

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

TEXT AMENDMENTS TO CHAPTER 154, THE SUBDIVISION & DEVELOPMENT ORDINANCE

September 22, 2021

Title

PC 21-23

Petitioner

Village of Lombard

Property Location

Village-wide

Approval Sought

The petitioner, the Village of Lombard, is requesting comprehensive text amendments to Chapter 154 of the Village Code (the Subdivision & Development Ordinance), and any other relevant sections for clarity and consistency.

Prepared By

William J. Heniff, AICP
Director of Community
Development

DESCRIPTION

The petitioner, the Village of Lombard, is requesting comprehensive text amendments to Chapter 154 of the Village Code (the Subdivision & Development Ordinance), and any other relevant sections for clarity and consistency. Said section and subsection amendments, include, but not limited to, the following:

1. 154.203 (C)(1) amending process requirements for pre-application meetings, plat approvals and the administrative plat and final plat approval.
2. 154.203 (D)(4) and 154.507 to amend and adding language stating that public dedications, stormwater detention and/or Best Management Practices improvements comply with Village Code.
3. 154.203 (E)(2), (4), (5), (6) and (7) establishing that all variation to Chapter 154 must go before the Plan Commission for a public hearing prior to Village Board consideration.
4. 154.203(F) striking the procedures for vacations of public rights-of-way, as the provisions are addressed within Chapter 97 of Village Code.
5. 154.203(G) adding procedures associated with Plats of Easement Abrogation.
6. 154.203 (I) clarifying the process for text amendments to the Chapter.
7. 154.203 (L) removal of conflicts within the fees section and Section 36.21(J) of Village Code.
8. 154.303 (D)(2)(b) removing the sidewalk requirement for the adjacent side of the public right-of-way for Minor Plats of Subdivision
9. 154.305 and 154.703 amending definition of Minor Development
10. 154.305 (D)(1) clarifying and amending requirements for public improvements for unimproved, underimproved and improved rights of way for Minor Development
11. 154.306 and 154.703 amending definition of Major Development
12. 154.306 (D) clarifying and amending requirements for public improvements for unimproved, underimproved and improved rights of way for Major Development
13. 154.307 amending recapture provisions
14. 154.403 (B) amending preliminary engineering requirements for engineering plan submittals
15. 154.404 (E)(8) striking fire hydrant marker provisions

16. 154.405 (D) striking sanitary sewer connection requirements that conflict with Chapter 50 of Village Code
17. 154.405 (F) adding Flagg Creek Water Reclamation District references
18. 154.406 (D) adding language stating that the Village does not have an obligation to undertake requisite maintenance and repair activities for private detention facilities
19. 154.407 (C)(2) striking sidewalk stamping requirements
20. 154.407 (D), 154.503 (A), and 154.511 adding references to the complete Streets Policy
21. 154.407 (I)(1) clarifying street names and traffic sign provisions
22. 154.408 (B) amending jurisdictions pertaining to erosion control
23. 154.409 (B) clarifying parkway sod requirements
24. 154.410 (A) clarifying utility location requirements within easements
25. 154.501 (H) adding references to the County Stormwater and Floodplain Ordinance and federal regulations
26. 154.504 (A) amending public sidewalk slope requirements
27. 154.505 (B)(1) striking block width requirements
28. 154.506 (E) adding staff engineering review provisions for lots
29. 154.506 (F) striking avoidance of right angles provision for lots
30. 154.507 (D) amending outlot frontage width provisions and striking rectangular design reference
31. 154.509 striking regulations abutting railroads and expressways
32. 154.512 (A)(1)(a) and (b) adding references to easement width requirements
33. 154.512 (C) strike clear sight easement provisions, as the provisions are addressed within Chapters 153 and 155
34. 154.513 amending and striking monument and marker provisions to reference State Statutes
35. 154.602 (C) clarifying approval entity for development agreements
36. 154.602 (D)(3)(c) clarifying policies pertaining to vertical construction in construction schedules
37. 154.602 (D)(3)(f) and (g) adding references to sanitary sewer and public right-of-way completion activities prior to construction start for permanent structures
38. 154.602 (E)(2) striking administrative plat development agreement references
39. 154.605 (C) amending language confirming association obligations
40. 154.606 (D)(3)(c) adding ability for Village to undertake Environmental Audit review at developer cost
41. 154.701 (E) striking gender references
42. 154.703 add, delete or modify definitions to Best Management Practices (BMPs), Clear sight easement, Development, major, Development, minor (b) and (c), Improvement, public, Lot, NIPC, Certificate of Occupancy/ Zoning Certificate to definition, Planned Development, Expressway, Village Engineer, and Zoning Lot

INTER-DEPARTMENTAL REVIEW

The proposed text amendments were previously reviewed by the Building, Fire, Private Engineering Services departments and Public Works and their comments have been incorporated into the attached document.

Planning Services Division:

Staff routinely conducts a comprehensive review of sections of the Village Code when conflicts arise usually from advancements in technology or changing conditions. Past edits were accomplished incrementally and a comprehensive review effort has been undertaken recently. One of the results of the overall review yielded inconsistencies with capitalization and other minor errors that do not change the intent of a particular code, but rather simply clarifies the intent when confusion has arisen with its interpretation. Replacing the “Village of Lombard” and “village” that is used interchangeably throughout Chapter 154 with the “Village” is one such example of a minor proposed amendment.

The purpose of Chapter 154 includes the following:

- A) Provide for the public health, safety, comfort, convenience and general welfare
- B) Guide future development in accordance with the comprehensive plan
- C) Provide adequate light, air and privacy, safety, and to prevent over-crowding of land, and undue congestion
- D) Encourage the orderly and beneficial development
- E) Protect and conserve the value of land
- F) Guide policy in order to provide adequate infrastructure
- G) Provide the most beneficial relationship between the land use and traffic circulation
- H) Establish standards of design and procedures for land improvements
- I) Ensure public facilities are available and have sufficient capacity.
- J) Prevent pollution; adequacy of drainage facilities; encourage the wise use and management of natural resources
- K) Ensure appropriate development with regard to natural features
- L) Provide for appropriate open spaces through efficient design and layout of land
- M) Coordinate regulations with the site design criteria

Chapter 154 is related to Chapter 155 (Zoning Ordinance) in that the objective is to provide for the public health, safety, comfort, convenience and general welfare; guide future development in accordance with the Comprehensive Plan and follows similar standards with findings needed for approvals. Chapter 154 differs from Chapter 155 in that performative regulations for private, public and right-of-way improvements are generally less discretionary. The key areas for review have been identified as:

- land division provisions
- infrastructure requirements
- jurisdictional responsibilities (internal and external)
- platting obligations (administrative, minor and major plats)
- minor and major developments

The proposed amendments are meant to create ease of use for the development community, staff and Village officials ensuring Chapter 154 follows adopted provisions throughout Village Code, remove obsolete references and incorporate developer issues experienced in the past. The chapters of Village Code that require reconciliation with Chapter 154 are:

- Chapters 50 and 51: Water and Sewer
- Chapters 97 and 99: Streets
- Chapter 150: Building

- Chapter 151: Stormwater
- Chapter 155: Zoning Ordinance

As part of the review staff identified updates in other parts of Village Code. Staff will complete those additional text amendments and follow up with BOBA or the Public Works Committee. The Village's engineering specifications manual will also require updates, which is done administratively.

Overall authority is granted to the Village through State Statutes for development land development regulations 65ILCS 5/11-13-1 et. seq.; 65ILCS 5/11-12-5 et. seq. (extraterritorial) and through the Plat Act 765 ILCS 205 et. seq. Therefore any map, plat or subdivision of any lot, sub-lot, or part thereof, or any piece of land shall be submitted to the Village of Lombard for approval. No such map, plat or subdivision shall be entitled to be recorded until it has been approved by the Village of Lombard. These responsibilities include the following:

- 1) Review applications for Minor and Major Plats, hold public meetings, and report findings and recommendations to the Village Board;
- 2) Review applications for companion text amendments, hold public hearings, and report findings and recommendations to the Village Board;
- 3) Review applications for companion variations made as part of a plat application, zoning variation, zoning amendment, or conditional use, hold public hearings and report findings and recommendations to the Village Board;
- 4) Coordinate the enforcement of Chapter 154 with the official comprehensive plan and its amendments.

HISTORY

Staff discussed the Subdivision Code text amendments in a workshop on June 21, 2021. Staff brought the item to the Board of Building Appeals (BOBA) on August 3, 2021 for information only.

EXISTING & PROPOSED REGULATIONS

See attached Exhibit A.

STANDARDS FOR TEXT AMENDMENTS

For any change to the Zoning, Subdivision, or Sign Ordinance, the standards for text amendments must be affirmed. The standards are noted below:

1. *The degree to which the proposed amendments has general applicability within the Village at large and not intended to benefit specific property;*
The text amendments are applicable to all properties within the Village.
2. *The consistency of the proposed amendments with the objectives of this ordinance and the intent of the applicable zoning district regulations;*
The proposed text amendments are consistent or to be identical with the objectives of the Zoning Ordinance.
3. *The degree to which the proposed amendment would create nonconformity;*
The amendments would not create nonconformities.
4. *The degree to which the proposed amendment would make this ordinance more permissive;*
In general, the proposed amendments will not make Code more permissive as it pertains to the definitions of major and minor developments and public improvements. The edits include updates for clarity, and updates to reflect how the Code is currently used. Other updates delete items that are no longer relevant

or move items to a different section of Code. The general staff use and applicability of the Code remain the same.

5. *The consistency of the proposed amendment with the Comprehensive Plan; and*

Staff finds that the proposed amendments would be consistent with the Comprehensive Plan objectives.

6. *The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving similar circumstances.*

The Village has a history of amending Code to address edits for clarity and allow for updates. The proposed amendments are consistent with established Village policy in this regard.

FINDING & RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending approval of this petition:

Based on the submitted petition and the testimony presented, the requested text amendments **comply** with the standards required by the Village of Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 21-23.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

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CHAPTER 154: - SUBDIVISIONS AND DEVELOPMENT

ARTICLE I. - PURPOSE AND GENERAL CONDITIONS

§ 154.101 - Policy.

The following policy statements shall serve as the principal objectives of the Village of Lombard regarding review and approval of subdivisions and other developments.

- (A) It is ~~the Village policy of the Village of Lombard~~ to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the villageVillage pursuant to the official comprehensive plan for the orderly, planned efficient and economical development of the villageVillage. Any map, plat, or subdivision of any block, lot, sub-lot, or part thereof, or any piece or parcel of land shall be submitted to the Village of Lombard for their approval. No such map, plat, or subdivision shall be entitled to be recorded until it has been ~~so~~ approved by the Village of Lombard.
- (B) Land to be subdivided and/or improved shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace, and shall not be subdivided or improved until available public facilities and improvements exist, and proper provision has been made for drainage, water, sewerage, and capital improvements ~~such as schools, parks, recreation facilities, transportation facilities and improvements.~~
- (C) ~~—~~The existing and proposed public improvements shall conform to, and be properly related to, the proposals shown in the Comprehensive Plan and the capital budget and program of the villageVillage; it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the Building Codes (Chapter 150 of Village Code), Zoning Ordinance (Chapter 155 of Village Code), Comprehensive Pplan, Capital Improvement Program of the Vvillage and any other standard for land development which the villageVillage may adopt.

§ 154.102 - Purpose.

These regulations are adopted for the following purposes:

- (A) To protect and provide for the public health, safety, comfort, convenience and general welfare of the residents of the Village of Lombard.
- (B) To guide the future growth and development of the villageVillage in accordance with the Comprehensive Pplan.
- (C) To provide adequate light, air and privacy, to secure safety from fire, flood and other danger, and to prevent over-crowding of the land, and undue congestion of populations.
- (D) To protect the character and the social and economic stability of all parts of the villageVillage, and to encourage the orderly and beneficial development of all parts of the villageVillage.
- (E) To protect and conserve the value of land throughout the villageVillage and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- (F) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, ~~parks, playgrounds, recreation,~~ open space and other public requirements and facilities.
- (G) To provide the most beneficial relationship between the uses of land ~~and buildings~~ and the circulation of traffic throughout the villageVillage, having particular regard to the avoidance of congestion ~~in the on roadways streets and highways;~~ and non-motorized pedestrian traffic and

public transportation movements appropriate to the various uses of land and buildings, and to provide for the proper locations and widths of rights-of-way and related infrastructure streets and building lines.

- (H) To establish reasonable standards of design and procedures for land improvements, subdivisions and resubdivisions; to further the orderly layout and use of land; and to ensure proper legal descriptions and designation monumenting of subdivided land.
- (I) To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision or improvement.
- (J) To prevent the pollution of air, streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water tables; and to encourage the wise use and management of natural resources throughout the village Village in order to preserve the integrity and stability of the community and the value of land.
- (K) To ensure appropriate development with regard to natural features, with specific focus on environmentally sensitive sites.
- (L) To provide for appropriate open spaces through the most efficient design and layout of land, including the use of average density or clustering in providing for minimum width and area of lots, while preserving the density of land as established in the Z zoning Ordinance.
- (M) To coordinate the standards and regulations of this Chapter with the site design criteria applicable to all areas of significant impact or critical concern to the Vvillage.

§ 154.103 - Jurisdiction.

The regulations contained in the ordinance shall apply to all proposed subdivisions and other development located within the limits of the Village of Lombard and all proposed subdivisions within unincorporated DuPage County lying within the planning jurisdiction of the village Village (one and one half one- and one-half miles of corporate boundaries), as specified in 65 ILCS 5/11-12-5 of the Illinois Compiled Statutes. If unincorporated land is within one and one-half miles of both the Village Village of Lombard and another incorporated municipality, the jurisdictional boundary line shall be considered to be a line agreed to by both municipalities, as specified in 65 ILCS 5/11-12-9.

§ 154.104 - Interpretation and separability.

(A) *Interpretation.*

- (1) In their interpretation and application, the provisions of the Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.
- (2) Where the conditions imposed by any provisions of this Chapter upon the subdivision of land are either more restrictive or less restrictive than comparable conditions imposed by any other provision of these regulations or of any other applicable law, ordinance, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or regulations shall govern.

(B) *Separability.* It is hereby declared to be the intention of the Village Village Board that the several provisions of this Chapter be separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provision of this Chapter not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter to a particular subdivision of land, such judgment shall not affect the application of said provision to any other subdivision of land not specifically included in said judgment.

§ 154.105 - Repeal.

All resolutions and regulations and amendments heretofore enacted/adopted by the ~~Village~~Village ~~Board of Trustees~~Board which are inconsistent with the provisions of this Chapter are hereby repealed, as of the effective date of this Chapter. The repeal of any prior resolution and its amendments does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

~~§ 154.106—Reserved.~~

~~Editor's note—Ord. No. 6113, passed November 15, 2007, repealed § 154.106, which pertained to temporary moratorium. See Code Comparative Table for complete derivation.~~

ARTICLE II. - ADMINISTRATION AND PROCEDURES

§ 154.201 - Organization.

(A) *Administrative bodies.* The administration of this Chapter is hereby vested in the following offices of the ~~Village of Lombard~~Village:

1. ~~Village Board of Trustees~~Board
2. Plan Commission
3. Interdepartmental Review Committee
4. Director of Community Development
5. Director of Public Works
6. Fire Chief

(B) *Administrative functions.* The offices outlined above shall each have certain duties with respect to the administrative functions of this Chapter, as described in subsection (B), below. The administrative functions of this Chapter are as follows:

1. Administrative Plats of Subdivision
2. Minor Plats of Subdivision
3. Major Plats of Subdivision
4. Variations
5. Plats of Vacation
- ~~6.~~ 6. ~~Plats of Easement Abrogation~~
- ~~76.~~ 76. Plats of Dedication
- ~~87.~~ 87. Vacation of a Plat of Subdivision
- ~~98.~~ 98. Amendments
- ~~109.~~ 109. Appeals
10. Pre-Ordinance Subdivisions
11. Fees
12. Violations and Penalties

§ 154.202 - Administrative bodies and duties.

(A) ~~Village~~Village ~~Board of Trustees~~Board. The ~~Board of Trustees~~Board of the ~~Village of Lombard~~Village, hereinafter referred to as the "~~Village~~Village Board" or "~~Board of Trustees~~Board", as established in accordance with the Illinois Compiled Statutes, shall have the following authority and duties with respect to this Chapter.

- (1) Receive recommendations from the Plan Commission concerning minor plats, major plats, appeals, companion variations, and text amendments; and to approve or disapprove such requests;
 - (2) Receive recommendations from the Department of Community Development and conduct public hearings for all variations not accompanied by a Plat or other action requiring a Plan Commission public hearing; and to approve or disapprove such requests;
 - (3) Review all requests for Plats of Vacation, Plats of Dedication, and Vacation of Plats and to ~~a~~ approve or disapprove all such requests.
- (B) *Plan ~~C~~ommission.* The Plan Commission of the ~~Village of Lombard~~Village has been created by ordinance 614 and amended by ordinance 741 and any amendment thereto, and has the following authority and duties relative to this Chapter.
- (1) Review all applications for Minor and Major Plats, hold public meetings thereon, and report findings and recommendations to the ~~Village~~Village Board in conformance with subsection 154.203(D), below;
 - (2) Review all applications for ~~companion~~-text amendments, hold public hearings thereon, and report findings and recommendations to the ~~Village~~Village Board in conformance with subsection 154.203(I), below;
 - (3) Review all applications for companion variations made as part of a plat application, zoning variation, zoning amendment, or conditional use, hold public hearings thereon, and report findings and recommendations to the ~~Village~~Village Board in conformance with subsection 154.203(E), below.
 - (4) Coordinate the enforcement of this Chapter with the official ~~C~~omprehensive ~~P~~lan and its amendments.
- (C) *Director of Community Development.* The position of Director of Community Development has been established by the ~~Village of Lombard~~Village and the authority and duties of the Director of Community Development (or the Director's duly authorized representative) relative to this Chapter shall be as follows:
- (1) Review and prepare recommendations on all matters going before the Plan Commission or ~~Board of Trustees~~Board relative to this Chapter;
 - (2) Coordinate all staff review of plats and development relative to compliance with this Chapter;
 - (3) Ensure compliance with all regulations of this Chapter and all plats and development as approved by the various administrative bodies described in this Chapter;
 - (4) Issue notices and citations for violations of the terms of this Chapter and require that construction work be stopped when such work is not in compliance with this Chapter;
 - (5) Maintain records of plats and other documents related to this Chapter;
 - (6) Assist in providing public information relative to this Chapter;
 - (7) Initiate, direct, and review, from time to time, a study of the provisions of this Chapter, and make a report of recommendations to the Plan Commission and ~~Village~~Board of TrusteesBoard.
- (D) *Director of Public Works.* The position of Director of Public Works has been established by the ~~Village of Lombard~~Village and the authority and duties of the Director of Public Works (or the Director's duly authorized representative) relative to this Chapter shall be as described in the text of this Chapter.
- (E) *Fire Chief.* The position of Fire Chief has been established by the ~~Village of Lombard~~Village and the authority and duties of the Fire Chief (or the Chief's duly authorized representative) relative to this Chapter shall be as described in the text of this Chapter.

§ 154.203 - Procedures for administrative functions.

Procedures governing all plats of subdivision (any reference to plat of subdivision also includes plat of resubdivision), plats of consolidation, plats of dedication, site plan review, appeals, variations, plats of vacation, amendments and related procedures, shall be as described below.

In preparing any plat, site plan, or related document, the petitioner should consult the terms of this Chapter and the ~~Village of Lombard~~Village's ~~C~~omprehensive ~~P~~lan, ~~Z~~oning ~~O~~rdinance, and ~~C~~ode of ~~O~~rdinances to ensure conformity with intent and compliance with all regulatory requirements. Questions regarding these documents or any requirements therein should be directed to the Department of Community Development. It is the intent of this Chapter that any application for change in zoning or other land use control of the site be reviewed simultaneously with the Plat of Subdivision. Failure to supply the required information or consult with the Department of Community Development may result in unnecessary delays.

(A) *General procedures for plats of subdivision.*

- (1) *Initiation of a plat.* Any owner of property, or an authorized representative, may request approval of a plat of subdivision.
- (2) *Filing for a plat of subdivision.* An application for a plat of subdivision shall be filed with the ~~Department~~Director of Community Development in such form and accompanied by such information as required by the Director of Community Development.
- (3) *Authority.* The authority to approve a plat of subdivision shall rest with the Director of Community Development in the case of administrative plats and the ~~Board of Trustees~~Board in the case of minor and major plats of subdivision.
- (4) *Approval of plats.* No Plat shall be approved unless it has been determined by the appropriate ~~village~~Village authority that the proposed Plat ~~of Subdivision~~ complies with all the terms, standards, and regulations of this Chapter.
- (5) *Surveyor's signature required on plats and copies.* All original plats submitted for recording and all copies of plats submitted for staff, Plan Commission and ~~Board of Trustees~~Board review shall be signed and sealed by an Illinois Registered Land Surveyor. Plats, or copies of Plats, submitted without a Surveyor's signature and seal, shall not be considered for approval until said signature and seal are provided.

(B) *Preliminary plats of subdivision.*

- (1) *Initiation.* An applicant may choose to submit a preliminary plat of subdivision for approval prior to submittal of the final plat of subdivision. The Director of Community Development should be consulted to determine the appropriateness of a preliminary plat.
- (2) *Purpose of preliminary plats.* The purpose of a preliminary plat review process is to allow an applicant to determine the appropriateness of a proposed, conceptual subdivision design. This shall generally mean the configuration of streets and lots; conceptual landscaping design; and conceptual engineering plans.
- (3) *Submittal requirements.* The primary difference between a preliminary and final plat is the submittal requirements. The submittal requirements for a preliminary plat shall be as established by the Director of Community Development; but generally, a preliminary plat may be accompanied by conceptual engineering, site, and landscape plans. Whereas, a final plat must be accompanied by final plans.
- (4) *Submittal of final plats after preliminary approval.* Preliminary plat approval shall be null and void unless a final plat of subdivision is submitted within one year of the ~~Board of Trustees~~Board approval of the preliminary plat.
- (5) *Procedures for preliminary plats and final plats.* Procedures for a preliminary ~~P~~lat generally shall be the same as those for the corresponding final ~~P~~lat as described in subsections (C)(3) and (C)(4), below. However, a final plat that has received preliminary approval from the ~~Board of Trustees~~Board does not require final plat approval from the Plan Commission.

Such plats shall be sent directly to the ~~Board of Trustees~~Board upon conclusion of staff review.

- (C) *Procedures for administrative plats of subdivision.* An administrative plat is the division of a lot or block of less than one acre in any recorded subdivision into four or less lots, or the consolidation of lots of any size into a single lot of record, which subdivision or consolidation does not involve any new streets, extensions of existing streets, or easements of access, and complies with all provisions of ~~this~~Chapters 154 and 155 of this Code and all other applicable.

Notwithstanding the foregoing in light of § 155.306 of ~~this~~ Village Code, an administrative plat may involve a lot in an R-0, R-1 or R-2 Single Family Residence District, which has been developed with a dwelling and does not meet the minimum lot size and/or lot width requirements, provided the lot size and lot width of the lot in question equals at least 80 percent of that required by § 155.305 or § 155.406 of this Code, whichever is applicable, and further provided that the lot, and the location of the dwelling and accessory structures thereon, if any, otherwise complies with the provisions of Chapters 154 and 155 of this Code.

- (1) *Pre-application meeting.* ~~Although this first step is optional, it~~ is highly recommended that the subdivider ~~schedule a meeting~~ with the Department of Community Development and other appropriate staff to discuss the feasibility of the proposal and review ~~village~~Village requirements and procedures. ~~Depending upon the plat and the type of development proposal, the subdivider may meet with village staff on more than one occasion.~~ The subdivider may submit a conceptual ~~or sketch~~ plan asking ~~to for initial~~ comments on it before a formal submission is made. ~~Taking~~While requiring additional time and effort ~~before at~~ the start of the process, ~~this~~ ultimately works to the advantage of both the ~~village~~Village and the subdivider by serving to identify the major flaws or deficiencies of the proposal at an early stage while the project design is still relatively flexible; and, thus, eliminates potential ~~time~~ delays as the proposal works its way through the review and approval process.
- (2) *Submittal of application for plat approval.* Submittal of the application for plat approval formally begins the ~~village~~Village's development review process. The application consists of the completion and submittal of the application form provided by the Department of Community Development, submittal of the final plat of subdivision, payment of the required fees, ~~payment of any applicable engineering fees,~~ and any required supporting materials specified in the aforementioned application or requested by the Director of Community Development.
- (3) *Staff review of the administrative plat.* Upon receipt of the application for final plat of subdivision and all necessary supporting documents as required, the proposal will be reviewed by the ~~Village's Interdepartmental Review Committee. The subdivider will be contacted by the Department of Community Development and informed of the Committee's findings.~~ This may result in revisions or refinements to the proposed plat of subdivision. ~~A final plat of subdivision must be submitted within 45 calendar days of written notification of the Committee's findings, or the plat approval will be null and void.~~
- (4) *Final approval.* Upon the conclusion of its review and receipt of the final plat, the Director of Community Development shall grant or deny the plat as determined appropriate. Approval shall be so designated by the Director's signature on the final plat of subdivision. If denied, the Director shall inform the subdivider, in writing, of the denial, the reasons for the denial, and procedures for appealing the Director's decision.
- (5) *Appeal of administrative plat denial.* Any aggrieved party may request Plan Commission review of the plat by filing a letter of appeal with the Department of Community Development and within 30 calendar days of the formal approval or denial of the plat of subdivision. Upon receipt of the letter of appeal and payment of any additional fees required, the Director of Community Development shall schedule the plat for review by the Plan Commission. The plat shall then comply with all procedures and requirements stipulated in subsection 154.203(D), below.

- (6) *Recording of final plat.* Prior to the recording of a final plat, the ~~Village~~Village Finance Director must certify that there are no delinquent or unpaid current or forfeited special assessments or any deferred installments apportioned against any portion of the property included in the plat. Following such ~~certification~~certification, the Director of Community Development will have the plat recorded in the office of the Recorder of DuPage County, Illinois and shall inform the subdivider accordingly. The original (vellum) of the recorded plat will be retained by the Village.~~maintained on file at the Department of Community Development for purview by the public.~~ A copy of the approved and recorded final plat of subdivision will be returned to the subdivider.

- (D) *Procedures for m*~~Minor~~ *and major plats of subdivision.* A minor plat consists of a lot or block of less than one acre that does not meet the criteria of an administrative plat but which does not include any new streets, extensions of existing streets, or easements of access and which consists of the division of land into four or less lots. A major plat consists of any subdivision which does not meet the criteria of an administrative plat and includes new streets, extensions of streets, or easements of access. The procedures for review of major and minor plats shall be as described below.

- (1) *Pre-application meeting.* It is recommended that prior to the filing of an application for approval of a plat of subdivision, the subdivider schedule a meeting with the Department of Community Development and other appropriate ~~village~~Village staff to discuss the feasibility of the proposal and become familiar with the ~~village~~Village requirements and procedures. Depending upon the application and the type of development proposed, the subdivider may meet with the ~~village~~Village staff on more than one occasion. The subdivider should submit a conceptual or "sketch" plan for staff comment prior to a formal submittal. The pre-application meeting is intended, in part, to provide for the clarification of interpretations, avoidance of misunderstandings, and development of liaison in order to expedite the development of land while minimizing the expenditure of time and financial resources of the applicant and the ~~village~~Village, as the proposal works its way through the review and approval process.
- (2) *Submittal of application for plat of subdivision.* Submittal of the application formally begins the ~~village~~Village's plat review process. The application consists of the following documents:
- (a) Application for plat of subdivision;
 - (b) Required fees including the plat review fee, engineering services fees, and any other fees established by ~~village~~Village ordinances;
 - (c) Engineering plans: Final engineering plans required for final plats, conceptual engineering plans required for preliminary plats;
 - (d) Copies of the final or preliminary plat of subdivision;
 - (e) Subdivision and development agreement if applicable (see Article VI of this Chapter);
 - (f) Any other supporting materials as specified in the aforementioned application or as may be requested by the Director of Community Development.
- (3) *Staff review—Preliminary plat.* Upon receipt of the application for preliminary approval of a plat of subdivision and all necessary supporting materials, the proposal will be reviewed by the ~~Village~~Interdepartmental Review Committee. The subdivider will be contacted by the Department of Community Development and will be informed of the Committee's comments. This may result in minor revisions or refinements to the proposed plan. Upon receipt of the revised plans, the Department of Community Development will then prepare an Interdepartmental Report summarizing the development proposal and any unresolved staff comments. The report will then be distributed to the subdivider, the Plan Commission, and made available to the general public.
- (4) *Staff review—Final plat.* If a final Plat of Subdivision is submitted without prior approval of a preliminary plat, procedures for staff review of the final plat shall be the same as a preliminary

plat. If preliminary plat approval was previously granted by the ~~Board of Trustees~~Board, the final plat may proceed directly to the ~~Board of Trustees~~Board upon conclusion of the staff review and without further review by the Plan Commission. However, no final plat which includes public land to be publicly dedicated or land to be dedicated for stormwater detention or BMP purposes shall be submitted to the ~~Board of Trustees~~Board until such time that the Department of Community Development has determined that the plat, site plan, landscaping plan, and final engineering plans comply with the relevant ordinances of the ~~Village~~Village of Lombard.

- (5) *Plan ~~e~~Commission recommendation.* At a regularly scheduled meeting, the Plan Commission shall conduct a public review of the preliminary or final plat (a final plat that has received preliminary approval from the ~~Board of Trustees~~Board shall proceed directly to the Board upon conclusion of staff review without further review by the Plan Commission). All persons desiring to express an opinion regarding the plat shall be given an opportunity to be heard at the Plan Commission meeting. The Plan Commission shall submit findings and a recommendation to the ~~Board of Trustees~~Board to grant, deny, wholly or in part, or require modification of the application as deemed appropriate. The Plan Commission may include conditions in its recommendation to ensure conformity with the comprehensive plan, established ~~village~~Village policies, and applicable ~~village~~Village ordinances. Prior to Board review, the subdivider should revise the petition to reflect any Plan Commission condition(s), as appropriate.
- (6) *~~Village~~Village ~~Board of Trustees~~Board action.* Upon receipt of the Plan Commission findings and recommendation or upon receipt of the final plat from the Department of Community Development, the ~~Village~~Village Board, upon the majority vote of the members present, shall grant, deny, wholly, or in part, or require modifications of the plat as it determines appropriate. No new or additional evidence or testimony will be accepted at this time. The ~~Village~~Village Board may require such special conditions in the approval of a petition as it may deem necessary to ensure conformity with the intent of the Comprehensive Plan, established ~~village~~Village policies, and applicable ~~village~~Village codes and ordinances. Upon ~~Village~~Village Board approval of the plat, the ~~Village~~Village President and ~~Village~~Village Clerk will sign the Final Plat of Subdivision indicating that it has been approved by the ~~Village of Lombard~~Village.
- (7) *Recording of final plat.* The original final plat must be submitted to the Department of Community Development within one year from the date of approval by the ~~Board of Trustees~~Board unless otherwise specified by the Board. Prior to the recording of the final plat, the ~~Village~~Village Finance Director must certify that no delinquent or unpaid current or forfeited special assessments or any deferred installments apportioned against any portion of the property included in the plat exist. Following such certification, the Director of Community Development will have the plat recorded in the office of the Recorder of DuPage County, Illinois. The original (vellum) of the recorded plat will be maintained on file at the Department of Community Development for purview by the public. ~~A copy of the approved and recorded Final Plat of Subdivision will be returned to the subdivider.~~

(E) *Variations.*

- (1) *Initiation.* An application for a variation of the terms of this Chapter may be made by any person, firm or corporation, or by any office, department, board, ~~bureau~~ or commission requesting or intending to request an application for a plat or a building permit.
- (2) *Authority.* Any request for variation of this Chapter ~~or when it which~~ is accompanied (referred to as a companion variation) by an application for a plat or a request for some type of review pursuant to the zoning ordinance (rezoning, annexation, conditional use, plat of subdivision, etc.) shall be submitted to the Plan Commission for a public hearing. The Plan Commission shall conduct a review and make a recommendation in conjunction with the accompanying request. ~~In the event a variation is requested without any concurrent action requiring a Plan Commission review or recommendation, the variation shall be immediately and directly forwarded to the Board of Trustees for a public hearing.~~

- (3) *Public notice.* Notice of all public hearings for a variation of this Chapter, whether conducted by the Plan Commission or ~~Board of Trustees~~Board, shall be published not more than 30 days nor less than 15 days before said hearing in one or more newspapers with a general circulation within the ~~Village of Lombard~~Village.
- ~~(4) *Procedure for a variation.* A petition for any such variation shall be submitted in writing by the developer at the time the application for plat of subdivision, or other requests are filed for consideration of the Plan Commission. In the event no Plan Commission action is requested, the submission of a variation shall be made to the Board through the Director of Community Development. The petitioner shall state fully the grounds for the petition and all facts relied upon by the petitioner.~~
- (45) *Standards for variations.* Where the Plan Commission finds that extraordinary hardship or particular difficulties may result from strict compliance with these regulations, it may recommend to the ~~Village~~Village ~~Board of Trustees~~Board the approval of variations to the regulations of this Chapter so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of these regulations; and further provided that the Plan Commission shall not recommend variations to the provisions of these regulations unless it shall make findings based upon the evidence presented to it in each specific case that:
- (a) The granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property or improvements in the neighborhood in which the subject property is located.
 - (b) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable, generally, to other property.
 - (c) 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 were carried out; and,
 - (d) Such variation or exception will not conflict with provisions of the Lombard Zoning Ordinance or Comprehensive Plan. ~~The standards and requirements of these regulations may be modified in the case of Planned Developments when the Plan Commission finds that a plan and program for a new neighborhood unit or part thereof provides adequate public spaces and improvements for the circulation, recreation, light, air and public utilities service needs of the tract when fully developed, and which also provides such covenants or other legal provisions as will assure conformity and achievement of the plan.~~
- (65) *Conditions.* In reviewing variations, the Plan Commission may recommend and the ~~Board of Trustees~~Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
- ~~(6) *Procedure for a variation.* A petition for any such variation shall be submitted in writing by the developer at the time the application for plat of subdivision, or other requests are filed for consideration of the Plan Commission. In the event no Plan Commission action is requested, the submission of a variation shall be made to the Board of Trustees~~Board ~~through the Director of Community Development. The petitioner shall state fully the grounds for the petition and all facts relied upon by the petitioner.~~
- ~~(7) *Standards for variation by the board of trustees.* In the event no recommendation for a variation is necessary or required of the Plan Commission, and the Village Board of Trustees hears the request for a variation, the grounds of granting a variation shall be the same as contained in subsection 154.203(E)(4), above.~~
- (87) *Approval.* After recommendation of the Plan Commission, and/or hearing by the ~~Board of Trustees~~Board, the ~~Village~~Village Board may approve such variations from the requirements

of this Chapter which in their opinion do not adversely affect the current Comprehensive Plan or the intent and purpose of these regulations.

(F) Procedures for plats of vacation (public rights-of-way).

The procedures for vacations of public rights-of-way are set forth within Chapter 97 of Village Code.

- ~~(1) — Initiation. A plat of vacation may be requested by the owner(s) of property (or a duly authorized representative) adjacent to any right-of-way included in the proposed vacation.~~
- ~~(2) — Filing for a plat of vacation. An application for a plat of vacation shall be filed with the Director of Community Development in such form and accompanied by such information as required by the Director of Community Development.~~
- ~~(3) — Review by the Interdepartmental Review Committee. Upon receipt of a request for a plat of vacation, the Director of Community Development shall request review of the plat by the Interdepartmental Review Committee. The Director shall then provide a report to the applicant indicating the conclusions of the Interdepartmental Review Committee.~~
- ~~(4) — Appraisal of right-of-way. If the applicant wishes to proceed after the conclusion of the review by the Interdepartmental Review Committee, the Director of Community Development shall proceed with a real estate appraisal of the right-of-way to be vacated. The applicant shall be responsible for all costs associated with the real estate appraisal.~~
- ~~(5) — Board of Trustees action. The Director of Community Development shall submit the Interdepartmental Review Committee report and the results of the real estate appraisal to the Board of Trustees. After review and due consideration, the Board shall act on said plat of vacation.~~
- ~~(6) — Standards for plats of vacation. The Board of Trustees shall not approve a plat of vacation unless findings based on the evidence presented are made in each specific case that affirm each of the following standards:~~
 - ~~(a) — That the vacation of the right-of-way shall not be detrimental to, or endanger the public health, safety, comfort, or general welfare;~~
 - ~~(b) — That the right-of-way to be vacated does not have some significant present or future public benefit in terms of serving the transportation needs of the village;~~
 - ~~(c) — That adequate compensation is provided to the village for the loss of public lands;~~
- ~~(7) — Exceptions for single-family residential areas. The Board of Trustees shall have the authority and the sole discretion to waive the above requirements for application fees, real estate appraisals, and compensation for the vacation of rights-of-way bounded by single-family residences.~~
- ~~(8) — Conformance to Illinois Compiled Statutes. All Plats of Vacation and ownership of vacated rights-of-way shall conform to 65 ILCS 5/11-91.~~

(G) Procedures for plats of easement abrogation

- (1) Initiation. A plat of abrogation may be requested by the owner(s) of property, or a duly authorized representative of adjacent to any right-of-way included in the proposed abrogation.
- (2) Filing for a plat of abrogation. An application for a plat of abrogation shall be filed with the Director of Community Development in such form and accompanied by such information as required by the Director of Community Development.
- (3) Review by the Interdepartmental Review Committee. Upon receipt of a request for a plat of abrogation, the Director of Community Development shall request review of the plat by the Interdepartmental Review Committee. The Director shall then provide a report to the applicant indicating the conclusions of the Interdepartmental Review Committee.
- (4) Board of Trustees action. The Director of Community Development shall submit the Interdepartmental Review Committee report to the Board of Trustees. Said plat of

abrogation shall include the approvals and signatories of all designated easement beneficiaries, prior to consideration of the plat. After review and due consideration, the Board shall act on said plat.

(56) Standards for plats of abrogation. The Board of Trustees shall not approve a plat of abrogation unless findings based on the evidence presented are made in each specific case that affirm each of the following standards:

(a) That the abrogation of the easement shall not be detrimental to, or endanger the public health, safety, comfort, or general welfare;

(b) That the easement to be abrogated does not have some significant present or future public benefit in terms of serving the needs of the Village.

(67) Upon approval of the plat of abrogation, the plat shall be recorded by the Village, with a recorded copy being provided to the previously identified easement beneficiaries.

(H) Procedures for plats of dedication. When a final plat of subdivision has been approved by the ~~Village~~Village Board of Trustees~~Board~~ and all other required approvals are obtained and the plat is recorded, that approval shall constitute acceptance for the purpose designated on the ~~p~~Plat of all lands shown on the plat as dedicated to the public, including street rights-of-way.

~~Whenever a petition includes a proposed dedication of land to public use and the Plan Commission finds that such land is not required or not suitable for public use, the Plan Commission may recommend that the Village Board either refuse to approve such dedication or require the rearrangement of lots in the proposed subdivision to include such land.~~

(IH) Procedures for ~~V~~vacation of a plat of subdivision.

(1) Any plat or any part of a plat of subdivision 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.

(2) Such an instrument shall be approved processed by the Plan Commission and ~~Village~~Village Board in like manner as other plats of subdivisions. The ~~Village~~Village Board may reject any such instrument which abridges or destroys any public right in any of its streets or alleys. 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.

(3) When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such Plat joining in the execution of such writing.

(J) Amendments. For the purpose of promoting the public health, safety, and general welfare, the ~~Village~~Village Board may from time to time amend the provisions imposed by these subdivision regulations. All such amendments shall comply with the following procedures.

(1) ~~(1)~~ Authority. The authority to amend this Chapter shall rest with the Board of Trustees. The Plan Commission shall prepare findings of fact and a recommendation to be forwarded to the Board of Trustees.

(2) Initiation. Amendments may be proposed by the ~~Village~~Village Board, Plan Commission, Zoning Board of Appeals, Department of Community Development, other ~~village~~Village officials or any interested person or organization.

(23) Filing an amendment. An application for an amendment to this Chapter shall be filed with the ~~Director~~Department of Community Development in such form and accompanied by such information as required by the Director of Community Development. The Director of Community Development, upon receiving a full and complete application for amendment,

shall transmit the application, along with all pertinent data filed therewith, to the Plan Commission for review and recommendation to the Village Board.

~~(34)~~ *Public meetingshearings.* ~~Public meetings on all proposed amendments pursuant to normal village procedure shall be followed. In the event any proposed amendment would have some significant impact on the Plan Commission, the Board of Trustees may refer the proposed amendments to the Plan Commission for public hearings in the manner prescribed by law. The Plan Commission, after hearing the matter, shall make its recommendations to the Board of Trustees. Public hearings conforming to state statute and subsection 155.103(J) shall be required for all applications for an amendment.~~

~~(5)~~ *Findings of fact and recommendation by the Plan Commission.* ~~The Plan Commission shall submit written recommendations to the Village Board within 45 days of the conclusion of the public hearing. Extension of this time period may be allowed by mutual consent of applicant and the VillagePlan Commission.~~

~~(46)~~ *Action by the Board of Trustees.* ~~The VillageVillage Board shall have the sole authority to approve or deny all requests for amendments to this Chapter. shall not act upon a proposed amendment to this Chapter until it shall have received a written report and recommendation from the Plan Commission on the proposed amendment incorporating findings of fact, outlined above.~~

~~(7)~~ *Standards.* ~~The regulations of this Chapter shall not be amended unless findings based on the evidence presented are made in each specific case that affirm each of the following standards:~~

~~(a) The degree to which the proposed amendment has general applicability within the village at large and not intended to benefit specific property;~~

~~(b) The consistency of the proposed amendment with the objectives of this Chapter;~~

~~(c) The degree to which the proposed amendment would create nonconformity;~~

~~(d) The degree to which the proposed amendment would make this Chapter more permissive;~~

~~(e) The consistency of the proposed amendment with the comprehensive plan;~~

~~(f) The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving similar circumstances.~~

~~(8)~~ *Effect of denial of proposal.* ~~No application for a text amendment which has been denied shall be resubmitted within 90 days.~~

~~(KJ)~~ *Appeals.* Any person, firm or corporation aggrieved by a failure of the ~~VillageVillage~~ Board to approve a final plat of subdivision may appeal therefrom to any court of competent jurisdiction.

~~(LK)~~ *Pre-ordinance subdivisions.* Where a previously approved subdivision and/or proposed development is not in complete compliance with ~~the requirements of~~ this Chapter, the owner of such subdivision may apply to the Plan Commission for a variation to allow design and/or construction features which, though contrary to these regulations, were officially approved by the ~~VillageVillage~~ Board. In such case, the Plan Commission shall review the Plat, conduct a public hearing, and recommend approval or disapproval to the ~~VillageVillage~~ Board. Final disposition of the requested variation shall be determined by the ~~VillageVillage~~ Board.

~~(ML)~~ *Fees.*

(1) *Application review fees.* In order to cover the costs of plan examination, filing, publication, recording and other expenses incidental to the approval of a plat ~~of subdivision~~ or other administrative procedure of this Chapter, the applicant shall pay a fee at the time of application for the administrative procedure as set forth within Section 36.21(J) of Village

~~Code). There shall be no refund of any portion of the fee if the petitioner fails to apply for final approval of the subdivision or withdraws the application at any time.~~

~~(2) —Engineering review fees. In addition to the application review fee, an engineering review fee shall be levied against all subdivisions and developments to cover engineering plan review and construction inspection. The applicant shall deposit with the village a fee based upon established percentage of cost of completion of all public improvements. There shall be no refund of any portion of the fee if the applicant fails to apply for final approval of the subdivision.~~

~~(3) —Establishment of fees. Application review and Engineering review fees shall be paid by the applicant/petitioner as provided for by a schedule of fees set forth within Section 150.141 of Village Code established by the Lombard Board of Trustees.~~

(NM) *Violations and penalties.* It shall be unlawful for any person, persons, firm or corporation or any party acting on behalf of said person, persons, firm or corporation to subdivide and/or develop, and/or permit the subdivision and/or development, of any property, except in full compliance with the provisions of this Chapter. Any said person, persons, firm or corporation, or any party acting on behalf of said person, persons, firm or corporation, who fails to comply with the provisions of this Chapter shall be subject to such penalties as may be provided for in § 10.99 of the Lombard Village Code of Ordinances.

(Ord. 4568, passed 11/19/98; Ord. 6585, passed 3/3/11)

ARTICLE III. - REQUIRED PUBLIC IMPROVEMENTS

§ 154.301 - Scope and application.

The purpose of this section is to establish the required public improvements for all Plats of Subdivision and development within the jurisdiction of the ~~Village~~Village of Lombard. In pursuit of this objective, all plats and development within the jurisdiction of the ~~Village~~Village of Lombard shall provide public improvements as required by this Chapter. Where the requirements state that a specific public improvement is to be provided, the engineering specifications and design of such improvements shall comply with Articles IV and V of this Chapter and all applicable requirements of the Code of Lombard, Illinois.

§ 154.302 - Administrative plats of subdivision.

The following public improvements shall be provided for all administrative plats of subdivision:

- (A) *Water distribution system.* A water distribution system shall be provided to serve all lots within an administrative plat of subdivision.
- (B) *Sanitary sewer distribution system.* A sanitary sewer distribution system shall be provided to serve all lots within an administrative plat of subdivision.
- (C) *Storm sewer and drainage system.* There shall be no requirements for storm water control and drainage system improvements unless otherwise provided for by the relevant requirements of the Code of Lombard, Illinois. (Note: Subsequent development of a subdivided property may require storm sewer or drainage improvements.)
- (D) *Public rights-of-way.*
 - (1) *Unimproved right-of-way (a.k.a. paper street).* There shall be no required improvement of an unimproved right-of-way (Note: If access is to be provided from an unimproved right-of-way, the plat is defined as a major plat of subdivision and requires right-of-way improvements).
 - (2) *Underimproved right-of-way.*
 - (a) *Street:* No required improvement.

- (b) *Sidewalk*: A sidewalk is required on the ~~adjacent~~ abutting side and for the full length of the right-of-way abutting the subject property.
 - (c) *Street lights*: No required improvement.
 - (d) *Parkway*: Trees and ground cover are required on the abutting side of the right-of-way. However, if existing topography does not provide sufficient area for parkway trees, replacement trees may be placed on private property.
- (3) *Improved right-of-way*.
- (a) *Street*: No required improvement.
 - (b) *Sidewalk*: A sidewalk is required for the full length of the right-of-way abutting the subject property.
 - (c) *Street lights*: No required improvement.
 - (d) *Parkway*: Trees and ground cover are required on the abutting side of the right-of-way.

(Ord. No. 7571, § 1, passed 9-6-18)

§ 154.303 - Minor plats of subdivision.

Public improvements shall be provided for all minor plats of subdivision as described below.

- (A) *Water distribution system*. A water distribution system shall be provided to serve all lots within a minor plat of subdivision.
- (B) *Sanitary sewer distribution system*. A sanitary sewer distribution system shall be provided to serve all lots within a minor plat of subdivision.
- (C) *Storm sewer and drainage system*. There shall be no requirements for storm water control and drainage system improvements unless otherwise provided for by the relevant requirements of ~~the Village Code of Lombard, Illinois~~. (Note: Subsequent development of a subdivided property may require storm sewer or drainage improvements.)
- (D) *Public rights-of-way*.
 - (1) *Unimproved right-of-way (a.k.a. paper street)*. There shall be no required improvement of an unimproved right-of-way (Note: If access is to be provided from an unimproved right-of-way, the plat would be defined as a major plat of subdivision and would require right-of-way improvements).
 - (2) *Underimproved right-of-way*.
 - (a) *Street*: No required improvement.
 - (b) *Sidewalk*: A sidewalk is required ~~on the adjacent side and for~~ the full length of the right-of-way abutting the subject property.
 - (c) *Street lights*: No required improvement.
 - (d) *Parkway*: Trees and ground cover are required on the abutting side of the right-of-way. However, if existing topography does not provide sufficient area for parkway trees, as determined by the Director of Public Works, replacement trees may be placed on the abutting private property.
 - (3) *Improved right-of-way*.
 - (a) *Street*: No required improvement.
 - (b) *Sidewalk*: A sidewalk is required for the full length of the right-of-way abutting the subject property.

- (c) *Street lights*: No required improvement.
- (d) *Parkway*: Trees and ground cover are required on the abutting side of the right-of-way.

(Ord. No. 7571, § 2, passed 9-6-18)

§ 154.304 - Major plats of subdivision.

Public improvements shall be provided for all major plats of subdivision as described below.

- (A) *Water distribution system*. A water distribution system shall be provided to serve all lots within a major plat of subdivision.
- (B) *Sanitary sewer distribution system*. A Sanitary sewer distribution system shall be provided to serve all lots within a major plat of subdivision.
- (C) *Storm sewer and drainage system*. Provisions for storm water control and drainage systems shall be made for all property within a major plat of subdivision.
- (D) *Public rights-of-way*.
 - (1) *Unimproved right-of-way*. All unimproved public rights-of-way abutting or within a major plat of subdivision shall be fully improved. This shall include all right-of-way improvements, i.e., streets, sidewalks, street lights and parkways, on both sides of the right-of-way. ~~Unimproved public rights-of-way shall include those rights-of-way dedicated as part of a plat of subdivision.~~
 - (2) *Underimproved right-of-way*. All underimproved public rights-of-way abutting or within a major plat of subdivision shall be fully improved. This shall include all right-of-way improvements, i.e., streets, sidewalks, street lights, and parkways, on both sides of the right-of-way.
 - (3) *Improved right-of-way*. A public sidewalk and street lights shall be provided on the both sides of all improved public rights-of-way abutting a major plat of subdivision. Parkway improvements are not required on the far side of an improved right-of-way which abuts a major plat of subdivision.

(Ord. No. 7571, § 3, passed 9-6-18)

§ 154.305 - Minor development.

All development and construction activity is classified into three categories for the purposes of administering this chapter. These categories include: major development; minor development; and other construction activity. Other construction activity includes additions to detached single-family residences, remodeling and maintenance of buildings, and other construction not included in the definitions of major or minor development as set forth more fully in Section 154.703. Construction activity deemed to be "other construction" is not subject to the requirements of this section.

~~Minor development consists of the following construction and development activities:~~

~~Construction of a detached single-family or two-family residence;~~

~~Construction of an accessory building (excluding accessory structures for detached single-family or two-family residences);~~

~~Construction of a building addition (excluding additions to detached single-family or two-family residences) in which the gross floor area does not exceed 20 percent of existing buildings on a zoning lot or 2,000 gross square feet;~~

~~Reconstruction of 50 percent or more of the total area of a parking lot (not including single-family or two-family residential driveways).~~

Public improvements shall be provided for all minor development as described below.

- (A) *Water distribution system.* A water distribution system shall be provided to serve all development.
- (B) *Sanitary sewer distribution system.* A sanitary sewer distribution system shall be provided to serve all development.
- (C) *Storm sewer and drainage system.* There shall be no requirements for storm water control and drainage system improvements unless otherwise provided for by the relevant requirements of ~~the Village Code of Lombard, Illinois.~~
- (D) *Public rights-of-way.*
 - (1) *Unimproved right-of-way (a.k.a. paper street).* There shall be no required improvement of an unimproved right-of-way unless access is to be provided from an unimproved right-of-way. If access is provided from an unimproved right-of-way, full improvement of the street and the ~~adjacent side of the~~ right-of-way is required and ~~Improvements to the adjacent side of the right-of-way~~ shall include sidewalks, street lights, and parkway improvements.
 - (2) *Underimproved right-of-way.*
 - (a) *Street:* No required improvement.
 - (b) *Sidewalk:* A sidewalk is required on the ~~adjacent side and for the~~ full length of the right-of-way abutting the subject property.
 - (c) *Street lights:* No required improvement.
 - (d) *Parkway:* Trees and ground cover are required on the abutting side of the right-of-way. However, if existing topography does not provide sufficient area for parkway trees, replacement trees may be placed on the abutting private property.
 - (3) *Improved right-of-way.*
 - (a) *Street:* No required improvement.
 - (b) *Sidewalk:* A sidewalk is required ~~on the adjacent side and~~ for the full length of the right-of-way abutting the subject property.
 - (c) *Street lights:* No required improvement.
 - (d) *Parkway:* Trees and ground cover are required on the abutting side of the right-of-way.

(Ord. No. 7571, passed 9-6-18)

§ 154.306 - Major development.

~~Major development includes the following development activities:~~

~~Construction of a principal building (excluding a detached single-family residence or two-family residence);~~

~~Construction of a building addition (excluding additions to detached single-family or two-family residences) in which the gross floor area exceeds 50 percent of existing buildings on a zoning lot or 20,000 square feet whichever is less, within the prior ten years. Public improvements shall be provided for all major development as described below.~~

- (A) *Water distribution system.* A water distribution system shall be provided to serve all development.

- (B) *Sanitary sewer distribution system.* A sanitary sewer distribution system shall be provided to serve all development.
- (C) *Storm sewer and drainage system.* Provisions for storm water control and drainage systems shall be made for all major developments.
- (D) *Public rights-of-way.*
 - (1) *Unimproved right-of-way (a.k.a. paper street).* There shall be no required improvement of an unimproved right-of-way unless access is to be provided from an unimproved right-of-way. If access is provided from an unimproved right-of-way, full improvement of the street and the ~~adjacent side of the~~ right-of-way is required and. ~~The adjacent side of the right-of-way~~ shall include sidewalks, street lights, and parkway improvements.
 - (2) *Underimproved right-of-way.*
 - (a) *Street:* There shall be no required street improvement of an underimproved right-of-way unless access is to be provided from an underimproved right-of-way. If access is provided from an underimproved right-of-way, full improvement of the street and the abutting side of the right-of-way is required.
 - (b) *Sidewalk:* A sidewalk is required ~~on the adjacent side and~~ for the full length of the right-of-way abutting the subject property ~~(even if there is no access)~~.
 - (c) *Street lights:* No required improvement unless access is provided from the underimproved right-of-way. If access is provided, street lights are required along the full length of the ~~adjacent abutting~~ side of the right-of-way.
 - (d) *Parkway:* Trees and ground cover are required on the abutting side of the right-of-way (even if there is no access). However, if existing topography does not provide sufficient area for parkway trees, replacement trees may be placed on the abutting private property.
 - (3) *Improved right-of-way.*
 - (a) *Street:* No required improvement.
 - (b) *Sidewalk:* A sidewalk is required ~~on the abutting side and~~ for the full length of the right-of-way abutting the subject property.
 - (c) *Street lights:* If street lights do not exist, they must be provided on the ~~abutting adjacent~~ side and for the full length of the street.
 - (d) *Parkway:* Trees and ground cover are required on the abutting side of the right-of-way.

(Ord. No. 7105, 1, passed 8-13-15; Ord. No. 7571, § 5, passed 9-6-18)

§ 154.307 - Recapture agreements.

It shall be the policy of the ~~Village of Lombard~~ Village to allow recapture agreements for public improvements in compliance with 65 ILCS 5/9-5-1, and subject to final consideration and approval from the Village Board on a case by case basis.

§ 154.308 - Acceptance of contribution in lieu of public improvements.

A monetary contribution in lieu of the provision of any public improvement (contribution for public improvements) required by this ~~Chapter~~ Chapter may be accepted under the following terms and conditions. All such requests shall follow these guidelines.

- (A) *Intent.* Under certain circumstances, it may be determined that the public interest is best served by delaying the construction of specific public improvements. In order to ensure that public improvements are provided when appropriate, the Village ~~Board~~ may accept monetary contributions for said public improvements in lieu of the construction thereof.

- (B) *Initiation.* A request for a contribution ~~in-lieu-of for~~ a public improvement can be made by the property owner, an authorized representative of the property owner, the Director of Community Development, or initiated by the ~~Board-of-Trustees~~Board.
- (C) *Authority.* The ~~Board-of-Trustees~~ Director of Community Development shall have the sole authority to determine the appropriateness and amount of a contribution for public improvements. A party subject to such a contribution shall have the right to file an appeal of the anticipated appropriateness of the fee or the calculated contribution request. In the event that an appeal is made, the Director of Community Development shall forward the appeal request to the Village Board for final consideration.
- (D) *Procedures.* Requests for contributions for public improvements may be submitted directly to the ~~Board-of-Trustees through the Director of~~ Community Development Department at any time prior to ~~recording a final plat approval of building permits.~~
- (E) *Appropriateness of contribution.* The appropriateness of accepting a contribution for public improvements shall be based on the following criteria:
- (1) The impact of the proposed subdivision or development does not immediately necessitate the construction of the public improvement prior to occupancy of the development;
 - (2) Existing conditions in the area are such that immediate construction of the public improvement would be inefficient;
 - (3) Immediate construction of the public improvement may be detrimental to the public health or general welfare of the community;
- (F) *Determination of contribution.* The amount of a contribution for public improvements shall be based on the following criteria:
- (1) An estimate of the design and construction costs of the public improvement prepared by an Illinois Certified Professional Engineer and approved by the Director of Community Development.
 - (2) Inclusion of a contingency cost equal to 15 percent of the estimated cost of the public improvement for the purpose of future increases in costs and unforeseen costs.
 - (3) The impact of the development as determined by a traffic impact analysis, anticipated water usage, population equivalents, impervious surfaces, and other measures of impact on public facilities.
- (G) *Use of contribution for public improvements.* A contribution for public improvements shall be used for the specific public improvements to which it relates. In the event that the improvements covered by a contribution for public improvements are not constructed in their entirety within twenty (20) years of the date the contribution for public improvements is made, the Village shall deem the covered public improvements, or the unconstructed portion thereof, are hereby deemed unnecessary, and the balance of the contribution of public improvements shall be returned to the person entity that provided the contribution for public improvements to the Village. It is the obligation of the person or entity making the contribution for public improvements to provide the Village with updated contract information at all times, so that any potential refund can be processed efficiently.

§ 154.309 – Required Public Improvements for Public Rights-of-Way not Controlled by the Village of Lombard

Public improvements as referenced in Chapter 154 of Village Code shall be required for all publicly dedicated rights-of-way, irrespective of the jurisdictional entity that has regulatory control of said right-of-way. However, for rights-of-way that are controlled by an entity other than the Village, said public improvement requirements can be waived under the Village in the following circumstances:

1. The Director of Community Development finds that constructing the required public improvement would be inconsistent with adopted plans and policies of the Village; or
2. The jurisdiction entity having control over the right-of-way provides the Village with documentation stating that the Village required public improvements are not desired or deemed necessary, based upon existing or proposed conditions within the applicable right-of-way.

ARTICLE IV. - ENGINEERING REQUIREMENTS AND SPECIFICATIONS

§ 154.401 - Purpose and intent.

The engineering standards provided in this section are intended to provide guidelines for the conceptual and final engineering of all public improvements for Plats of Subdivision and private development. Where specific guidelines are not provided and where discretion is required, such discretion shall reside with the ~~Board of Trustees~~Board and the Director of Community Development. The Board shall have sole authority to approve modifications of this section except where such authority is specifically delegated by the terms of this section.

§ 154.402 - Conformance to the ~~Village of Lombard~~Village Specifications Manual.

The Director of Community Development shall prepare, maintain, and update as determined necessary, the manual of specifications for the design of public improvements in the ~~Village of Lombard~~Village (referred to as the Lombard Specifications Manual). The specifications manual shall include detailed engineering and construction specifications for public improvements required by this Chapter.

(Ord. 4696. Passed 9/2/99)

§ 154.403 - Engineering plans.

(A) *General requirements for engineering plans.*

- (1) Whenever the construction of public improvements are required by this Chapter, a "registered professional engineer" shall prepare engineering plans and specifications for all required improvements. The registered professional engineer shall also prepare cost estimates for the required public improvements as required by subsection ~~15~~5.603(A) of this Chapter.
- (2) The engineer's signature and the imprint of the engineer's seal shall be placed on all copies of required plans, specifications, and cost estimates.
- (3) The engineering plans shall comply with all requirements of the Lombard Specifications Manual.

(B) *Preliminary engineering plans.* The Director of Community Development may authorize the submission of a preliminary plat of subdivision and corresponding preliminary engineering plans. Submission of preliminary documents shall comply with ~~§ 155.203 of~~ this Chapter. Preliminary engineering plans shall comply with the requirements in subsection 155.403(A), ~~above~~ and shall include the following information:

- (1) Location of existing and proposed sanitary sewers;
- (2) Maximum sanitary effluent generated by the existing development and by the proposed subdivision or development;
- (3) Location of existing and proposed water mains;
- (4) Location of existing and proposed storm sewer system;

- (5) Existing topography and proposed drainage patterns, based on NAVD88 datum tied to at least one DuPage County benchmark monument;
- (6) Location of existing and proposed storm water retention and detention areas;
- (7) Preliminary storm water calculations with existing and proposed volume and depth of detention and retention areas and BMP requirements;
- (8) Location and dimensions of existing and proposed rights-of-way and other impervious surfaces;
- (C) *Final engineering plans.* Final engineering plans shall be prepared for all proposed public improvements and shall provide the following information:
 - (1) Detailed depiction and specifications for all improvements required by this Chapter or other public improvements required by other ordinances of the ~~Village of Lombard~~Village or other governmental bodies;
 - (2) Compliance with all specifications included in this Chapter, the Lombard Specifications Manual, and all other applicable rules and regulations;
 - (3) A comprehensive "Index of Sheets" which provides consistency of arrangement of plan elements.

§ 154.404 - Water distribution system.

- (A) All plats and development which require construction or improvement of a water distribution system, shall be served by a public water supply system that has adequate fire protection capabilities. The general design of water supply systems shall be subject to all requirements of this section and all other ~~village~~Village ordinances, resolutions, and policies including the following:
 - (1) Ponds, creeks, and similar features shall not be considered as available water for the purposes of this section.
 - (2) Water supply systems shall be reviewed based on the following considerations:
 - (a) The ~~Village of Lombard~~Village Water Supply Master Plan;
 - (b) Existing water supply available for fire protection purposes as determined by the Fire Department;
 - (c) Estimated water supply needed for future fire protection purposes based on the Lombard Comprehensive Plan;
 - (d) The recommendation of the Fire Chief regarding public safety, fire protection, and firefighting needs.
 - (3) Water supply systems shall be designed and located in a manner to serve all of the proposed development and any future development of the subject property or adjacent properties.
 - (4) If the ~~Village of Lombard~~Village determines that over-sized water mains or any related appurtenances will be required to adequately service the proposed subdivision or development and future adjacent subdivisions or development, it may require such over sizing, and all related appurtenances.
 - (5) All water supply system improvements are subject to the requirements of the Illinois Environmental Protection Agency (IEPA).
- (B) All water supply systems shall be designed in a manner to provide a continuous water flow with no dead-end water mains unless otherwise authorized by the Director of Community Development upon recommendation from the Director of Public Works and Fire Chief. The maximum distance between the intersection of water mains shall be based on the diameter of the water main and the type of development served. The maximum distance between intersections shall be as follows:

<u>Pipe Diameter</u>	<u>Single-Family Residential</u>	<u>All Others</u>
8 inches	1,800 feet	900 feet
10 inches	4,400 feet	2,200 feet
12 inches	6,000 feet	3,000 feet

(C) The minimum diameter of all water mains for the various types of service shall be as follows:

<u>Type of Service</u>	<u>Minimum Diameter</u>
Residential	8 inches
Commercial, Office, Industrial	10 inches
Internal Water Mains of Risk	8 inches
Primary Supply Water Mains	12 inches

The type of service classification for each water main shall be determined by the Fire Chief.

- (D) Final engineering plans, except for residential developments with individual services for each unit, shall calculate the static water pressure at the lowest measurement. Calculations shall be presented indicating sufficient size to supply an adequate water flow at the meter outlet (assuming the services are "fairly rough pipe" as specified in the Illinois State Plumbing Code, Current Edition).
- (E) Fire hydrants shall be provided in compliance with the following standards:
- (1) The distance between fire hydrants shall not exceed 300 feet in single-family residential areas and 150 feet in all other areas. The land use character of the area shall be determined by the Director of Community Development. Alternative spacing, either greater or lessor, may be required by the Fire Department if determined necessary to provide adequate fire protection.
 - (2) At least one fire hydrant shall be provided at the intersection of any rights-of-way within or contiguous to a subdivision or development.
 - (3) A fire hydrant connected to a continuous flow water main, shall be provided at the extreme end of any cul-de-sac or dead end street which exceeds 100 feet in length.
 - (4) Fire hydrants shall be placed within ten feet of a hard-driving surface unless otherwise approved by the Fire Chief.

- (5) Fire hydrants for public use may be required on private property if determined necessary by the Fire Chief. All necessary easements shall be provided to accommodate access and maintenance of all such fire hydrants and related hydrants.
- (6) The location of plantings or structures shall not impair or obscure access or use of fire hydrants.
- (7) The Department of Public Works or the Fire Chief may require the installation of physical barriers to protect fire hydrants.

~~(8) All fire hydrants shall have markers that indicate their location at a point two feet above the highest point of the fire hydrant. Said markers shall be subject to the review and approval of the Fire Chief.~~

(98) All fire hydrants shall be color coded based on water supply characteristics as follows:

Less than 499 gallons per minute (gpm)	red
Between 500 and 999 gpm	orange
Between 1000 and 1499 gpm	green
Greater than 1500 gpm	blue

- (F) Valves shall be located on water mains so as to effectively isolate sections of the system with minimum disruption. Valves shall be installed so that not over 800 feet of main will be shut off at any given time unless the Director of Public Works permits spacing at greater intervals. Valves exceeding two and one-half inches shall be placed in a vault.
- (G) Private booster pumps shall not be permitted without prior approval of the Fire Chief. In specific instances where private booster pumps are permitted, they shall be designed in conjunction with an inside standpipe system as to not require an excessive amount of water to be drawn from the public water supply systems. If calculations indicate that the resulting residual pressure in the public water supply system at the point of connection to the private system is less than 25 pounds per square inch (psi), pressure tanks or gravity tanks must be provided which have the capacity to supply not less than 250 gallons per minute in buildings for one standpipe and not less than 500 gallons per minute in buildings which have two or more standpipes required, for a period of at least 30 minutes. The pressure at the highest outlet shall not be less than 50 psi.
- (H) All water distribution facilities shall comply with the Lombard Specifications Manual including specifications for required material, corrosion treatment, capacity, sizing, spacing, and installation. All such materials and specifications shall conform to the applicable standards established by the American Water Works Association and all water mains shall comply with the Standard Specifications for Water and Sewer Main Construction of Illinois.
- (I) The Fire Department shall establish calculation methods to determine required water flow and pressure needed for adequate fire protection. Certification must be provided that the public water supply system serving any development provides the required water supply for the following durations: One to 2,999 gallons per minute (gpm) for two hours; 3,000 to 3,999 for three hours; 4,000 and greater for four hours. The Fire Department may require that a registered professional engineer affirm that the water main design will meet the minimum requirements established by the Fire Department.
- (J) The Fire Department shall test or witness test of all water mains and fire hydrants to determine compliance with this Chapter and all other water supply system requirements. Testing must be conducted after the water supply system has been approved by the Illinois Environmental Protection

Agency ~~(IEPA)~~. The Fire Department shall determine standards for testing compliance, ~~with this Chapter and shall collect a fee for all testing services.~~ Chlorination and testing must be conducted as per the American Water Works Association (AWWA), the Standard Specifications for Water and Sewer Main Construction in Illinois, and ~~Illinois Environmental Protection Agency (IEPA)~~ Standards.

- (K) Prior to final acceptance of public improvements as stipulated by § ~~155~~154.604 of this Chapter, the Fire Chief shall report all findings and recommendations regarding water supply systems to the Director of Community Development.
- (L) There shall be no certificate, permit, or license issued providing for the permanent completion or use of a building until such time that the water supply system has been approved and tested in accordance with the requirements established by this Chapter.

§ 154.405 - Sanitary sewer system.

- (A) Where a public sanitary (or combination storm and sanitary) sewer is currently accessible, the developer shall install adequate sanitary sewer facilities (including the installation of laterals to the right-of-way). If public sewer facilities are not currently available to the site, the developer shall be responsible for extending the ~~village~~Village sewer lines to service the proposed subdivision or development.
- (B) In all areas serviced by sanitary sewer systems, the developer shall be responsible for providing separate sewer systems within his subdivision and linking the separate systems into the combined system at the perimeter of the subdivision or development.
- (C) If the ~~Village of Lombard~~Village determines that oversized sewer pipes will be required to adequately service the proposed subdivision or development and future adjacent subdivisions or development, it may require such over sizing related appurtenances. The ~~village~~Village shall reserve the right to charge future users through a tap-on fee.
- ~~(D) In the future, if a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting a property, or within 300 feet thereof, the owner of the property served by an individual sewage disposal system shall be required to connect to said sewer for the purpose of disposing of waste, and it shall be unlawful for any owner or occupant to maintain upon any such property an individual sewage disposal system.~~
- ~~(DE)~~ All sanitary sewer systems shall comply with the Lombard Specifications Manual specifications for materials, jointing, sealing, sizing, infiltration requirements, method and depth of installation, and all other requirements for sanitary sewer systems. All such materials and methods shall conform to the applicable minimum standards established by the American Society for Testing and Materials, and all sewer mains shall comply with standard specifications for water and sewer main construction in Illinois.
- ~~(EF)~~ All required sanitary sewer systems shall be connected with the sewer system of the Glenbard Waste Water Authority ~~or Flagg Creek Water Reclamation District~~. As determined by the ~~Village~~Village Engineer~~Director of Public Works~~, before any connection can be made, the developer shall apply to the Glenbard Waste Water Authority ~~or Flagg Creek Water Reclamation District~~ through the ~~Village~~Village for permission to connect. In addition, the applicant shall obtain all necessary approvals of the Illinois Environmental Protection Agency. It is understood that each of the agencies cited above shall operate only within their respective jurisdiction.

§ 154.406 - Storm sewer and drainage system.

- (A) The Plan Commission shall not approve or recommend for approval any plat of subdivision or development proposal which does not make adequate provision for storm or flood water run-off channels, basins and/or drainage systems. The storm water drainage system shall be designed in compliance with the Lombard Specifications Manual. A copy of design computations shall be submitted with the engineering plans. Inlets shall be provided so that surface water is not carried across or around any street intersection, nor for a distance of more than 450 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point. Surface water drainage patterns shall be shown for each and every lot and block.

- (B) Where a public storm sewer is accessible, the developer shall install storm sewer facilities connecting to such system; or if no outlets are within a reasonable distance, adequate provision shall be made for the ~~disposal~~transmission and dispersal of storm waters.
 - (C) Connection to a public storm sewer system will be required. The developer shall ~~make arrangements~~ for future storm water disposal by an approved public utility system at the time a plat or development receives final approval.
 - (D) Where storm water detention basins or areas are required, they shall be provided in accordance with specifications and requirements of Stormwater and Floodplain Ordinance of the ~~Village of Lombard~~Village, as codified in Chapter 151 of the ~~Municipal~~Village Code. ~~All detention basins shall be developed in accordance with the requirements of the Stormwater and Floodplain Ordinance of the Village of Lombard, as codified in Chapter 151 of the Municipal Code.~~
- All stormwater detention or retention areas for Major or Minor Plats of Subdivision shall be located on separate lots of record (outlots) unless otherwise specifically approved by the Director of Community Development or the Village Board of Trustees~~Board~~. All other stormwater detention areas required by Code must be placed within a dedicated stormwater easement area, with said dedication stating the right of the Village for access and the right but not the responsibility to undertake requisite maintenance and repair activities.
- (E) All storm water control systems shall comply with the Lombard Specifications Manual specifications for method of drainage, capacity, detention, type of materials, and method and depth of installation for all storm water control structures and facilities. All such materials and methods shall conform to the applicable minimum standards established by the American Society for Testing Materials.
 - (F) All proposed developments shall comply with the requirements established in the Stormwater and Floodplain Ordinance of the ~~Village of Lombard~~Village, as codified in Chapter 151 of the ~~Municipal~~Village Code.

(Ord. No. 7503, § 1, passed 4-5-18)

§ 154.407 - Public rights-of-way, streets and sidewalks.

- (A) Width and location. The width and location of all public rights-of-way, streets, sidewalks, and other public access facilities shall comply with §§ 154.501—154.512 of this Chapter.
- (B) Street grading. Final engineering plans for all plats and developments that include public street improvements shall include street profile plans for the existing and proposed grades. The full width of the right-of-way of all proposed streets shall be graded. The bed for the roadways in the street right-of-way shall be graded to subgrade.
- (C) Paving design and construction.
 - ~~(1)~~—The construction specifications for all public streets, sidewalks, public access drives, pedestrian ways, bike paths, or other public access facilities shall comply with and as prescribed in this Chapter, the Lombard Specifications Manual, or Village Code~~other village ordinances~~.
 - ~~(2)~~—Sidewalk and pedway pavements shall be clearly stamped with, or contain a plate indicating the identity of the installer of such sidewalk or pedway[HW1].
- (D) Design requirements for street pavements shall be related to the adopted street classification system as set forth on the street classification map as part of the eComprehensive pPlan and the Complete Streets Policy. ~~Such map shall be kept current by the Director of Community Development.~~
- (E) The subgrade of all roads shall be graded and proof-rolled in accordance with Section 212 of the IDOT Standard Specifications for Road and Bridge Construction, current edition. Particular attention is directed to the requirements for the replacement of soft and unstable material as contained in Article 202.03. All subgrade material shall have a minimum Illinois Bearing Ratio (IBR) of 2.5. Subgrade material having an IBR less than 2.5 shall be removed and replaced with a suitable fill material, or the

pavement must be designed to compensate for the soil conditions. The soil support IBR values selected for use by the designer shall represent a minimum value for the soil to be used.

- (F) At least one standard density test (performed in accordance with AASHTO T99) shall be taken in each fill section, with a minimum distance between tests of 300 feet. One Standard Proctor Test may be required to be taken from each different source of borrowed material. The proctor and density tests must be submitted for review and approval by the Director of Community Development. Upon approval of these tests, the subgrade must be approved prior to placing any type of curb and gutter or base material.
- (G) All culverts, drains and bridges shall be engineered and constructed in accordance with the Lombard Specifications Manual.
- (H) Inspections and tests of all work will be performed according to the adopted standards and procedures of the ~~Department's~~director of Community Development and, the Department of Public Works, and accepted engineering practice.
- (I) Street names and traffic signs.
 - (1) Street name signs are to be placed at all intersections within, or abutting, the subdivision, the type and location of which to be approved by the Director of Public Works. No street names shall be used which will duplicate or be confused with the names of existing streets. New streets which are extensions of, or obviously in alignment with existing streets shall bear the name of the existing streets. Street names shall be subject to the approval of the ~~Village~~Village Board and shall be depicted on a Final Plat of Subdivision. Street addresses shall be assigned by the ~~Director of~~ Community Development Department ~~and be clearly visible from the street in front of the structure.~~
 - (2) All traffic signs and devices shall be designed, constructed and installed in accordance with the latest edition of the ~~M~~anual on ~~U~~niform ~~T~~raffic ~~C~~ontrol ~~D~~evices (MUTCD) for streets and highways, unless otherwise approved by the Director of Public Works.
 - (3) The Director of Public Works may require that street signs be paid for by the developer but manufactured and erected by the ~~Village of Lombard~~ Department of Public Works.
- (J) Street lighting. All street lighting shall be designed and installed in accordance with the standards and procedures of the ~~Village of Lombard~~Village Street Lighting Ordinance Code; Title IX, Chapter 97, Article V.(Ordinance 2823). All work done and used in connection with the installation of any public roadway lighting or appurtenances shall be done in accordance with the requirements of the appropriate standards of the National Electric Manufacturers Association, Underwriters Laboratory approvals and American Association of the State Highway and Transportation Officials' (AASHTO) criteria.

§ 154.408 ~~—~~ Erosion and sedimentation control.

- (A) Purpose and intent. This section is intended to govern earthwork, land modifications, and excavations. It is to control erosion, sedimentation, earth soil or rock removal and dust problems which will result in damage to or loss of topsoil and cause sedimentation that will affect the quality of runoff or the capacity of storm sewers, drainage channels, streams, and structures.
- (B) Erosion and sedimentation control shall be provided in compliance with the Lombard Specifications Manual, — Village Code and IEPA provisions, which shall establish minimum standards for the avoidance or control of potential environmental problems resulting from the movement of earth or re-sculpturing of the land during, or subsequent to development. ~~Additionally, erosion and sedimentation control shall conform to the applicable standards and requirements contained in standards and specifications for soil erosion and sediment control in Northeastern Illinois, current edition, as compiled by the Kane-DuPage Soil and Water Conservation District.~~
- (C) The following general principles shall apply to any movement of earth and efforts to control soil erosion and sedimentation.

- (1) The smallest practical area of land, as determined by the Director of Community Development, shall be exposed at any given time during development.
 - (2) Such minimum area exposure shall be kept to as short a duration of time as is practical, as determined by the Director of Community Development.
 - (3) Sediment basins, debris basins, desilting basins, or silt traps shall be installed and maintained to remove sediment from run-off waters from land undergoing development.
 - (4) Provision shall be made to effectively accommodate the increased run-off waters from land undergoing development.
 - (5) Permanent, final plant covering or structures shall be installed as soon as possible.
 - (6) The plan of development shall relate to the topography and soils of the site so that the lowest potential for erosion is created.
 - (7) Natural plant covering shall be retained and protected and shall be deemed a dominating factor in developing the site.
 - (8) Wind-blown dust problems shall be minimized by appropriate periodic watering.
- (D) Fill permit required. Before any land modification is made, a permit for the proposed work shall be obtained from the Director of Community Development. The application for permit shall be submitted on forms provided by the Director of Community Development and at a minimum shall include the following information:
- (1) All information required on the application form including the location of the proposed work, a grading plan showing existing and proposed conditions and purpose for which the work is proposed.
 - (2) For land modifications, the application shall include the area of land that will be stripped of vegetation, the location of any proposed soil stock piles, the limits of any excavation, the measures taken to keep soil erosion and sedimentation to a minimum, the effects on drainage, schedule of land modification activities including revegetation.
 - (3) Grading plan shows the existing land conditions including elevations, drainage, structures and natural objects, and proposed elevations, drainage, structures and natural objects.
 - (4) Land modification shall mean any modification to the existing land surface, including fills or more than 2,500 cubic feet (~~70.79 cubic meters~~92.59 cubic yards), excavations of more than 2,500 cubic feet (~~70.79 cubic meters~~92.59 cubic yards), drainage changes that will affect drainage onto or off of adjacent property, or surface disturbances of more than 5,000 square feet.

§ 154.409 - Retention of topsoil.

- (A) Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six inches of cover on the lots and at least four inches of cover between sidewalks and curbs. Top-soil shall be stabilized by seeding or planting.
- (B) All improved areas within the dedicated right-of-way or other public areas shall be graded and seeded, sodded, or planted in an approved manner. Restoration work shall be performed to the satisfaction of the Director of Public Works. All parkways shall be graded smooth and topped with at least four inches of black dirt after compacting and removal of stumps, trees that cannot be saved, boulders, and other debris. ~~Such areas shall~~[HW2][GD3] be sodded to the satisfaction of the Director of Public Works.

§ 154.410 - Other public utilities.

- (A) All ~~public~~ utility lines for telephone, cable television and electric services shall be placed in public rights-of-way or easements and entirely underground where possible, unless otherwise approved in writing by the Village.

- (B) Where telephone and electric service lines are placed underground ~~entirely~~ throughout a subdivided area, said conduits or a cable shall be placed within easements or dedicated public ~~rights-of-ways~~ in a manner which will not conflict with other underground services. Further, all transformer boxes shall be located so as to not be unsightly or hazardous to the public. Transformer boxes or other necessary ancillary utility features shall not be installed in front yards except where unavoidable.
- (C) All natural gas mains shall be placed within the ~~street-public~~ rights-of-way or within easements.
- (D) Underground work, either the installation of new, or the repair of existing, sewer and water systems, may not commence until the appropriate public utilities are staked and the Village ~~Village Engineer~~ has been notified to arrange for appropriate inspection.

ARTICLE V. - PLANNING AND DESIGN SPECIFICATIONS

§ 154.501 - Purpose and intent.

The design specifications provided in this section are intended to provide guidelines for the conceptual and final design of public improvements and for all plats of subdivision and developments that include the described public improvements. Where specific guidelines are not provided and where discretion is required, such discretion shall reside with the Village Board of Trustees and the Director of Community Development. The Board shall have the sole authority to approve modifications of this section except where such authority is specifically delegated by the terms of this section.

§ 154.502 - Conformance to applicable rules and regulations.

In addition to the design standards established herein, all public improvements, plats of subdivisions, and development shall comply with the following:

- (A) All other sections of this Chapter including but not limited to Article III, required public improvements (§§ 154.301—154.308).
- (B) All applicable provisions of the Illinois Compiled Statutes.
- (C) The Lombard Zoning Ordinance (Chapter 155 of ~~the Village Code of Lombard~~) and all other applicable laws of the ~~village~~ Village.
- (D) The rules of the Illinois Department of Transportation (IDOT) and the DuPage County ~~Highway Department~~ Division of Transportation relating to safety of access and the preservation of the public interest and investment in the streets if the subdivision or development, or any lot contained therein, abuts a State or County highway or connecting street.
- (E) The Lombard Specifications Manual and all other standards, regulations and specifications adopted and maintained by the Department of Public Works ~~or and the Director of Department of~~ Community Development.
- (F) All standards, regulations, and specifications required by the Illinois Accessibility Code (410 ILCS 25/1).
- (G) All conditions of plat or development approval recommended and approved by the ~~Plan Commission and Village~~ Village Board.
- (H) The ~~Village~~ Village of Stormwater and Floodplain Ordinance (Chapter 151 of the Municipal Code), the latest edition of the DuPage County Stormwater and Floodplain Ordinance and applicable federal regulations.
- (I) The current applicable standards of the Illinois Environmental Protection Agency concerning water quality and distribution and sewage collection and treatment.

(Ord. No. 7503, § 2, passed 4-5-18)

§ 154.503 - Streets and rights-of-way.

- (A) *General considerations.* Proposed new streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety, and in appropriate relation to the proposed uses of land to be served. Proposed new streets may be designed in conformance with the Village's Complete Street Policy.
- (B) *Design and arrangement.*
- (1) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established on the Village Street Classification Map or on any current village streets or thoroughfare plan.
 - (2) All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches religious institutions and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
 - (3) Local and collector streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
 - (4) Existing street patterns should be continued and enhanced by new subdivisions. Where appropriate to accommodate existing conditions or to otherwise improve the subdivision design, curvilinear streets and cul-de-sacs may be used.
 - (5) Proposed streets shall be extended to the boundary lines of the tract to be subdivided or developed unless prevented by topography or other physical conditions, or unless in the opinion of the Director of Community Development such extension is not necessary or desirable for the coordination of the subdivision or development with existing subdivisions or developments or the most advantageous future development of adjacent tracts.
 - (6) In business and industrial developments, the streets and other means of access shall be planned in connection with the grouping of buildings, location of rail facilities, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic including pedestrian.
- (C) *Intersection of local and arterial streets.* The number of residential or local streets entering a major arterial shall be kept to a minimum. Where a subdivision or development borders on or contains an existing or proposed arterial, the Plan Commission or the Village Board may require that access to such streets be limited by one of the following means:
- (1) The subdivision of lots so as to back on the arterials and front onto a parallel local street; no access shall be provided from the arterials, and screen planting shall be provided in a strip of land along the rear property line of such lots. If used, fencing shall be coordinated to provide for a unified design character.
 - (2) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to a street parallel to the arterial with the rear lines of lots backing onto the arterial and with no access provided from the arterial.
 - (3) A marginal-access, service road, or frontage road (separated from the major arterial by a planting or grass strip, and having access thereto at suitable points.)
- (D) *Required street and right-of-way widths.* The required width for streets and rights-of-way are based on the street classification and its land use character. The Director of Community Development shall determine the street classification and its land use character based upon existing development and zoning, the eComprehensive pPlan, and relevant street classification maps adopted by the Village Board of Trustees Board.
- (1) The required width of rights-of-way shall comply with the following:

Regional, Major, and Minor Arterials	100 feet
Collector Street Non-Residential	80 feet
Collector Street Residential	74 feet
Local Street Non-Residential	66 feet
Local Street Residential	66 feet
Frontage Roads, Marginal Access Streets, etc.	50 feet
Cul-de-sac Turnaround Diameter:	
Non-Residential	128 feet
Residential	124 feet

- (2) The required pavement width for all streets shall be measured from the backs of curbs and shall comply with the following:

Collector Street Non-Residential	48 feet
Collector Street Residential	36 feet
Local Street Non-Residential	36 feet
Local Street Residential	28 feet
Cul-de-sac Turnaround Diameter:	
Non-Residential	94 feet
Residential	90 feet

- (E) *Minimum sight distances.* The minimum horizontal and vertical sight distances shall be as follows:

- (1) If the average vehicle speed on the street is projected to be 30 miles per hour or less, the minimum horizontal and vertical sight distances shall be 200 lineal feet.

- (2) If the average speed is projected to be 31 to 40 miles per hour, a minimum sight distance of 275 lineal feet is required.
- (3) If the average speed is projected to be 41 to 50 miles per hour, a minimum sight distance of 350 lineal feet is required.

(F) *Street grade.*

- (1) Maximum allowable street grade, in percent of gradient, shall be five percent maximum for collector and arterial streets and at seven percent maximum for local streets.
- (2) The minimum allowable street grade, in percent of gradient, shall be five-tenths (0.5) of one percent for all arterial, collector, and local streets.

(G) *Vertical curves.*

- (1) All changes in street grades shall be connected by vertical curves of a minimum length in feet as prescribed below:
 - (a) Local street—150 feet, but not less than 30 feet for each percent difference in grade.
 - (b) Collector—300 feet, but not less than 65 feet for each percent difference in grade.
- (2) If the difference in street grade does not exceed one percent, no vertical curve is necessary. If the average running speed is projected to exceed 40 miles per hour, vertical curves in excess of those specified above may be established by determination of the ~~Village~~Village Engineer~~Director~~
of Public Works.

(H) *Horizontal curves.* All horizontal curves shall have a minimum radius, measured at the centerline of the street. Local street minimum radius shall be 150 feet and collector street minimum shall be 300 feet.

(I) *Cul-de-sac streets.*

- (1) *Limited use of cul-de sac streets.* Cul-de-sac streets shall only be used where necessary due to topographical conditions, existing development patterns, or other existing physical conditions and only with the express approval of the Director of Community Development or the ~~Village Board of Trustees~~Board.
- (2) *Maximum length of cul-de-sac streets.* The maximum length of cul-de-sac streets shall be based on the land use character of the adjoining property (as determined by the Director of Community Development based on existing development, existing zoning, and the ~~e~~Comprehensive ~~p~~Plan) and shall comply with the following:

Serving a maximum of 25 dwelling units	660 feet
Serving more than 25 dwelling units	500 feet
Industrial Street	660 feet
Commercial and Office Street	500 feet

(J) *Street intersections.*

- (1) Streets shall be laid out so as to intersect as nearly as possible at right angles. Not more than two streets shall intersect at any one point unless otherwise specifically approved by the ~~Village~~Village Board.
- (2) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center-line offsets of less than 200 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be continuous.
- (3) Minimum curb radius at the intersection of two local residential streets shall be at least 15 feet; and minimum curb radius at an intersection involving a collector street or non-residential street shall be at least 25 feet.
- (4) Intersections shall be designed with a minimum grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided, having no greater than a two percent grade, a distance of 60 feet, measured from the nearest right-of-way line of the intersecting street.
- (5) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide at least minimum sight distance.
- (6) The cross-slopes (earth slopes) on all streets including intersections, shall be two percent.
- (K) *Half streets.* Half-streets shall not be permitted. Street systems in new subdivisions shall be laid out so as to eliminate half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be dedicated by the subdivider. ~~Where a new subdivision abuts an existing street of inadequate right-of-way width, additional right-of-way width may be required to be dedicated by the subdivider.~~ Where a new subdivision abuts an existing street of inadequate right-of-way width, additional right-of-way width may be required to be dedicated by the subdivider to meet the requirements of this section.
- (L) *Street curbs.* All street curbs shall have a vertical face six inches in height and conform with the Illinois Department of Transportation (IDOT) standards. Roll-type street curbs shall not be used unless specifically allowed by the Director of ~~Community Development~~Public Works.
- (M) *Alleys.* Alleys for rear access to lots may be permitted by the Village Board of Trustees~~Board~~ as part of a Planned Development. Alleys shall comply with the following requirements.
 - (1) *Purpose.* Alleys shall generally be provided for the purpose of providing flexibility in design; to improve the aesthetic and practical value of the front yard streetscape; provide a rear yard area for infrastructure; and to generally complement the design and functioning of a subdivision. The corresponding front building setbacks for lots with alleys may be reduced to a minimum of ten feet if deemed appropriate by the ~~Board of Trustees~~Board.
 - (2) *Access and maneuvering.* Vehicular circulation in alleys shall be designated as one-way. Alleys shall provide rear access to private lots. Anytime alleys are used, adjoining lots shall not be allowed to have driveways onto the corresponding public street. A restricted access easement shall be granted along the front property line of such lots which prohibits vehicular access via the front yard.
 - (3) *Improvement of alleys.* An alley right-of-way shall be 18 feet wide but may be wider if additional width is needed for utilities. Pavement width for an alley shall be 12 feet. Alleys shall not be required to provide curbing unless deemed necessary for access or storm water control purposes.

- (A) *Improvement of sidewalks.* The minimum sidewalk width, expressed in lineal feet, shall be five feet. The maximum slope of sidewalks shall meet the more stringent provisions of the Americans with Disabilities Act and the Illinois Accessibility Code ~~not exceed ten percent.~~
- (B) *Location.* Sidewalks in public rights-of-way shall be one foot from the property line. Sidewalks should also be a minimum of five feet from the street curb, however, under normal circumstances sidewalks will be farther from the street curb. Sidewalks shall generally be located parallel with the street curb but the Directors of Community Development or Public Works may allow deviation to accommodate preservation of trees, existing utilities, existing topographical conditions, or public safety. If necessary to accommodate the above, the Director(s) may require sidewalks to be placed on private property. Sidewalk easements shall be granted for all public sidewalks that are located on private property.
- (C) *Replacement of sidewalks.* At any such time that ~~Article III of~~ this Chapter would require a public sidewalk and there are existing sidewalks which are broken or out of proper grade, the affected broken or out of proper grade sidewalk sections shall be replaced. Such sidewalks shall be replaced whether or not such disrepair occurs before or after development of the corresponding private property.

§ 154.505 - Blocks.

- (A) *General requirements.* The size of blocks shall be measured from the center line of the surrounding street rights-of-way, railroad rights-of-way, or other border.
- (B) *Residential blocks.*
 - (1) ~~Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads or waterways.~~
 - (2) ~~The~~ lengths, widths and shapes of blocks shall be appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed 1,200 feet nor be less than 400 feet in length. Wherever practical, blocks along arterials and collector streets shall be a minimum of 1,000 feet in length.
 - (23) Blocks approximating or exceeding the maximum length and width requirements shall provide pedestrian and bicycle pathways where deemed appropriate by the Director of Community Development or the Village Board of Trustees ~~Board~~. The purpose of such pathways shall be to compensate for the decreased accessibility caused by the block lengths or widths.
- (C) *Non-residential blocks.* Blocks designed for business, commercial or industrial uses shall be of such length and width as may be determined suitable for the prospective use.

§ 154.506 - Lots.

All lots within a plat of subdivision shall conform to the following standards:

- (A) In general, the size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lot dimensions for private lots shall conform to the requirements of Chapter 155 of Village Code ~~the Lombard Zoning Ordinance~~.
- (B) Depth and width of properties reserved or laid out for business, commercial or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Chapter 155 of Village Code ~~Lombard Zoning Ordinance~~.
- (C) Where residential lots fronting on regional (expressways and tollways), major, or minor arterial streets are permitted, they should be platted with extra depth to permit generous distances between the buildings and the thoroughfare.
- (D) Every lot, private or otherwise shall have frontage on a public street. Lots without public street frontage require the expressed approval of the Village ~~Village~~ Board.

- (E) Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots, unless determined to be appropriate through best engineering practices determined by the Village.
- (F) ~~Lots at right angles to each other shall be avoided wherever possible, especially in residential areas.~~
- (G) Side lot lines shall be approximately at right angles or radial to street lines.
- (H) Lots on major street intersections and at all other points likely to be dangerous shall have a radius of not less than 15 feet at the street corner. On business lots, a chord may be substituted for the circular arc.
- (I) Double-frontage and reversed-frontage lots shall be avoided except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.

§ 154.507 - Outlots; detention, retention, open space, and others.

In addition to lots for residential, commercial, industrial or other private development it may be appropriate for certain plats to designate lots for common or public use. These lots may be for storm water control, buffer yards, recreational, open space, BMP's or similar common or public purposes. All such outlots shall comply with the applicable restrictions for lots as described in subsection ~~on~~ (E), above. In addition, all such lots shall comply with the following requirements:

- (A) Outlots shall be dedicated to the ~~village~~ Village or shall be conveyed as an undivided equal interest in each lot in the subdivision. ~~Ownership shall be as determined appropriate by the Village Board.~~
- (B) If ownership of an outlot is conveyed by agreement to each of the lots in the subdivision, a covenant on the face of the plat must be provided which describes the perpetual maintenance of the outlot. Maintenance generally shall be the responsibility of the owners via a homeowner's' association, if established.
- (C) Outlots shall be designed to serve multiple purposes. For example, retention areas may serve as passive or active recreation areas, environmental preservation areas, or buffer yards.
- (D) Outlots that require maintenance by the ~~Village~~ Village of Lombard or by a property association shall have a minimum frontage width of ~~2030~~ feet ~~on abutting an improved public street.~~ If the outlot is also intended to be improved with public utility lines or mains, the minimum frontage width shall be 30 feet abutting an improved public street.
- (E) Storm water detention/retention outlots ~~shall generally be rectangular and their location~~ in rear yards should be avoided.

§ 154.508 - Landscaping.

Landscaping of rights-of-way, outlots, and other common or public areas shall comply with the standards described below.

- (A) *Landscaping required.* All rights-of-way, detention/retention areas, outlots, and other common areas shall be landscaped in accordance with the requirements of Article III of this Chapter and with the requirements described below.
- (B) *Landscape plans and implementation.* All landscape plans; selection, installation, and maintenance of plant materials; and design criteria for all required landscaping shall comply with ~~§§ 155.702—155.704~~ Chapter Section 155.700 et. seq. of Village Code ~~the Lombard Zoning Ordinance.~~
- (C) *Right-of-way landscaping.* All landscaping within the public right-of-way shall comply with § Chapter 97 and Section 155.705, Right-of-way Landscaping, of Village Code ~~the Lombard Zoning~~

~~Ordinance.~~ The Director of Community Development may require that parkway trees be selected and planted by the Department of Public Works but paid for by the developer/subdivider.

- (D) *Storm water detention/retention areas.* The perimeter of all storm water detention/retention areas shall provide landscaping comparable to the requirements for Perimeter Lot Landscaping described in § 155.709 of ~~Village Code~~~~the Lombard Zoning Ordinance~~. In addition, storm water detention/retention areas shall be provided with a ground cover consistent with the perimeter lot landscaping. Internal landscaping may be required as determined appropriate by the Director of Community Development.
- (E) *Other outlots.* Landscaping for all other outlots or common areas shall be subject to the review and approval of the Director of Community Development. In general, landscaping of such areas shall be consistent with the standards established by ~~§§ 155.701—155.712~~~~Chapter~~~~Section~~ 155.7090 of the Lombard Village Code Zoning Ordinance.

§ 154.509 ~~— RESERVED Railroads and highways (expressways).~~

~~Railroad rights-of-way and limited-access highways, where so located as to affect the subdivision of adjoining lands, shall be treated as follows:~~

~~(A)—In residential districts, a buffer strip of at least 45 feet in depth, in addition to the normal depth of the lot required in the district, shall be provided adjacent to the railroad right-of-way or limited-access highway. In non-residential districts, a buffer strip of at least 25 feet in depth, in addition to the normal depth of the lot required in the district, shall be provided adjacent to the railroad right-of-way or limited-access highway. This strip shall be designated on the plat: "This strip is reserved for the planting of trees and shrubs by the owner. The placement of structures hereon is prohibited."~~

~~(B)—In districts zoned for office, commercial, industrial or other business uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.~~

~~(C)—Streets parallel to the railroad, when intersecting a street which crosses the railroad at grade, shall, to the extent practicable, be at a distance at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.—~~

§ 154.510 - Access to streets (driveways).

Access from private properties (driveways) to a public street shall comply with § 150.298—150.302 of the Lombard Code of Ordinances.

§ 154.511 - Pedways, bike lanes, and bike routes.

A subdivider or developer shall construct pedways, bike lanes, or bike routes in conjunction with a subdivision or development where designated by an adopted ~~Village of Lombard~~~~Village~~ bicycle transportation plan or as may be determined appropriate by the ~~Board of Trustees or the~~ Director of Community Development. Pedways, bike lanes, and bike routes shall be provided where deemed beneficial to provide access or circulation within a subdivision or for access to schools, playgrounds, shopping centers, or other community facilities. All pedways, bike lanes, and bike routes shall comply with the requirements of this subsection and the Village's adopted Complete Streets Policy.

- (A) *Class I pedways.* A Class I pedway (also referred to as a pedway) provides two-way circulation for pedestrians and pedal propelled vehicles and is separated from the roadway surface completely or by a curb or intervening strip of land. A pedway may be located next to a public street or within a dedicated public easement separated from a public street.

- (1) In addition to the above location criteria, pedways may be required where blocks exceed 800 feet in length or at the end of cul-de-sacs to provide through access to other streets or community facilities.
 - (2) A dedicated public right-of-way or permanent public easement shall be provided for all pedways. The minimum width of right-of-way or easement for pedways shall be 12 feet.
 - (3) Pavement widths for all pedways shall not be less than eight feet. Pedways shall be constructed of concrete unless otherwise approved by the Director of Community Development. Generally, pedways adjacent to public streets should be concrete and others may be asphalt. Minimum construction specifications shall be established by the Lombard Specifications Manual.
 - (4) Street signs and other motorized vehicle restrictions (such as removable posts) shall be provided for all pedways. Signs shall be paid for by the subdivider/developer and installed by the Department of Public Works. The type and amount of signs shall be subject to the approval of the Director of Public Works.
- (B) *Class II exclusive bike lanes.* A Class II Exclusive Bike Lane (also referred to as a bike lane) provides one-way circulation for bicyclists and is located near both curbs of the roadway surface (within the roadway surface of a public right-of-way).
- (1) Two, four-foot wide lanes, one on each side of the roadway surface, shall be provided.
 - (2) Striping, scoring of pavement, use of separate pavement material, or similar means of clearly designating each bike lane shall be provided.
 - (3) Street signs ~~shall~~ may be provided for all bike lanes. Signs shall be paid for by the subdivider/developer and installed by the Department of Public Works. The type and amount of signs shall be subject to the approval of the Director of Public Works.
 - (4) Additional street width or restrictions of on-street parking may be required to accommodate a bike lane.
- (C) *Class III non-exclusive bike routes.* A Class III non-exclusive bike route (also referred to as a bike route) is located within the roadway surface of a public right-of-way or access easement but is not designated by any markings or differentiation of pavement.
- (1) No additional street width is required for a bike route (a bike route is typically shared with vehicular lanes and designated only by signs).
 - (2) Street signs ~~shall~~ may be provided for all bike routes. Signs shall be paid for by the subdivider/developer and installed by the Department of Public Works. The type and amount of signs shall be subject to the approval of the Director of Public Works.
 - (3) On-street vehicular parking may be prohibited or restricted in order to accommodate a bike route.

§ 154.512 - Easements.

- (A) *Utility and other public improvement easements.* Easements for the purpose of maintenance and protection of public improvements shall be provided as required by the terms of this and other ordinances of the ~~Village of Lombard~~Village.
- (1) *Utility easements.* Easements for ~~specific public utilities and other public improvements~~ shall be centered on rear lot lines, and across lots or centered on side lot lines ~~where required by the Village Board~~.
 - (a) Such easements shall be at least ten feet wide but may be larger if required by the Director Department of Community Development or the Department of Public Works. At a minimum, new lots of record shall provide public utility easements with a depth of 10 feet' along the rear lot line and a depth of 5 feet' along the side lot lines. The minimum width of an easement shall be increased by four feet for each additional utility.

(b) A minimum width of thirty (30) feet is required for water mains and sewers that are to be owned by the Village unless otherwise expressly approved by the Director of Community Development or the Board of Trustees.

~~(bc)~~ Proper coordination shall be established between the developer and the applicable utility companies for the establishment of utility easements. Recommendations on the proposed layout of telephone, gas, water, and sanitary sewer easements shall be obtained from all of the utility companies which serve the areas.

~~(ed)~~ It shall be a responsibility of the subdivider to submit copies of approved preliminary and final plats of subdivision to all appropriate utility agencies and secure approval of all involved utility companies. Utility easements shall connect with easements established in adjoining properties. ~~[HW4]~~[GJ5]

(2) *Blanket easements.* For subdivisions that include common property which is maintained by a common property or homeowners' association, blanket easements may be used on those common lots in lieu of otherwise delineated utility easements. Blanket easements shall not be used without the express approval of the Director of Community Development or the Village Board of Trustees~~Board~~[HW6].

(B) *Drainage easements.* Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and shall include the floodplain where applicable, and of such width or construction or both as will be adequate for the purpose per the requirements of ~~the Stormwater and Floodplain Ordinance of the Village of Lombard, as codified in~~ Chapter 151 of ~~the Village the Municipal Code~~. Subject to the requirements of subsection (A), above, blanket easements may be permitted in lieu of a specific drainage easement.

~~.(C) — Clear sight easements. Easements to protect clear line of sight at intersections of public and/or private streets shall be provided for all plats and developments. Such easements shall be a triangular area measured 30 feet from the intersections of any two right-of-way lines. An easement restriction shall be provided on the Plat of Subdivision or in an easement dedication as follows: "Objects above two feet in height are prohibited from clear site easements, except as otherwise exempted by the Lombard Zoning Ordinance and the Lombard Sign Ordinance."~~

~~(DC)~~ *Temporary vehicular turn-around easement.* Temporary vehicular turn-around easements shall be provided where a dead-end street is provided with the intention of future extension of the street. The temporary vehicular turn-around easement and description shall be placed on the final plat of subdivision. The easement shall be as follows:

(1) The vehicular turnaround shall be of sufficient size for maneuvering by emergency vehicles and shall be subject to the approval of the Director of Community Development.

(2) The plat of subdivision or the easement document shall state: "The temporary turn-around easement shall be vacated upon extension of the street. Extension shall include dedication and acceptance of the improved street by the Village~~Village~~ Board.

~~(DE)~~ *Pedway easements.* All pedway easements, required by subsection 154.511(A), above, shall be described on the plat of subdivision anytime a plat is being recorded. Otherwise, an easement document shall be recorded. All pedway easements shall comply with the requirements of subsection 154.511(A), above.

~~(FE)~~ *Restricted access easements.* In order to restrict access from a public right-of-way onto a private property, the Village~~Village~~ Board may require restricted access easements. Restricted access easements shall comply with the following:

(1) Such easements shall be five feet wide and extend across the frontage of the restricted right-of-way.

(2) Restricted access easements shall be described on the plat of subdivision anytime a plat is being recorded. Otherwise, an easement document shall be recorded.

- (3) Restricted access easements shall only be used if alternative means of access to a public right-of-way is provided.

(GE) *Shared access easements.* Shared access easements may be required for the purpose of restricting the number of curb cuts onto public rights-of-way or to improve circulation within private properties.

(Ord. 4701, passed 9/2/99; Ord. No. 7503, § 3, passed 4-5-18)

§ 154.513 - Required monuments (markers).

The developer shall place permanent reference monuments in the subdivision as required herein as approved by a Registered Land Surveyor, following the provisions set forth within the Illinois Professional Land Surveyor Act of 1989 225 ILCS 330/1. Monument placement must follow the provisions of 765 ILCS 205/1.

- ~~(A) Permanent monument shall be placed at every one-quarter (1/4) mile interval at each north-south and east-west direction.~~
- ~~(B) The developer shall provide a minimum of one permanent monument in each development.~~
- ~~(C) The permanent monument shall be a brass disc set in concrete, eight (8) inches in diameter at the top and 12 inches at the bottom by 48 inches deep concrete cast in place with one number four vertical reinforcing rod on its center. The developer shall provide the brass disc at his own cost.~~
- ~~(D) The monuments and markers shall be set level with the finished grade.~~
- ~~(E) The proposed monuments shall be in USGS datum, and shall be inscribed with the number and elevation. USGS datum elevation shall be checked against at least two of the reference mark elevations denoted in the Flood Insurance Study prepared for the village by the Flood Insurance Administration. The result of the closure survey shall be reported in writing to the Village Engineer. The reference marks used for this survey and their elevations shall be denoted on the cover sheet of the development plans.~~
- ~~(F) Permanent monuments shall be constructed as denoted on the plat. Permanent monuments shall be constructed in accordance with the standards for permanent benchmarks.~~
- ~~(G) Iron pipe markers of three-quarter (3/4) inch in diameter and 24 inches long shall be set at all corners, angle points, and points of curvature of lots and streets by a registered land surveyor.~~
- ~~(H) The developer shall replace or verify the existence of all iron pipes after the completion of all construction and before initial acceptance of the development by the corporate authorities.~~
- ~~(I) All monuments shall be properly set in the ground and approved by a Registered Land Surveyor prior to the time of approval of the final plat.~~

§ 154.514 - Subdivision names.

All proposed plats of subdivision shall be named according to the following guidelines:

- (A) The proposed name shall not duplicate an existing subdivision name that is located within or adjacent to the Village of Lombard Village unless it is an extension of an existing subdivision. Such extensions shall be clearly delineated (e.g. Phase 2 of the Lombard Plat of Subdivision);
- (B) The proposed name shall not use the name of another municipality or local government district within Du Page County or its surrounding area;
- (C) The proposed name shall not be misleading in terms of location of the subdivision. For example, it shall not use a common Lombard street name or location that is not within or contiguous to the subdivision;
- (D) The use of contiguous street names, parks, or institutions; the use of local historical names; or the use of other locally known landmarks or names is encouraged.

ARTICLE VI. ~~—~~ AGREEMENTS, ASSURANCES, AND ACCEPTANCES

§ 154.601 ~~—~~ Required agreements, assurances, and acceptances.

All subdivisions and developments which include public improvements shall provide assurances to the ~~Village of Lombard~~Village that all work will be completed in a timely manner and in accordance with the standards of the ~~Village~~Village of Lombard. In pursuit of this objective, agreements, assurances, and acceptances shall be provided for all public improvements in compliance with the requirements described below. The following is a list of the required documentation required by this section:

Subdivision and Development Agreement

Completion Guarantee (Letter of Credit)

Record Drawings (as-built drawings)

Maintenance Guarantee (Letter of Credit)

§ 154.602 - The subdivision and development agreement.

A subdivision and development agreement (also referred to as ~~the~~ "agreement") is a contract between the ~~Village of Lombard~~Village and the owner/developer of property. It establishes the terms, conditions, and schedule for the construction of all improvements related to a subdivision or development.

- (A) *Scope and application.* Anytime that public improvements are required by this Chapter, a subdivision and development agreement ~~shall~~may be required by the Village provided. Completion of the agreement and all accompanying documents shall constitute authorization to proceed with the construction of public improvements. The agreement shall comply with the requirements of This section.
- (B) *Submittal.* It shall be the responsibility of the property owner or an authorized representative of the property owner (also referred to as the developer) to submit the subdivision and development agreement for the review and approval of the appropriate ~~village~~Village authorities. The agreement shall be presented in a general format prescribed by the Director of Community Development. The agreement shall be submitted and approved prior to issuance of a building permit for a development or prior to recording a final plat of subdivision, whichever is appropriate.
- (C) *Authority to approve.* ~~The Director of Community Development shall approve all subdivision and development agreements for developments or administrative plats of subdivision. If specifically directed by the Board of Trustees, the Director of Community Development shall approve an agreement for a minor or major plat of subdivision. The Village Board of Trustees~~Board shall have the authority to approve all agreements submitted with a minor or major plat of subdivision ~~or to defer approval to the Director of Community Development.~~
- (D) *Content of the subdivision and development agreement.* All subdivision and development agreements shall include the following information:
 - (1) *General information.*
 - (a) Name of subdivision or development.
 - (b) Legal description of subject property.
 - (c) Names and addresses of owner, subdivider, and developer having control of the tract and proposing to develop the private property and the public improvements.
 - (d) Date of preparation and any revisions.
 - (2) *Description of improvements.*

- (a) *Public improvements.* A detailed description of all public improvements to be constructed shall be included in the agreement. Reference to the approved final engineering plans and plat of subdivision also should be provided.
 - (b) *Private improvements.* A general description of private construction improvements shall be included in the agreement. Reference to the approved site and landscaping plan also should be provided if appropriate.
- (3) *Schedule of construction.* A schedule of construction shall be included in all subdivision and development agreements, where warranted. The purpose of the schedule is to clearly establish deadlines for the completion of the various public and private improvements relative to issuance of building permits and certificates of occupancy/zoning certificate. The schedule may establish phases for the completion of improvements. Furthermore, the Director of Community Development or the Board of Trustees Board may approve a schedule contrary to the following guidelines if determined appropriate due to particular circumstances of a specific development. However, all Agreements shall generally comply with the schedule established herein.
- (a) *Erosion and sedimentation control.* Erosion and sedimentation control measures in compliance with § 154.408 of this Chapter shall be implemented prior to any grading changes, the construction of any public improvements, or the issuance of any building permits for development of the private property. Authorization to proceed with grading, storm water improvements, and all other public and private improvements, shall be withheld until approved erosion and sedimentation control measures are implemented.
 - (b) *Protection of existing vegetation.* Appropriate protection of all trees and vegetation to be preserved shall be implemented prior to any grading changes, the construction of any public improvements, or the issuance of any building permits for the development of the private property. Protected trees and vegetation shall be designated as required by § 154.408, 154.409, and 154.508 of this Chapter; §§ 154.701—154.712 Chapter 155.700 et. seq. of Village Code the Lombard Zoning Ordinance, Number 3274; and the approved landscaping plans. Authorization to proceed with grading, storm water improvements, and all other public and private improvements shall be withheld until approved landscaping preservation measures es are implemented.
 - (c) *Storm sewer and drainage system.* A functional storm sewer and drainage system should~~shall~~ be completed prior to the start of any vertical building construction activity or any construction activity that increases stormwater runoff issuance of any building permits for the related ~~private~~ development. A functional storm sewer and drainage system shall mean a system that is in compliance with the approved final engineering plans unless an acceptable, interim, alternative is approved by the Director of Community Development.
 - (d) *Approval of final plat or development plan.* The final plat of subdivision (or equivalent document) and related documents; including final engineering plans, site plan, landscape plan, letter of credit, and a signed agreement; shall be approved by the appropriate village~~Village~~ authorities and submitted for recording prior to any grading changes, the construction of any public improvements, or the issuance of any building permits for the development of the private property.
 - (e) *Water distribution system.* The required water distribution system shall be substantially completed prior to issuance of a building permit. Substantial completion shall include, but not be limited to, a continuous flow (looped) water main and operational fire hydrants servicing all proposed building sites.
 - (f) *Sanitary sewer system.* The required sanitary sewer system shall be substantially completed prior to issuance of a building permit~~construction start for any permanent structures within the development~~. Substantial completion shall include but not be limited to the provision of a public sanitary sewer main for each building site.

- (g) *Public right-of-way improvements.* Prior to the ~~issuance of a building permit the start of any construction activities for any principal buildings~~, the required public street improvements shall be substantially completed. Substantial completion shall include but not be limited to all street pavement except the final surface, and street lighting, ~~parkway improvements, and sidewalk.~~
- ~~Streetscape improvements and all other right-of-way improvements (including final surface, street lights, and parkway landscaping) shall be completed prior to the issuance of building permits or Certificates of Occupancy for the final ten percent of lots, buildings, tenant spaces, dwelling units; within a specified time period; or other applicable measurement as determined appropriate by the Director of Community Development. The agreement shall stipulate the timing for the completion of all public right-of-way improvements.~~
- (h) *Completion of public improvements.* Any other improvements required by other applicable ordinances of the ~~Village~~Village of Lombard shall be completed in compliance with the construction schedule established as part of the subdivision and development agreement. All public improvements not completed prior to issuance of the first building permit shall be completed prior to the issuance of building permits or certificates of occupancy/zoning certificate for the final ten percent of lots, buildings, tenant spaces, dwelling units; within a specified time period; or other applicable measurement as determined appropriate by the Director of Community Development. The subdivision and development agreement shall stipulate the terms for completion of all public improvements.
- (4) *Guarantee of compliance and completion.* The subdivision and development agreement shall provide guarantees that the improvements required by this Chapter shall be constructed in compliance with the terms and conditions of this Chapter and other relevant ordinances. All such guarantees shall comply with § 154.603, below.
- (5) *Acceptance and assurances.* The subdivision and development agreement shall provide for the acceptance of public improvements by the ~~Village~~Village Board of TrusteesBoard and assurances that the public improvements are adequately completed as required by § 154.604, below.
- (6) *Guarantee of maintenance.* In order to ensure the continued maintenance of public improvements, operation assurances and guarantees in compliance with § 154.605, below shall be provided. Said guarantees shall be described in the subdivision and development agreement.
- (E) *Changes to the subdivision and development agreement.*
- (1) *Initiation.* Changes to the subdivision and development agreement may be proposed by the Director of Community Development, Village Board of TrusteesBoard, or the property owner (or the owners duly authorized representative). Changes to the agreement may be proposed at any time during the development and subdivision process.
- ~~(2) *Agreements for administrative plats and development.* Changes to an agreement for an administrative plat of subdivision or a development must be approved by the Director of Community Development and the property owner/developer.~~
- ~~(23)~~ *Agreements for minor and major plats.* Major changes to an Agreement for a minor or major plat of subdivision must be approved by the Village Board of TrusteesBoard and the property owner/developer. Minor changes to an agreement for a minor or major plat may be approved by the Director of Community Development. The Director of Community Development shall have the sole responsibility for determining if a proposed change is minor or major.

All subdivisions and developments shall provide guarantees that any improvements required by this Chapter shall be completed in compliance with the terms and conditions of this Chapter. Such guarantees shall include the following.

- (A) *Submittal of engineer's cost estimate.* A detailed estimate of the costs for all public improvements as defined in § 154.703 shall be submitted to the Director of Community Development (hereinafter the "Director" for purposes of this section) for review and approval. Estimates shall be based on current costs for materials and labor. The approved engineer's cost estimate shall be used to determine the amount of the instrument of credit described below.
- (B) *Submittal of instrument of credit.* An irrevocable letter of credit (or other comparable instrument of credit) equal to 115 percent of the engineer's cost estimate for the public improvements as defined in § 154.703 shall be provided to the ~~village~~Village. Any instrument of credit other than a cash bond or a letter of credit that follows the ~~village~~Village's form letter of credit format shall be reviewed by the ~~Village~~Village Attorney, at the cost of the permit applicant, payment of which shall be due at the time of permit issuance. The instrument of credit shall be subject to the approval of the Director and is subject to the following conditions:
 - (1) In the case of a letter of credit, the lending institution shall be acceptable to the Director; shall have capital resources of at least \$10,000,000.00 or such other amount acceptable to the Director; shall have an office in the Chicago Metropolitan area; and shall be insured by the Federal Deposit Insurance Corporation.
 - (2) The instrument of credit shall not be canceled without the prior written consent of the Director and shall not require the consent of the developer prior to any draw/call on it by the Director.
 - (3) If at any time the instrument of credit will expire within 90 or less days, and if it has not been renewed, and if any applicable obligation of the developer for which its security remains uncompleted or is unsatisfactory, then the Director may, without notice and without being required to take any further action of any nature whatsoever, call and draw down the instrument of credit and thereafter either hold all proceeds as security for the satisfactory completion of all such obligations or employ the proceeds to complete all such obligations and reimburse the ~~village~~Village for any and all costs and expenses, including legal fees and administrative costs, incurred by the ~~village~~Village, as the Director shall determine.
 - (4) If at any time the Director determines that the funds remaining in the instrument of credit are not, or may not be, sufficient to pay in full the remaining unpaid cost of required public improvements, then, within ten days following a demand by the Director, the developer shall increase the amount of the instrument of credit to an amount determined by the Director to be sufficient to pay such unpaid costs. Failure to so increase the amount of the security shall be grounds for the Director to draw down/call the entire remaining balance of the instrument of credit.
 - (5) In the case of a letter of credit, if at any time the Director determines that the lending institution issuing the letter of credit is without capital resources of at least \$10,000,000.00, is unable to meet any federal or state requirements for reserves, is insolvent, is in danger of becoming any of the foregoing, or is otherwise in danger of being unable to honor the letter of credit at any time during its term, or if the Director otherwise reasonably deems the bank/issuer to be insecure, then the Director shall have the right to demand that the developer provide a replacement letter of credit from a bank/issuer satisfactory to the Director. Such replacement letter of credit shall be deposited with the Director not later than ten days following such demand. Upon such deposit, the Director shall surrender the original letter of credit to the developer.
- (C) *Guarantee of completion.* The development agreement and the instrument of credit shall include a guarantee that all public improvements as defined in § 154.703 shall be completed by the developer or his subcontractors not later than 21 months from the date of the recording of the plat or the issuance of a building permit for the private development, whichever occurs first. Not less than 25 percent of the amount of each line item of the engineer's cost estimate plus the entire 15

percent contingency amount in the instrument of credit shall be held in abeyance by the ~~village~~Village until such time as all public improvements have been fully completed and accepted by the ~~Village~~Village Board.

- (D) *Failure to complete.* If the owner/developer fails or refuses to complete all public improvements or repairs thereto within the specified time periods or in any way fails or refuses to meet fully its obligations under this Code, the Director shall have the sole authority to draw/call on and retain all or any of the funds remaining in the instrument of credit. The Director thereafter shall have the right to take any action deemed reasonable and appropriate to mitigate the effects of such failure or refusal. The proceeds of the instrument of credit shall be utilized to pay for all costs and expenses including legal fees and administrative expenses, resulting from or incurred as a result of the developer's failure or refusal to complete the public improvements and fully meet its obligations under this Code. If the funds remaining in the instrument of credit are insufficient to cover all such costs and expenses and to maintain a cash reserve equal to the required instrument of credit during the entire time such instrument of credit should have been maintained by the developer, then the developer shall, upon demand of the Director, immediately deposit with the Director such additional funds as the Director determines are necessary to fully cover such costs and expenses and to establish such cash reserve.
- (E) *Extension of letter of credit.* The Director of Community Development, upon written proof of difficulty, shall have the authority to grant one extension of the instrument of credit, not to exceed six months. The ~~Village~~Village Board may, upon written proof of difficulty, grant additional extensions of the instrument of credit. Prior to any extension, an amendment to the Development Agreement shall be submitted which proposes a revised schedule of construction in compliance with the terms of this section.

(Ord. 5133, passed 5/16/02)

§ 154.604 - Acceptance and assurances.

- (A) *Record drawing (as-built drawings).* Upon completion of the required public improvements ~~two copies of~~ a detailed record drawing (a.k.a. as-built drawings) of the subdivision or development shall be submitted by the owner/developer to the Director of Community Development (~~hereinafter the "Director" for purposes of this section~~ in a medium deemed acceptable by the Director). Completion shall include all public improvements guaranteed by the instrument of credit. The purpose of the record drawing is to ensure that such public improvements have been installed in accordance with the approved final engineering plans for the subdivision or development. The record drawing shall indicate location (setback from property lines), dimensions, elevations, and construction materials of all improvements, and any other information as may be required by the Director.
- (B) *Acceptance.* Public improvements shall be accepted by the ~~Village~~Village Board after certification by the ~~Village~~Village Engineer and Directors of Community Development and Public Works that the public improvements are in compliance with previously approved plans, specifications, and relevant codes and ordinances. All required fees and procedures shall be provided and complied with prior to such acceptance. The village shall not be liable for any damages that may occur on any dedicated road or to any utilities within a new subdivision or development that has not been accepted by the Village Board. The owner/developer shall hold the village free and harmless from any and all such claims that may be submitted.

(Ord. 5133, passed 5/16/02)

§ 154.605 - Guarantee of maintenance.

In order to ensure the operation of public improvements after acceptance by the ~~Village~~Village Board, the following assurances and guarantees shall be provided.

- (A) *Guarantee period for public improvements.* All public improvements required pursuant to this Code must be guaranteed by the developer for a period of at least two years after final acceptance by the VillageVillage Board. For public improvements not to be owned by the villageVillage (e.g. stormwater management improvements), such guarantee shall be for a period of at least two years after approval of the record drawings. Any warranty that is still in effect on materials accepted by the VillageVillage Board shall be submitted to the VillageVillage EngineerDirector of Community Development at the time of acceptance.
- (B) *Maintenance deposit.* No public improvement shall be accepted by the VillageVillage Board until the developer shall provide a deposit equal to ten percent of the estimated cost of the improvements. The deposit shall guarantee the satisfactory operation and maintenance of the public improvements. The maintenance deposit shall include the following:
- (1) The deposit shall be cash, letter of credit, or comparable instrument of credit in a form to be approved by the Director of Community Development and VillageVillage Attorney.
 - (2) The deposit shall generally comply with the requirements of § 154.603 above.
 - (3) The deposit shall be held by the villageVillage for 24 months after acceptance or approval of the public improvements by the VillageVillage Board.
 - (4) The full deposit shall be refunded at the end of the 24 months if no defects in materials (including dead landscape materials), workmanship, or design have become apparent. If defects are found, the balance of the deposit shall be refunded after reimbursement of the villageVillage for the amounts expended to correct defective improvements.
 - (5) The deposit under this subsection shall be made immediately upon completion, acceptance, and approval of the construction of said public improvements. The guarantee of completion deposit required by § 154.603, above, shall be released upon receipt of the maintenance guarantee required by this subsection.
- (C) *Establishment of property ~~owner's~~owners associations.* In order to guarantee the continued maintenance of ~~privately-owned~~privately-owned common areas, storm water control outlots, public parkways, recreation areas, open space, and other public, semi-public, or common areas, an association of property owners or other comparable administration may be required. The association shall be responsible for the perpetual maintenance of all such areas, the provisions of Village Code and the development conditions set forth within the Ordinances approving the subdivision or development. ~~The terms and conditions of the property owner's association agreement relative to maintenance of all such areas shall be subject to the review and approval of the Director of Community Development.~~

(Ord. 5133, passed 5/16/02)

§ 154.606 - Environmental assessment as condition of land conveyance, dedication, or donation.

Not less than five days prior to any conveyance, dedication or donation of real estate required under any villageVillage ordinance or requirement, the Grantor, at its sole cost and expense, shall have caused to be prepared and submitted to the villageVillage a written report of a site assessment and environmental audit, in scope, form and substance, and prepared by an independent, competent and qualified engineer (a Certified, Professional Engineer), satisfactory to the villageVillage (the "Environmental Audit") and dated not more than 60 days prior to the transfer date, showing the engineer made all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial and customary practice in an effort to minimize liability, which takes into account and satisfies the "innocent landowner" provision set forth at 42 U.S.C. 9601 (35), such that consistent with generally accepted engineering practice and procedure, no evidence or indication came to light which would suggest there was a release of substances on the property which could necessitate an environmental response action, and which demonstrates that the property and the facility complies with, and does not deviate from, all applicable environmental statutes, laws, ordinances, rules and regulations, including any licenses, permits or certificates required thereunder.

The Environmental Audit shall also demonstrate that the property and the improvements located thereon, if any, do not contain:

- (1) Asbestos in any form;
- (2) Urea formaldehyde;
- (3) Transformers or other equipment that contain fluid containing polychlorinated biphenyls;
- (4) Underground storage tanks; or
- (5) Any other chemical, material or substance, the exposure to which is prohibited, limited or regulated by any federal, state, county, regional or local authorities (the "Authorities") or which poses a hazard to the health and safety of the occupants of the property or the facility, or the occupants of adjacent property.

The Environmental Audit shall also demonstrate that the property and facility are not, and have not been, the subject of any past, existing or threatened investigation, inquiry or proceeding concerning environmental matters by the authorities, and that no notice or submission concerning environmental matter has been given or should be given with regard to the property and the facility to the authorities. The Environmental Audit shall demonstrate that the property and facility are not subject to, or covered by, the requirements of the Emergency Planning and Community Right-To-Know Act of 1986, 42 U.S.C. 11001, et seq. and that the property is not now being used and has never been used for any activities involving directly or indirectly the use, treatment, storage or disposal of any hazardous or toxic chemical, material, substance or waste.

The grantor of the property and facility acknowledges and agrees that the ~~village~~Village shall not be obligated to take title to any land if, in its sole and exclusive judgment, for any reason whatsoever (including, without limitation, information revealed by the Environmental Audit) that the use or condition of the property, or any part thereof, poses a material health, safety or environmental hazard.

Upon Village receipt of the Environmental Audit, the Village reserves the right to hire a third-party engineering and/or legal consultant, as selected and determined by the Village, to facilitate a review of the submittal and offer findings and recommendations. The costs associated with the review shall be paid by the developer. The Village shall supply the developer with any reports and documents created as part of the review effort.

ARTICLE VII. - RULES AND DEFINITIONS

§ 154.701 - Applicability.

In the construction of the ordinance the rules and definitions contained in this Article shall be observed and applied except when the context clearly indicates otherwise.

§ 154.702 - Rules.

The following rules of construction apply to the text of this Chapter.

- (A) Words used in the present tense shall include the future.
- (B) Words used in the singular number shall include the plural number, and the plural the singular.
- (C) The words "shall" and "will" are mandatory and not discretionary.
- (D) The word "may" is permissive.
- ~~(E) The masculine gender includes the feminine and neuter. [HW7]~~
- ~~(EF)~~ The word "person" means a natural individual, association, corporation, estate, joint venture, partnership, trustee or other legal entity capable of holding title to real property.

(GE) Whenever a word or term defined appears in the text of this Chapter, its meaning shall be construed as set forth in the definition; and any word appearing in parentheses directly after a word defined shall be construed in the same sense as the word.

(HG) The word "building" includes "structure"; "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the word "intended, arranged, or designed to be used or occupied".

(IH) In the case of any differences of meaning or application between the text of the Ordinance and caption or illustration, the text shall control.

(JI) Terms not herein defined shall be defined as specified in Merriam-Webster's Collegiate Dictionary, Eleventh Edition (2003).

§ 154.703 - Definitions.

The following definitions shall apply in the interpretation and enforcement of this Chapter:

Accepted public street. Any street which has been officially accepted by the ~~Village Board of Trustees~~Board of the Village of Lombard, or by any other designated public body for the purpose of maintenance and operation.

Access. A way or means of approach to provide physical entrance to a property. Access may be provided to accommodate pedestrians, bicycles, vehicles, or other means of transport.

Accessibility standards. Refers to those criteria as established by the Illinois Accessibility Code (410 ILCS 25/1).

Alley. A minor public or private right-of-way not intended for general traffic circulation which affords a secondary means of access to abutting property whose principal frontage is on some other street.

Applicants. The owner, contract purchaser or designated legal representative who has been authorized by the legal owner of a property to pursue the subdivision of land pursuant to this Chapter.

Approved street. Any public street which has been dedicated, constructed, and accepted in compliance with this Chapter.

Apron. An extension of a driveway lying between the public sidewalk (or the right-of-way line if there is no sidewalk) and the curb and gutter of a street. The maintenance responsibility for this facility normally being with the owner of the driveway so extended.

Best Management Practices (BMPs). Design, construction, and maintenance practices and criteria for stormwater facilities that minimize the impact of stormwater runoff rates and volume, prevent erosion, and capture pollutants.

Bike lane, Class II exclusive. A one-way lane within a public right-of-way that is provided for circulation by bicyclists and is separated from other vehicular lanes (see also bike route, Class III non-exclusive and pedways, Class I).

Bike route, Class III non-exclusive. A one-way lane within a public right-of-way that is provided for circulation by bicyclists but is not separated from other vehicular lanes (see also bike lane, Class II exclusive and pedway, Class I).

Block. A tract of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, shoreline of a waterways, boundary lines of a municipality or any other barrier to the continuity of development.

Bond. Any form of security approved as to form by the ~~Village~~Village Attorney including cash deposit, surety bond, letter of credit or instrument of credit, in an amount or form accepted by the ~~Village Board of Trustees~~Board, to guarantee proper installation of improvements required by this Chapter.

Building. Any structure which is substantially enclosed by exterior walls, has a roof supported by columns or walls, and is intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building setback line. The line parallel to the front line of a lot at a distance equal to the depth of the required front yard for the zoning district in which the lot is located.

Building permit. Written permission issued by the Village of Lombard Village through the Department of Community Development for the construction, repair, alteration or addition to a structure.

Building division. The Building Division of the Department of Community Development of the Village of Lombard Village, Illinois.

Capital improvement program. A proposed schedule of future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the village Village's annual operating expenses, for the purchase, construction, or replacement of the physical assets of the community are included.

Certificate of ~~O~~ccupancy/Zoning Certificate. A document issued by the Department of Community Development allowing the occupancy or use of a building and certifying that the building or use has been constructed ~~or~~and will be used in compliance with all applicable village Village codes and ordinances.

~~*Clear sight easement.* A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.~~

Commission. Refers to the Plan Commission of the Village of Lombard Village, Illinois.

Comprehensive plan. The plan for the long-range growth and development of the village Village including graphic and written proposals. Such plan is formally adopted and is amended from time to time by the Village of Lombard Village Plan Commission and Village Board of Trustees Board.

Conceptual plan. Any and all information adequately delineating the concept of any proposed development.

Condominium. A building or a group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Condominium association. An association which administers and maintains the common property and common elements of a condominium.

Condominium association documents. The by-laws covenants, and restrictions governing a condominium association and its members.

Condominium common elements. All portions of the property except the units, including limited common elements unless otherwise specified.

Condominium property. All land, property and spaces comprising the parcel, all improvements and structure erected, constructed or contained therein or thereon, including the building and all easements, right and appurtenances belonging thereto, and all fixtures and equipment intended for the mutual use, benefit and enjoyment of the unit owners.

Construction plan (final engineering). Maps, drawings, and specifications accompanying a subdivision plat, consistent with the conditions specified for approval of the preliminary plat by the Plan Commission, and showing the specified location and details of improvements to be installed in the subdivision.

Cul-de-sac. A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Culvert. A drain, ditch, or conduit not incorporated in a closed system, that carries drainage water under a driveway, roadway, railroad, pedestrian walkway, or other public way.

Curb. A stone or concrete boundary usually marking the edge of a roadway or paved area.

Curb cut. An opening along a non-mountable curb line at which point vehicles may enter or leave a roadway.

Dedicated street. A public right-of-way owned by the ~~village~~Village or other public highway agency, and created by designation on a recorded Plat or in a recorded instrument of conveyance accepted by the corporate authorities of the ~~village~~Village or other public highway agency.

Dedication. The conveyance of property by its owner to another party.

Deed. A legal document conveying ownership of real property.

Detention basin or pond. A storage facility for the temporary storage of storm water runoff.

Developer. Any person whose concern and intent is to improve land in accordance with the development regulations of the ~~Village of Lombard~~Village.

Development, major. The improvement of property in any of the following manners:

- (a) Construction of a principal building (excluding a detached single-family or two-family residence);
- (b) Construction of a building addition (excluding additions to single-family or two-family residences) in which the gross floor area exceeds 50 percent of the gross floor area of existing buildings on a zoning lot ~~or 20,000 square feet, whichever is less,~~ within the prior ten years.

Development, minor. The improvement of property in any of the following manners:

- (a) Construction of a detached single-family or two-family residence (as defined by Section 154.802 of the Village Code Lombard Zoning Ordinance, Number 3274 as amended);
- (b) Construction of a building addition (excluding additions to detached single-family or two-family residences) in which the gross floor area does not exceed 20 percent of the gross floor area of existing building~~existing buildings~~ on a zoning lot ~~or 2,000 gross square feet,~~ within the prior 10 years.
- ~~(c) Reconstruction of 50 percent or more of the total area of a parking lot (not including driveways for single-family or two-family residences).~~

Director of ~~e~~Community ~~d~~Development. The Director of the Village of Lombard, Illinois, Department of Community Development or the Director's duly authorized representative.

Director of ~~p~~Public ~~w~~Works. The Director of the Village of Lombard, Illinois, Department of Public Works, or the Director's duly authorized representative.

Easement. A grant by a property owner for the use of a portion of his land by another party or the general public for a specific purpose. Easements may include, but are not limited to, access, ~~clear sight,~~ drainage, pedways, and utility.

Egress. Leave or exit.

Engineer. The individual responsible for the engineering design and the preparation of the proposed improvement plans, supporting calculations, and other required documents for the development of land. This individual shall be a registered Professional Engineer licensed by the State of Illinois.

Fire Chief. The Fire Chief of the Village of Lombard, Illinois or the Chief~~his~~~~their~~ duly authorized representative.

Fire wall. A fire wall is a wall which subdivides a building into limited fire areas or which separates two or more buildings to restrict the spread of fire and which extends continuously through all stories to a level above the roof.

Frontage. The length of all the property fronting on one side of a street between the two nearest intersecting streets, measured along the line of the street, or if dead ended, then all of the property abutting on one side between an intersecting street and the dead end. (Lombard Zoning Ordinance).

Grade. The mean level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

Half street. A street bordering one or more boundary lines of a tract of land or parcel which is one-half or less of the required right-of-way width.

IDOT. The abbreviation for the Illinois Department of Transportation.

IEPA. The abbreviation for the Illinois Environmental Protection Agency.

Improvement, public. Any ~~sanitary sewer, storm sewer, drainage ditch, detention area, water main, roadway, public lighting, traffic control, parkway, sidewalk, pedestrian or bicycle path, planting strip, landscaping, parking lot, pavement, curb/gutter, signage, pavement marking, grading, stormwater management facility, retaining walls or any improvement which is intended for public use or any~~ improvement that the ~~village~~Village may ultimately assume either ownership of, or have the right, but not necessarily the primary responsibility, to maintain, repair, reconstruct and/or operate, pursuant to an easement.

Improvement, right-of-way. Public streets, curbs, gutters, storm sewers and related drainage facilities, sidewalks, parkway trees and sod, and street lighting all located within a dedicated, public right-of-way.

Improvement, streetscape (parkway). That portion of an improved or underimproved right-of-way other than the public street and consisting primarily of sidewalks, parkway trees and sod, and street lighting.

Improvement, storm water control. Public improvements intended for the management of storm water including street gutters, storm sewers, retention and detention ponds, drainageways, catch basins, and related improvements.

Improvement, utility. Public improvements intended for the transference of public services such as water and sanitary sewers.

Ingress. Access of entry.

Land division (deed division). A land division or deed division is the division of a parcel of land into two or more parts, lots or parcels in accordance with one of the nine exemptions under Chapter 109 (Plat Act) of the Illinois Compiled Statutes.

Lot, zoning. A designated parcel, tract, or area of land established by plat, subdivision, or otherwise permitted by law to be used, developed, or built upon as a single unit under single ownership or control.

Lot is a parcel of land located within a single block and may be either a "lot of record" or a "zoning lot".

Lot of record is a single lot which has been created by a plat of subdivision, the plat of which has been recorded in the office of the Recorder of Deeds of DuPage eCounty. A lot of record does not include any parcel of land that is created by an assessment plat.

Master plan. See Comprehensive Plan.

~~*NIPC.* The abbreviation for the Northeastern Illinois Planning Commission.~~

Non-residential subdivision. A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

Occupancy certificate. See Certificate of Occupancy/Zoning Certificate.

Official master plan. See Comprehensive Plan.

Off-site. Any premises not located within the area of property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

On-site. Located on the lot or parcel that is the subject of an application for development or subdivision.

Open area. That area of a lot, parcel, or tract that is not covered by a building or structure.

Open space. Any parcel or area of land or water essentially unimproved, or otherwise devoid of buildings or other structures and paved areas, and set aside, dedicated, designated, or reserved for public or private use or enjoyment of owners and occupants of land adjoining or neighboring such open space.

Open space, planned residential—Condominium open space.

- (a) *Limited private open space (elements)* shall mean a portion of the common elements so designated in the condominium declaration or homeowners' association agreement as being reserved for the use of a certain unit or units to the exclusion of other units, including but limited to balconies, terraces, patios and parking spaces or facilities.
- (b) *Common open spaces (elements)* shall mean all portions of the property except the units and except limited private open (elements) herein defined.

Open space, private. Any area within a conventional subdivision which; are reserved by choice of the owner; under private ownership and management; have some limitations on access and use; and areas, notwithstanding the zoning ordinance, are not subject to control by the local political jurisdiction.

Open space, public. Any area regardless of how such property is controlled, is permanently reserved for open space purposes, or which is owned, operated and maintained by a local political jurisdiction with no limitations on access or use.

Ordinance. The Subdivision and Development Ordinance of the Village of Lombard, Illinois.

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under this Chapter.

Parcel. A lot or tract of land.

Parking space. An enclosed or unenclosed surface area permanently reserved for the temporary storage of one ~~automobile~~ ~~motor vehicle~~ and appropriately connected with a street or alley by a surfaced driveway affording adequate ingress and egress.

Parkway. The area between the back of the curb and the sidewalk or the area between the back of the curb and the edge of the street right-of-way where there is no sidewalk.

Party wall. A wall which is common to but divides contiguous buildings.

Pedway, Class I. A paved surface located within a dedicated public right-of-way or easement which provides two-way access and circulation for pedestrians and pedal propelled vehicles and is completely separated from vehicular roadway surfaces or is separated by a curb or an intervening strip of land.

Planned development. A parcel of land or contiguous parcels of land of size sufficient to create its own environment, controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the environment of which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located; ~~the developer or developers may be granted relief from specific land-use regulations and design standards and may be awarded certain premiums in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the community as a whole.~~

Plan Commission. Refers to the Plan Commission of the Village of Lombard, Illinois.

Plats of subdivision (see also subdivisions). The designation of land as subdivided lots in compliance with 765 ILCS 205. Plats of Subdivision include the following types and categories of plats:

Administrative plat. The division of a lot or block of less than one acre in any recorded subdivision into four or less lots, or the consolidation of lots or any size into a single lot of record, which subdivision or consolidation does not involve any new streets, extensions of existing streets, or easements of access and complies with all provisions of this and all other applicable ordinances.

Consolidation, plat of. A plat recording the consolidation of several lots into a single lot.

Final plat. The drawing and documents of all or part of a subdivision in substantially the same form as the Preliminary Plat of Subdivision, prepared in conformance with the requirements of the Plats Act, of this Chapter and for recording by the County Recorder.

Major plat. The division (or consolidation) of a lot or block which does not meet the criteria for an administrative or minor plat of subdivision.

Minor plat. The division (or consolidation) of a lot or block of less than one acre which does not meet the criteria for an administrative plat but which does not include any new streets, extensions of existing streets, or easements of access and which consists of the division of land into four or less lots.

Pre-application plat sketch plat. A drawing indicating the proposed layout of a subdivision in sketch form exhibiting sufficient detail to provide adequate basis for review, discussion, and classification as set forth in this Chapter.

Preliminary plat. A map and data showing all requisite details of a proposed subdivision submitted to the ~~village~~Village for purposes of preliminary plat approval, prepared in conformance with the preliminary plat requirements of this Chapter.

Resubdivision, plat of. A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plat legally recorded prior to the adoption of any regulations controlling subdivisions.

Plat, condominium. Condominium plat means a plat or plats of survey of the parcel and of all units in the property submitted to the provisions of the Condominium Property Act of the Illinois Compiled Statutes, which may consist of a three dimensional horizontal and vertical delineation of all such units.

Plats Act. 765 ILCS 205.

Ponding. The creation of pockets or depressions which have no surface drainage provided, and which in the event of a failure on the part of inlets or storm sewers will contain standing water. That portion of surface waters which are flowing will not be considered as ponding.

Private street. Any road that is used for access and circulation and the ownership and maintenance responsibility of which is borne by the owner or homeowner association.

Public agency. Any public agency created by authority of the State of Illinois or the Federal Government.

Public improvement. See improvement, public.

Public reservation. A portion of a subdivision which is set aside for public use and held available for public acquisition.

Public street. All major, collector or local streets which are shown and dedicated on a plat for public use of which the ownership and maintenance responsibility is borne by the ~~village~~Village or other public agency.

Public walkway. A right-of-way dedicated for the purpose of pedestrian access (to be improved with a sidewalk pursuant to the Ordinance) through residential areas, and located so as to connect two or more streets, or a street and a public land parcel.

Registered engineer. An engineer currently licensed and registered in the State of Illinois.

Registered surveyor. A surveyor currently licensed and registered in the State of Illinois.

Restricted access easement. A land area at least five feet wide located along a lot line abutting a street, upon which no vehicular driveway shall be permitted.

Restrictive covenant. A restriction on the use of land usually set forth in the deed.

Retention basin or pond. A pond, pool, or basin used for the permanent storage of storm water runoff.

Right of access. The legal authority to enter or leave a property.

Right-of-way. A strip of land dedicated to the public and occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean every right-of-way hereafter established and shown on a final plat and shall be separate and distinct from the lots or parcels adjoining such right-of-way, which are not included within the dimensions or areas of lots or parcels. Right-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Right-of-way, improved (improved street). A dedicated, public right-of-way that has been improved for public access purposes and includes street pavement, curbs, storm gutters, and storm sewers.

Right-of-way, underimproved (underimproved street). A dedicated, public right-of-way that has been improved for public access purposes with street pavement but does not include curbs, storm gutters, or storm sewers.

Right-of-way, unimproved (paper street). A dedicated, public right-of-way that has not been improved for public access purposes.

Right-of-way width, street. The distance between property lines measured at right angles to the center line of the street.

Roadway. A portion of the street available for vehicular traffic, situated between the curb or combination curb and gutter lines.

Screening. A structure erected or vegetation planted for the purpose of concealing from view the area behind it.

Setback. The minimum horizontal distance between the street right-of-way line or front line and/or corner side lot line of a lot and the nearest wall of a building or structure adjoining such right-of-way.

Shrubbery. A group of low, usually several-stemmed woody plants.

Sidewalk. A paved, surface or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Slope. The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

Soil and Water Conservation District. The Kane-DuPage Soil and Water Conservation District.

Standard specifications. Refers to the Standard Specifications for Road and Bridge Construction, State of Illinois, Department of Transportation, Current Edition, as well as, Water and Sewer Main Construction in Illinois, Current Edition.

Street. An improved public right-of-way or easement which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but does not include driveways to buildings. The following street types are based on the functional classification for the ~~village~~Village.

- (a) *Expressway.* Any highway constructed for high-speed traffic, usually having few if any intersections, limited points of access or exit, and a divider between lanes for traffic moving in opposite directions, designated by the State and local government for purposes of cross-country traffic.
- (b) *Major arterial.* Streets used primarily to carry the heavier traffic pattern providing continuity throughout contiguous urban area.
- (c) *Collector secondary street.* A street used primarily to carry traffic from minor streets to primary or arterial streets.

- (d) *Local non-residential street.* A street wholly within a zoning district allowing non-residential uses and used primarily to provide access for the non-residential.
- (e) *Frontage road or marginal access street.* A street paralleling, adjacent or within the right-of-way or a major thoroughfare which provides access to abutting properties and limits access to the major thoroughfare.
- (f) *Local street.* A street of limited continuity used primarily for access to abutting properties and the local needs of the neighborhood or subdivision.
- (g) *Cul-de-sac street.* A minor street having one end open to traffic and being permanently terminated at the other end by a vehicular turn-around.

Stormwater and floodplain ordinance. A supplementary ordinance to this Chapter containing the rules and requirements governing the design of the improvements with respect to the drainage of floodwater runoff, as codified in Chapter 151 of the ~~Municipal~~Village Code.

Street classification plan. The part of the Comprehensive Plan which sets forth the location, alignment and dimensions of existing and proposed streets.

Structure. An improvement upon land, other than the land itself, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including, but not limited to, buildings, fences, free-standing signs, patios, and parking areas.

Subdivider. Any person or other legal entity holding legal title or equitable interest in land, recorded or unrecorded, who commences proceedings under this Chapter to effect development or subdivision of land.

Subdivision design standards. The basic land planning principles established as criteria for the preparation of plats.

Surveyor. The individual responsible for the preparation of a plat of annexation, plat of subdivision or resubdivision, or a plat of easement. This individual shall be registered and licensed by the State of Illinois.

Tract. An area, parcel, site, piece of land, or property which is the subject of a development application.

Tree. A woody perennial plant exceeding ten feet in height at maturity having a single main stem trunk.

Unit. Unit means any part of the property designed and intended for any type of independent use.

USGS. The abbreviation for United States Geological Survey.

~~Village~~Village. The Village of Lombard, DuPage County, Illinois.

~~Village~~Village Board. The President and Board of Trustees of the Village of Lombard, Illinois.

~~Village~~Village Clerk. The ~~Village~~Village Clerk of the Village of Lombard, Illinois.

~~Village~~Village Collector. The Director of Finance of the Village of Lombard, Illinois, or the Director's duly authorized representative.

~~Village~~Village Engineer. ~~The Director of Public Works (Village Engineer) of the Village of Lombard, Illinois, or the Director's duly authorized representative.~~

~~Village~~Village Manager. The Village Manager of the Village of Lombard, Illinois or the Manager's duly authorized representative.

Zoning district. A specifically delineated land area within the Village of Lombard, Illinois as specified on the Zoning Map, within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

~~Zoning lot.~~ See Lot, Zoning.

(Ord. No. 7050, § 1, passed 3-5-15; Ord. No. 7105, 2, passed 8-13-15; Ord. No. 7503, § 4, passed 4-5-18)

SUBDIVISION AND DEVELOPMENT ORDINANCE APPENDICES

~~I. SUMMARY TABLE OF SUBDIVISION DESIGN FEATURES~~

~~II. SUMMARY TABLE OF REQUIRED PUBLIC IMPROVEMENTS~~

III. SAMPLE EASEMENTS AND RELATED PLAT NOTES

- A: Easement to the Village for Drainage and Detention Maintenance
- B: Public Utility and Drainage Easement
- C: Utility Maintenance
- D: Responsibility of Homeowners Association
- E: Clear Line of Sight Easement
- F: Pedway Easement
- G: Temporary Vehicular Turnaround Easement
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IV. SAMPLE SUBDIVISION AND DEVELOPMENT AGREEMENTS

- A. Major Plats and Developments
- B. Minor Plats and Developments

V. IRREVOCABLE LETTER OF CREDIT FORMS

- A. Installation and Design of Public Improvements
- B. Maintenance of Public Improvements

VI. RECAPTURE AGREEMENT

~~PLEASE SEE THE DEPARTMENT OF COMMUNITY DEVELOPMENT FOR A COPY OF THE ABOVE MENTIONED APPENDICES~~