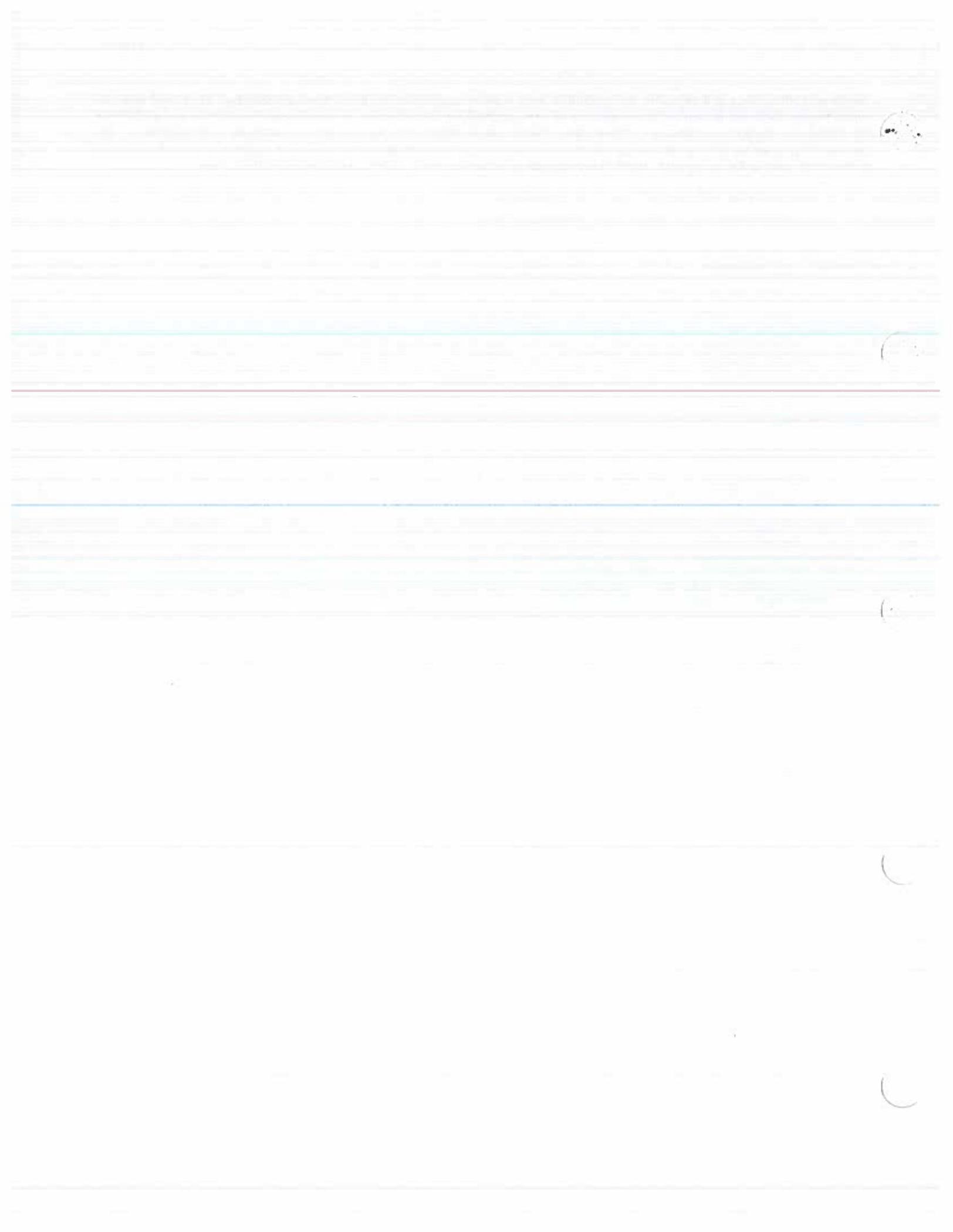
- (B) **Subdivision Trees:** Once a subdivision application, or preapplication, has been submitted to the director of planning and development, no trees shall be removed from the subdivision and no change shall be made to the grade of the land affected until approval of the final plat has been granted by the village board.
- (C) **Parkway Trees:**
1. Parkway or street trees shall be planted forty feet (40') on center, or a greater spacing as recommended by the village to accommodate for underground utilities, curb cuts, streetlights and similar obstructions. The subdivider shall be solely responsible for the purchase and planting of all new parkway trees.
 2. All new parkway trees must have a minimum caliper of 2.5 inches. When five (5) or more parkway trees are required, no more than twenty percent (20%) of the trees may be of the same species. When fewer than five (5) trees are required, no more than fifty percent (50%) of the trees may be of the same species. The trees must be purchased from a nursery that is a member of the Suburban Tree Consortium or otherwise approved by the public works department.
 3. All new or relocated parkway trees shall be planted in accordance with the village of Glen Ellyn standards for the construction of public improvements.
 4. The subdivider shall guarantee all parkway trees for two (2) years following the date of planting. The public works department shall be notified of the date of plantings. At the discretion of public works, the newly planted parkway trees may be subject to an inspection. If any parkway trees die or are determined by the village to be distressed within the two (2) year period then the subdivider shall replace said trees.
 5. In no event shall parkway trees be planted later than five (5) years from the date of final plat approval. (Ord. 6148, 6-24-2013)

11-4-10: DEDICATION OF PUBLIC USE AREAS:

- (A) Where a proposed public use area (in addition to streets, alleys, pedestrianways and utility easements) as identified in the official plan of the village is located in whole or in part within a subdivision, such area shall be reserved for future public use development and so designated on the preliminary plat and final plat. In the event such area is not acquired or arrangements made for acquisition by the village of Glen Ellyn, park board, school board, or other taxing body within a period of one year after the approval by the village board of the final plat, such land may thereafter be used by the owner for any use permitted at its location by zoning ordinance regulations.
- (B) When a public use area is proposed by the subdivider on the preliminary plat at the time of submittal to the village and its location thereafter approved by the plan commission, the subdivider shall either in accordance with the conditions of a zoning ordinance, an annexation agreement, or a written request from the village promptly dedicate the land either to the village of Glen Ellyn, park board, school board or other government body as appropriate.
- (C) When public use areas are designated by the subdivider for the benefit and use of the residents of the subdivision, the subdivider shall dedicate such land to the owners of property in the subdivision. Such land shall be perpetuated for such use by recorded protective covenants, which shall also require maintenance of such areas by the owners. The protective covenants shall be approved by the village board. (Ord. 5334, 2-28-2005)

11-4-11: DEDICATION OF PARK LANDS AND SCHOOL SITES OR FOR PAYMENTS OR FEES IN LIEU OF: 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 proportional to the need for additional school, park, public library and fire department services specifically and uniquely attributable to the new subdivision or cash contribution in lieu of actual land dedication, or a combination of both. In the event that the subdivider is able to reach agreement with the governmental body benefited by the donation, the village will accept that dedication or contribution in satisfaction of this requirement. In the event that the subdivider and the governmental body benefited by the donation are not able to reach an

agreement, the village will calculate the amount of land or cash contribution in lieu thereof based upon the actual value of undeveloped land and formulas for the amount of land required for the provision of various public services as established by nationally recognized standards. Where the village itself requires and establishes the amount of contributions, the contributions shall be paid to the village, which shall use them for the purposes for which the payments were to be made either on its own or by transmitting them to the appropriate governmental bodies. (Ord. 5334, 2-28-2005)



CHAPTER 5

**ASSURANCE OF COMPLETION, MAINTENANCE REQUIREMENTS
AND ACCEPTANCE OF IMPROVEMENTS**

SECTION:

- 11-5-1: Improvements And Performance Security
- 11-5-2: Maintenance Of Improvements Until Acceptance
- 11-5-3: Acceptance Of Improvements

11-5-1: IMPROVEMENTS AND PERFORMANCE SECURITY:

- (A) All public improvements, including street, sanitary and other improvements including lot improvements on the individual lots of the subdivision as required by this title specified in the final subdivision plat as approved by the village board, shall be completed and dedicated to the village free and clear of all liens and encumbrances on the property and public improvements thus dedicated. In order to ensure completion of these improvements, the subdivider shall post a letter of credit in a form acceptable to the village in the amount of one hundred twenty five percent (125%) of the estimate of the total cost of the construction, installation and maintenance of such improvements until accepted by the village. The village may rely upon an estimate of the village engineer or the village engineer's review and evaluation of estimates provided either by the subdivider's engineer or based upon executed contracts for the performance of the work entered into in arms lengths transactions. Such letter of credit shall be made a supporting document to the final plat as per section 11-3-5 of this title.
- (B) If the subdivider wishes to post a cash escrow deposit or a cash deposit in lieu of an irrevocable letter of credit, the village may accept this amount, at its discretion, if the amount deposited is equal to one hundred twenty five percent (125%) of the estimate of the costs of construction, installation and maintenance of such improvements until accepted by the village as determined by the village engineer. The village engineer or his designated representative shall be made a signatory to any cash escrow on behalf of the village. Money from this account shall be released from time to time upon receipt of lien waivers indicating that work has been successfully performed and paid for. The aggregate sum of the releases shall not reduce said deposit to less than ten percent (10%) of the cost of improvements except upon final acceptance.
- (C) In the event that a subdivider has posted either an irrevocable letter of credit, a cash deposit or a cash escrow deposit, and the amount of such security should be found by the village to not be adequate to complete the construction, installation and maintenance of the improvements, the subdivider shall be required to increase the amount of the letter of credit or the amount of the cash so as to cover the then estimated cost of completion.
- (D) When improvements, or a portion of the improvements, are not completed, then the village may, under whatever procedures are set forth within the irrevocable letter of credit, drawn down adequate funds to complete the remaining uncompleted improvements. When the cash escrow procedure is used, and the improvements are not completed within the time limits contained within the ordinances of the village, the escrow agreement, or such other document establishing the responsibilities of the owner or subdivider, the village may use or withdraw some or all of the cash or cash escrow funds and complete or cause the improvements to be completed. Such withdrawal shall be without the concurrence of the subdivider, who as a condition of the escrow shall waive any objection to such withdrawal. Any funds remaining after the work has been completed and maintained shall be returned to the entity, which provided the security.
- (E) Unless otherwise mutually agreed upon between the subdivider and the village board, the improvements other than the surface course of streets shall be completed within one year of the approval of the final plat. (Ord. 5334, 2-28-2005)

11-5-2: MAINTENANCE OF IMPROVEMENTS UNTIL ACCEPTANCE:

- (A) The subdivider shall be required to maintain all improvements until acceptance by the village board.
- (B) In addition, the improvements shall not be accepted until the subdivider provides a cash deposit, letter of credit or escrow deposit equal to ten percent (10%) of the actual cost of improvements as a guarantee of satisfactory performance of the improvements constructed within the subdivision. This performance security shall be held by the village for a period of one year after acceptance of such facilities by the village. After one year, the performance security shall be refunded if no defects have developed, or if any defects have developed, then the balance of such performance security shall be refunded after reimbursement for amounts expended by the village in correcting such defective improvements.
- (C) The subdivider shall be responsible for the maintenance of streets within a subdivision, which have been improved but not yet accepted by the village as set forth below:
1. The subdivider shall be responsible for keeping any street, sidewalk or multiuse path clear of ice and snow. The subdivider shall commence snow removal upon a two inch (2") snow accumulation.
 2. The subdivider shall be responsible for street sweeping, removal of storm debris, removal of dead animals and other forms of routine maintenance typically undertaken by the village.
 3. If the subdivider fails to abide by the above maintenance requirements such failure shall be considered a violation of the provisions of this section. Any person, firm or corporation violating the provisions of this section shall, upon conviction, be fined not more than seven hundred fifty dollars (\$750.00) for each offense. Each day that a violation continues shall be considered a separate offense. The village may elect to perform said services upon default by the developer, and may reimburse itself from the performance security.
- (D) The subdivider may fulfill the obligations imposed by the above paragraph of this section by entering into an agreement with the village whereby the village shall clear such streets, sidewalks or multiuse paths free of ice and snow in consideration of the subdivider's agreement to hold the village harmless for any damages to subdivision street improvements resulting from ice and snow removal and to hold the village harmless for liability to third parties for personal injury and/or property damage and to repair any such damages prior to acceptance of such street improvements by the village. (Ord. 5334, 2-28-2005)

11-5-3: ACCEPTANCE OF IMPROVEMENTS: If any plat of subdivision within the corporate limits of the village of Glen Ellyn contains public streets or other public improvements, which are therein dedicated as such, the approval of the plat thereof by the board of trustees shall not constitute an acceptance by the village of such streets or public improvements irrespective of any acts by any officer, agent or employee of the village with respect to such streets or improvements.

The acceptance of such streets and other public improvements and release of the performance security shall be made only by the adoption of a resolution by the board of trustees after there has been filed with the village clerk a certificate by the village engineer certifying the following:

- (A) All improvements required to be constructed 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 approved by him or her.
- (B) That an "as built" plan of the subdivision has been received indicating location, dimensions, materials and other information required by the village engineer, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision, indicating that the improvements shall have been completed, are ready for dedication to the local government and are free and clear of any and all liens and encumbrances. Further, all applicable fees and monies shall have been paid as described elsewhere in this title and further the village shall not be liable for any damages that may have occurred on any dedicated road within a new subdivision that has not been accepted as completed by the resolution of the village board of Glen Ellyn. The subdivider, his agents or employees shall save the village free and harmless from any and all claims that may be submitted. Upon receipt of this information and recommendation, the village shall thereafter accept the improvements for dedication in accordance with the established procedure. The developer shall convey the improvements with a warranty bill of sale. (Ord. 5334, 2-28-2005)

CHAPTER 6

MISCELLANEOUS PROVISIONS**SECTION:**

- 11-6- 1: Suitability Of Land For Subdividing
- 11-6- 2: Nonresidential Subdivisions
- 11-6- 3: Vacation/Repeal Of Plats
- 11-6- 4: Building Permit
- 11-6- 5: Occupancy Permit
- 11-6- 6: Enforcement Of This Title
- 11-6- 7: Penalty
- 11-6- 8: Police Power
- 11-6- 9: Saving Provision
- 11-6-10: Separability

11-6-1: **SUITABILITY OF LAND FOR SUBDIVIDING:** Those lands subject to flooding, and land deemed to be topographically unsuitable, should not be subdivided for residential purposes, nor for such other uses as may increase danger to health, life or property, or aggravate erosion or flood hazard. Further description of floodplain land use regulations can be found in the DuPage County stormwater ordinance as adopted and amended by the village and the village zoning ordinance. Upon adequate investigation, the plan commission shall not approve the subdivision of land if it has been determined that in the best interest of the public, the site is not suitable for subdivision and development as proposed by the subdivider. (Ord. 5334, 2-28-2005)

11-6-2: **NONRESIDENTIAL SUBDIVISIONS:**

- (A) **Conformance To Standards:** A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the plan commission and/or village board, and shall conform to the proposed land use and standards established in the official plan, official map, and zoning ordinance.
- (B) **Standards:** In addition to the principles and standards in this title, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the plan commission and/or village board that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
 1. Proposed nonresidential parcels shall be suitable in area and dimensions to the types of nonresidential development anticipated;
 2. Street and alley rights of way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon;
 3. Special requirements may be imposed by the village over and beyond minimum requirements with respect to street, curb, gutter, and sidewalk design and construction;
 4. Special requirements may be imposed by the village over and above the minimum requirements with respect to the installation of public utilities, including water, sewer and stormwater drainage; and
 5. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth for parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips and/or fencing or other screening when necessary. (Ord. 5334, 2-28-2005)

11-6-3: VACATION/REPEAL OF PLATS:

- (A) **Vacation Of Plat:** Any plat or part of any 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) **Approval:** Such an instrument shall be approved by the village board upon recommendation from the plan commission in like manner as minor subdivisions, including the requirement for a public hearing. The village board may reject any such instrument, which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.
- (C) **Recorded; Filed:** Such an instrument shall be executed, acknowledged or approved, and recorded or filed, in 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, alleys, and public grounds, and all dedications laid out or described in such plat.
- (D) **Sold Lots:** 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 the execution of such in writing.
- (E) **Village Initiated Repeal Of Plat Of Subdivision:** The village board may repeal the ordinance approving a subdivision plat when:
1. No lots within the approved subdivision have been sold within five (5) years from the date the final plat was recorded;
 2. The plat has been of record for more than five (5) years and the village board determines that the further sale of lots within the subdivision presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots owned by the developer or its successor; or
 3. A subdivision plat has been recorded in violation of this title. (Ord. 5334, 2-28-2005)

11-6-4: BUILDING PERMIT:

- (A) No building permit shall be issued until a certified copy of a plat is filed with the village.
- (B) No permanent connection shall be made or maintained with the sanitary or storm sewer or water supply systems of the village to serve the property within the subdivision until the village engineer has approved in writing the appropriate tests required on these improvements, and not until the monies due the village of Glen Ellyn for permit fees for the connections with said system has been paid.
- Upon completion of the construction of all house service connections with utility mains, an accurate map or maps showing the exact location of all such house services, all sewer and water mains, together with manholes, shutoff valves and other similar facilities, by distances in feet from street lines and side lot lines, shall be reviewed by the village engineer and filed with the director of public works for the village of Glen Ellyn.
- (C) No building permit shall be issued for the final two (2) or ten percent (10%) of the lots in a residential subdivision, whichever is greater, until all public improvements required by the village have been fully completed, except for the final street surface course on the roadway.
- (D) No building permits shall be issued until all the required fees set forth in section 11-3-3 of this title have been paid. (Ord. 5334, 2-28-2005)

11-6-5: OCCUPANCY PERMIT:

- (A) No certificate of occupancy shall be issued for any structure within the subdivision prior to completion of the required public improvements, with exception of the final surface course of a street.

- (B) No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved subdivision plans.
- (C) No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or deposited on any lot or street at the time of issuance of a certificate of occupancy and removal of those items and materials shall be required prior to issuance of any certificate of occupancy for any structure in a subdivision.
- (D) Whenever, by reason of the season of the year, any lot improvements required by this title cannot be performed, the building and zoning official may issue a temporary certificate of occupancy, provided there is no danger to health, safety, or general welfare, that the improvements are completed no later than July 1 of the following year and that adequate security to guarantee the completion of the improvements remains in force. (Ord. 5334, 2-28-2005)

11-6-6: **ENFORCEMENT OF THIS TITLE:** The director of planning and development of the village of Glen Ellyn shall be the enforcing official of this title and may call upon any department or official of the village for such information and assistance as he may deem necessary for the observance or enforcement of this title.

Where an application is made or pursued by an entity which is not the owner, the village may, because the owner has consented to the application, pursue either or both the developer or the owner for a violation or breach of this title. (Ord. 5334, 2-28-2005)

11-6-7: **PENALTY:** Any person or corporation who shall violate any of the provisions of this title shall be subject to punishment by a fine of not more than seven hundred fifty dollars (\$750.00) for each violation, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition to such a penalty, the village may seek either a mandatory injunction or other judicial relief to prevent violations of this title. (Ord. 5334, 2-28-2005)

11-6-8: **POLICE POWER:** Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to the village. The subdivider has the duty of compliance with reasonable conditions laid down by the village board for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the municipality and to the health, safety and general welfare of the future lot owners in the subdivision and the community at large. (Ord. 5334, 2-28-2005)

11-6-9: **SAVING PROVISION:** These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provisions existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations. (Ord. 5334, 2-28-2005)

11-6-10: **SEPARABILITY:** If any part or parts of this title are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this title. (Ord. 5334, 2-28-2005)

