


**ORDINANCE 7999
PAMPHLET**

**PC 21-23: TEXT AMENDMENTS TO CHAPTER 154 (SUBDIVISION AND
DEVELOPMENT CODE) OF THE LOMBARD VILLAGE CODE**



PUBLISHED IN PAMPHLET FORM THIS 5th OF NOVEMBER, 2021, BY ORDER
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE
COUNTY, ILLINOIS.


Elizabeth Brezinski
Village Clerk

ORDINANCE 7999

**AN ORDINANCE APPROVING TEXT AMENDMENTS
TO THE LOMBARD SUBDIVISIONS AND DEVELOPMENT ORDINANCE
TITLE 15, CHAPTER 154
OF THE LOMBARD VILLAGE CODE**

PC 21-23: Text Amendments to the Subdivisions and Development Ordinance – Chapter 154 of Village Code

WHEREAS, the Village of Lombard maintains a Subdivisions and Development Ordinance which is found in Title 15, Chapter 154 of the Lombard Village Code; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Subdivisions and Development Ordinance and make necessary changes; and,

WHEREAS, a public hearing to consider text amendments to the Subdivisions and Development Ordinance has been conducted by the Village of Lombard Plan Commission on September 20, 2021, pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the text amendments described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title 15, Chapter 154 of the Lombard Village Code shall be amended to read in its entirety as provided in Exhibit A.

SECTION 2: That this ordinance shall be in full force and effect from January 1, 2022, after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this 21st of October, 2021.

First reading waived by action of the Board of Trustees this ____ day of _____, 2021.

Passed on second reading this 4th of November, 2021, pursuant to a roll call vote as follows:

Ayes: Trustee LaVaque, Puccio, Dudek, Honig, Militello and Bachner

Nays: None

Absent: None

Ordinance No. 7999

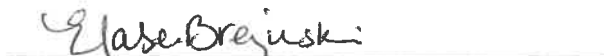
Re: PC 21-23

Page 2

Approved by me this 4th of November, 2021.


Keith T. Giagnorio, Village President

ATTEST:


Elizabeth Brezinski, Village Clerk

Published by me in pamphlet form this 5th of November, 2021.

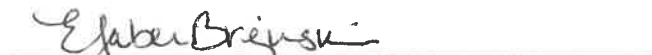

Elizabeth Brezinski, Village Clerk

EXHIBIT A

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 regarding review and approval of subdivisions and other developments.

- (A) It is Village policy to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the Village pursuant to the official comprehensive plan for the orderly, planned efficient and economical development of the Village. 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 for approval. No such map, plat, or subdivision shall be entitled to be recorded until it has been approved by the Village.
- (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.
- (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 Village; 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 Plan, Capital Improvement Program of the Village and any other standard for land development which the Village 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.
- (B) To guide the future growth and development of the Village in accordance with the Comprehensive Plan.
- (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 Village, and to encourage the orderly and beneficial development of all parts of the Village.

- (E) To protect and conserve the value of land throughout the Village 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, recreation, open space and other public requirements and facilities.
- (G) To provide the most beneficial relationship between the uses of land and the circulation of traffic throughout the Village, having particular regard to the avoidance of congestion on roadways; and non-motorized 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.
- (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 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 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 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 Village.

§ 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 and all proposed subdivisions within unincorporated DuPage County lying within the planning jurisdiction of the Village (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 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 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 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.

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:
1. Village 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. Plats of Easement Abrogation
7. Plats of Dedication
8. Vacation of a Plat of Subdivision
9. Amendments
10. Appeals
11. Pre-Ordinance Subdivisions
12. Fees
13. Violations and Penalties

§ 154.202 - Administrative bodies and duties.

(A) *Village Board.* The Board of the Village, hereinafter referred to as the "Village Board" or "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 approve or disapprove all such requests.

(B) *Plan Commission.* The Plan Commission of the 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 Board in conformance with subsection 154.203(D), below;
- (2) Review all applications for text amendments, hold public hearings thereon, and report findings and recommendations to the 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 Board in conformance with subsection 154.203(E), below.

- (4) Coordinate the enforcement of this Chapter with the official Comprehensive Plan and its amendments.
- (C) *Director of Community Development.* The position of Director of Community Development has been established by the 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 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.
- (D) *Director of Public Works.* The position of Director of Public Works has been established by the 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 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's Comprehensive Plan, Zoning Ordinance, and Code of Ordinances 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 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 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 authority that the proposed Plat 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 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 approval of the preliminary plat.
 - (5) *Procedures for preliminary plats and final plats.* Procedures for a preliminary plat generally shall be the same as those for the corresponding final plat as described in subsections (C)(3) and (C)(4), below. However, a final plat that has received preliminary approval from the Board does not require final plat approval from the Plan Commission. Such plats shall be sent directly to the 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 Chapters 154 and 155 of this Code.

Notwithstanding the foregoing in light of § 155.306 of 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.* It is recommended that the subdivider meet with the Department of Community Development and other appropriate staff to discuss the feasibility of the proposal and review Village requirements and procedures. The subdivider may submit a conceptual plan asking for initial comments before a formal submission is made. Taking additional time and effort at the start of the process ultimately works to the advantage of both the 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 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'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, 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. This may result in revisions or refinements to the proposed plat of subdivision.
- (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 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, 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.
- (D) *Procedures for 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 staff to discuss the feasibility of the proposal and become familiar with the Village requirements and procedures. Depending upon the application and the type of development proposed, the subdivider may meet with the 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, 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'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 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 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, the final plat may proceed directly to the 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 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.
- (5) *Plan 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 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 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 policies, and applicable Village ordinances. Prior to Board review, the subdivider should revise the petition to reflect any Plan Commission condition(s), as appropriate.
- (6) *Village 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 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 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 policies, and applicable Village codes and ordinances. Upon Village Board approval of the plat, the Village President and Village Clerk will sign the Final Plat of Subdivision indicating that it has been approved by the 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

unless otherwise specified by the Board. Prior to the recording of the final plat, the 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.

(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, 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 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.
- (3) *Public notice.* Notice of all public hearings for a variation of this Chapter, whether conducted by the Plan Commission or 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.
- (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.
- (5) *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 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.
- (6) *Conditions.* In reviewing variations, the Plan Commission may recommend and the Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
- (7) *Approval.* After recommendation of the Plan Commission, and/or hearing by the Board, the 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.

(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 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.
- (5) *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.
- (6) 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 Board and all other required approvals are obtained and the plat is recorded, that approval shall constitute acceptance for the purpose designated on the plat of all lands shown on the plat as dedicated to the public, including street rights-of-way.
- (I) *Procedures for 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 processed by the Plan Commission and Village Board in like manner as other plats of subdivisions. The 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 Board may from time to time amend the provisions imposed by these subdivision regulations. All such amendments shall comply with the following procedures.
 - (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 Board, Plan Commission, Zoning Board of Appeals, Department of Community Development, other Village officials or any interested person or organization.
 - (3) *Filing an amendment.* An application for an amendment to this Chapter shall be filed with the 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.

- (4) *Public hearings.* 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 Village.
- (6) *Action by the Board of Trustees.* The Village Board 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.
- (K) *Appeals.* Any person, firm or corporation aggrieved by a failure of the Village Board to approve a final plat of subdivision may appeal therefrom to any court of competent jurisdiction.
- (L) *Pre-ordinance subdivisions.* Where a previously approved subdivision and/or proposed development is not in complete compliance with 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 Village Board. In such case, the Plan Commission shall review the Plat, conduct a public hearing, and recommend approval or disapproval to the Village Board. Final disposition of the requested variation shall be determined by the Village Board.
- (M) *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 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).

(2) *Establishment of fees.* Engineering review fees shall be paid by the applicant as set forth within Section 150.141 of Village Code.

(N) *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 Village Code.

(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. In pursuit of this objective, all plats and development within the jurisdiction of the Village 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 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 Village Code. (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 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.
 - (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.

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 Village Code.
- (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 right-of-way is required and 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 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 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.

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 right-of-way is required and 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 for the full length of the right-of-way abutting the subject property.
 - (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 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 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 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 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 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 may accept monetary contributions for said public improvements in lieu of the construction thereof.
- (B) *Initiation.* A request for a contribution 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.
- (C) *Authority.* The 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 Community Development Department at any time prior to 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 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 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 (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 155.603(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 this Chapter. Preliminary engineering plans shall comply with the requirements in subsection 155.403(A), 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 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 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 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 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 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. 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 IEPA Standards.
- (K) Prior to final acceptance of public improvements as stipulated by § 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 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 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 shall reserve the right to charge future users through a tap-on fee.
- (D) 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.

- (E) 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 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 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 transmission and dispersal of storm water.
- (C) Connection to a public storm sewer system will be required. The developer shall arrange 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, as codified in Chapter 151 of the Village 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. 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, as codified in Chapter 151 of the 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.

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.
- (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 Comprehensive Plan and the Complete Streets Policy.
- (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 Departments of Community Development and 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 Board and shall be depicted on a Final Plat of Subdivision. Street addresses shall be assigned by the Community Development Department.

- (2) All traffic signs and devices shall be designed, constructed and installed in accordance with the latest edition of the Manual on Uniform Traffic Control Devices (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 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 Street Lighting Code; Title IX, Chapter 97, Article V. 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.
- (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 (92.59 cubic yards), excavations of more than 2,500 cubic feet (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. Topsoil 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.

§ 154.410 - Other public utilities.

- (A) All 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 throughout a subdivided area, said conduits or a cable shall be placed within easements or dedicated public rights-of-way 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 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 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 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 Village Code) and all other applicable laws of the Village.
- (D) The rules of the Illinois Department of Transportation (IDOT) and the DuPage County 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 and the 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 Village Board.
- (H) The Village 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, 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 onto 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 is 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 Comprehensive Plan, and relevant street classification maps adopted by the Village 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 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.

- (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 Comprehensive 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 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 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 Public Works
- (M) *Alleys.* Alleys for rear access to lots may be permitted by the Village 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.
 - (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.

§ 154.504 - Sidewalks.

- (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.
- (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 this Chapter would require a public sidewalk and there are existing sidewalks which are broken or out of proper grade, the affected 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) 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.
- (2) 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. 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.
- (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 Chapter 155 of Village Code.
- (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 express approval of the 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) Side lot lines shall be approximately at right angles or radial to street lines.
- (G) 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.
- (H) 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 (E), above. In addition, all such lots shall comply with the following requirements:

- (A) Outlots shall be dedicated to the Village or shall be conveyed as an undivided equal interest in each lot in the subdivision.
- (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 or by a property association shall have a minimum frontage width of 20 feet 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 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 Section 155.700 et. seq. of Village Code.
- (C) *Right-of-way landscaping.* All landscaping within the public right-of-way shall comply with Chapter 97 and Section 155.705 of Village Code. 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. 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 Section 155.709 of Village Code.

§ 154.509 – RESERVED –

§ 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 bicycle transportation plan or as may be determined appropriate by 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 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 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.
- (1) *Utility easements.* Easements for public utilities shall be centered on rear lot lines, and across lots or centered on side lot lines.
- (a) Such easements shall be at least ten feet wide but may be larger if required by the 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.
 - (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.
 - (c) 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.
 - (d) 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.
- (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[HW1].

- (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 Chapter 151 of the Village Code. Subject to the requirements of subsection (A), above, blanket easements may be permitted in lieu of a specific drainage easement.
- (C) *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 Board.
- (D) *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.
- (E) *Restricted access easements.* In order to restrict access from a public right-of-way onto a private property, the 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.
- (F) *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.

§ 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 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 that all work will be completed in a timely manner and in accordance with the standards of the Village. 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 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 may be required by the Village. 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 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 Village Board shall have the authority to approve all agreements submitted with a minor or major plat of subdivision.
- (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 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; Chapter 155.700 et. seq. of Village Code; 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 are implemented.
- (c) *Storm sewer and drainage system.* A functional storm sewer and drainage system shall be completed prior to the start of any vertical building construction activity or any construction activity that increases stormwater runoff for the related 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 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 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 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.
- (h) *Completion of public improvements.* Any other improvements required by other applicable ordinances of the Village 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 Board 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, 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 minor and major plats.* Major changes to an Agreement for a minor or major plat of subdivision must be approved by the Village Board 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.

§ 154.603 - Guarantee of completion and compliance.

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. Any instrument of credit other than a cash bond or a letter of credit that follows the Village's form letter of credit format shall be reviewed by the 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 for any and all costs and expenses, including legal fees and administrative costs, incurred by the 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 until such time as all public improvements have been fully completed and accepted by the 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 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 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 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 Board after certification by the 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 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 Village Board. For public improvements not to be owned by the Village (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 Village Board shall be submitted to the Director of Community Development at the time of acceptance.
- (B) *Maintenance deposit.* No public improvement shall be accepted by the Village 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 Village Attorney.
 - (2) The deposit shall generally comply with the requirements of § 154.603 above.
 - (3) The deposit shall be held by the Village for 24 months after acceptance or approval of the public improvements by the Village 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 Village 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 owners associations.* In order to guarantee the continued maintenance of 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.

(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 Village ordinance or requirement, the Grantor, at its sole cost and expense, shall have caused to be prepared and submitted to the Village 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 Village (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 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 word "person" means a natural individual, association, corporation, estate, joint venture, partnership, trustee or other legal entity capable of holding title to real property.
- (F) 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.
- (G) 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".
- (H) In the case of any differences of meaning or application between the text of the Ordinance and caption or illustration, the text shall control.
- (I) 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, 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 Attorney including cash deposit, surety bond, letter of credit or instrument of credit, in an amount or form accepted by the Village 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 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, 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's annual operating expenses, for the purchase, construction, or replacement of the physical assets of the community are included.

Certificate of Occupancy/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 and will be used in compliance with all applicable Village codes and ordinances.

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

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

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, 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);
- (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 buildings on a zoning lot, within the prior 10 years.

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

Director of Public 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, 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's 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 improvement that the 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 County. A lot of record does not include any parcel of land that is created by an assessment plat.

Master plan. See Comprehensive Plan.

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 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.

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 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 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.

- (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.
- (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 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. The Village of Lombard, DuPage County, Illinois.

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

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

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

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.

(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

The Appendices included below are reference documents associated with the provisions set forth within Chapter 154 of Village Code and is offered for illustrative purposes. Application and specific language of the text set forth within the appendices herein may be modified to reflect site and project specific conditions without constituting an amendment to the provisions established within this Chapter.

- Appendix I **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 Homeowner's Association
 - E: Clear Sight Easement
 - F: Pedway Easement
 - G: Temporary Vehicular Turnaround Easement
 - H: Restricted Access Easement
 - I: Shared Access Easement
 - J: Grant of Easement
- Appendix II **SAMPLE SUBDIVISION AND DEVELOPMENT AGREEMENTS**
- A: Major Plats and Developments
 - B: Minor Plats and Developments
- Appendix III **IRREVOCABLE LETTER OF CREDIT FORMS**
- A: Installation and Design of Public Improvements
 - B: Maintenance of Public Improvements
- Appendix IV **RECAPTURE AGREEMENT**

APPENDIX I A

EASEMENT TO THE VILLAGE FOR DRAINAGE AND DETENTION MAINTENANCE

Declarant hereby reserves and grants to the Village of Lombard (i.e. the Village) easements over (specify storm water outlots, e.g. Outlot A, and drainage easements) for purposes of providing adequate stormwater drainage control together with reasonable access thereto. Said easements shall be perpetual and shall run with the land and shall be binding upon the declarant, its successors, heirs, executors and assigns. To ensure the integrity of the stormwater facilities, no obstruction shall be placed, nor alterations made, including alterations in the final topographical grading plan which in any manner impede or diminish stormwater drainage or detention in, over, under, through or upon said easement areas. In the event such obstruction or alterations are found to exist, or if the property owner or Homeowner's Association otherwise fails to properly maintain the stormwater facilities on (specify storm water outlots, e.g. Outlot A, and drainage easements), the Village shall, upon seventy-two (72) hours prior notice to the property owner and/or Homeowner's Association (or any owner of property within the subdivision in the event that no information relative to a contact person for the Homeowner's Association is provided to the Village), have the right, but not the duty, to perform, or have performed on its behalf, any maintenance work to or upon the stormwater facilities on (specify storm water outlots, e.g. Outlot A, and drainage easements) or to remove said obstruction or alterations or to perform other maintenance, repair, alteration or replacement as may reasonably be necessary to ensure that adequate stormwater storage, storm drainage, detention and retention facilities and appurtenances thereto remain fully operational and that the condition of said (specify storm water outlots, e.g. Outlot A, and drainage easements) complies with all applicable Village codes. In the event of an emergency situation, as determined by the Village, the seventy-two (72) hours prior notice requirement set forth above shall not apply, and the Village shall have the right, but not the duty, to proceed without notice to the property owner or Homeowner's Association.

In the event the Village shall be required to perform, or have performed on its behalf, any maintenance work to or upon the stormwater facilities on (specify storm water outlots, e.g. Outlot A, and drainage easements) as set forth in this declaration, or any removal as aforesaid, the cost of such work shall, upon recordation of Notice of Lien with the Recorder of Deeds of DuPage County, Illinois, constitute a lien against the assets of the Homeowners Association and against (specify storm water outlots, e.g. Outlot A, and drainage easements) as well as each and every lot within the subdivision.

The cost of the work incurred by the Village shall include all expenses and costs associated with the performance of such work including, but not limited to, reasonable engineering, consulting and attorneys' fees related to the planning and actual performance of the work.

Easement to the Village for Drainage and Detention Maintenance

If it is determined by the Homeowner's Association that alterations to the stormwater facilities within (specify storm water outlots, e.g. Outlot A, and drainage easements) are necessary to properly maintain the integrity of the stormwater facilities, the Village shall first be notified by the Homeowner's Association of said proposed alteration. No such alteration shall take place without the prior approval of the Village. The Village may, in its direction, require the submittal of plans and specifications for Village approval before said alteration may take place.

APPENDIX I B

UTILITY AND DRAINAGE EASEMENT PROVISIONS

Easements are reserved for the Village of Lombard and to those public utility companies operating under franchises from the Village of Lombard including, but not limited to, Commonwealth Edison Company, Illinois Bell Telephone Company, Northern Illinois Gas Company, Comcast, and their successors and assigns over all areas marked, "Easement for Public Utilities and Drainage" on the plat for the perpetual right, privilege and authority to construct, reconstruct, repair inspect, maintain, and operate various utility transmission and distribution systems, and including overland drainage, storm and/or sanitary sewers, together with any and all necessary manholes, catch basins, connections, appliances and other structures and appurtenances as may be deemed necessary by said Village and/or utility companies, over upon, along, under and through said indicated easement, together with right of access across the property for necessary personnel and equipment to do any of the above work. The right is also granted to cut down and trim or remove any fences, temporary structures, trees, shrubs, or other plants without need for providing compensation therefore on the easement that interfere with the operation of the sewers or other utilities. No permanent buildings shall be placed on said easement, but same may be used for gardens, shrubs, landscaping, and other purposes that do not then or later interfere with the aforesaid uses or rights. Where an easement is used for both sewer and other utilities, the other utility installation shall be subject to the ordinances of the Village of Lombard.

Easements are hereby reserved for and granted to the Village of Lombard and other governmental authorities having jurisdiction of the land subdivided hereby, over the entire easement area for ingress, egress, and the performance of municipal and other governmental services including water, storm, and sanitary sewer service and maintenance.

Easements also are reserved for cable communication companies along with the public utilities already referenced.

APPENDIX I C

UTILITY MAINTENANCE

Upon expiration of the two-year maintenance period, the Village of Lombard shall be responsible to maintain only those public utilities (storm and sanitary sewer, watermain, public sidewalk, street lighting and roadway improvements) located within the limits of the public right(s)-of-way accepted and dedicated to the Village of Lombard.

APPENDIX I D

RESPONSIBILILTY OF HOMEOWNER'S ASSOCIATION

The subdivider shall record a Homeowner's Declaration which shall provide for the establishment of a Homeowner's Association. The Homeowner's Association shall be responsible for maintenance of the following: all common areas including detention ponds and other outlots (specify specific outlots and common areas); that portion of the storm sewer system not located within the dedicated public rights-of-way; and all other utilities not maintained by the Village of Lombard or any other utility company.

APPENDIX I E

CLEAR SIGHT EASEMENT

A Clear Sight Easement is hereby reserved for and granted to the Village of Lombard, Du Page County, Illinois, and its successors and assigns in, on, over, upon, across, under, and through those areas depicted on the Plat as "Clear Sight Easement," to allow the Village of Lombard to prohibit and remove all fences within said Easements and all landscaping exceeding 2 feet in height except that deciduous trees which are free of foliage and branches eight feet above ground level may be permitted.

Said easements herein granted are perpetual easements and shall run with the land and all covenants, agreements, terms, conditions, obligations, rights, and interest herein contained are provided for and shall likewise inure to the benefit of the parties hereto, their heirs, executors, successors, grantees, lessees, and assigns.

APPENDIX I F

PEDWAY EASEMENT

A Pedway Easement is hereby reserved for and granted to the Village of Lombard, Du Page County, Illinois, and its successors and assigns in, on, over, upon, across, under, and through those areas depicted on the Plat as "Pedway Easements," to improve, install, construct, renew, clear, reconstruct, replace, remove, repair, alter, inspect, operate, and maintain pedestrian and non-motorized vehicular circulation facilities with all necessary facilities and activities incidental thereto.

Said easements herein granted are perpetual easements and shall run with the land and all covenants, agreements, terms, conditions, obligations, rights, and interest herein contained are provided for and shall likewise inure to the benefit of the parties hereto, their heirs, executors, successors, grantees, lessees, and assigns.

APPENDIX I G

TEMPORARY VEHICULAR TURNAROUND EASEMENT

A Temporary Vehicular Turnaround Easement is hereby reserved for and granted to the Village of Lombard, Du Page County, Illinois, and its successors and assigns in, over, upon, across, under, and through those areas depicted on the Plat as "Temporary Turnaround Easements," to provide a vehicular turnaround at the end of a temporary, dead end, public street. Said easement shall provide circulation for public and private vehicles until such time that the public street is extended and is no longer a dead-end street. At such time that the public street is extended, this easement shall be vacated.

Said easements herein granted are perpetual easements and shall run with the land and all covenants, agreements, terms, conditions, obligations, rights, and interest herein contained are provided for and shall likewise inure to the benefit of the parties hereto, their heirs, executors, successors, grantees, lessees, and assigns.

APPENDIX I H

RESTRICTED ACCESS EASEMENT

Restricted access easements are hereby reserved for and granted to the Village of Lombard, Du Page County, Illinois, and its successors and assigns in, on, over, upon across, under, and through those areas depicted on the Plat as Restricted Access Easements. The purpose of said easements is to allow the Village of Lombard to prohibit any and all improvements, driveways, curb cuts, and related facilities intended for the purpose of ingress and egress by motorized vehicles from a public right-of-way to private property.

Said easements herein granted are perpetual easements and shall run with the land and all covenants, agreements, terms, conditions, obligations, rights, and interest herein contained are provided for and shall likewise inure to the benefit of the parties hereto, their heirs, executors, successors, grantees, lessees, and assigns.

APPENDIX I I

SHARED ACCESS EASEMENT

A Shared Access Easement is hereby reserved for and granted to the Village of Lombard, Du Page County, Illinois, and its successors and assigns and (specify adjoining property owners) in on, over, upon, across, under, and through those areas depicted on the Plat as "Shared Access Easements," to improve, construct, and maintain shared vehicular ingress and egress from the public right-of-way to the private properties.

Said easements herein granted are perpetual easements and shall run with the land and all covenants, agreements, terms, conditions, obligations, rights, and interest herein contained are provided for and shall likewise inure to the benefit of the parties hereto, their heirs, executors, successors, grantees, lessees, and assigns.

APPENDIX I J

GRANT OF EASEMENT

THIS GRANT OF EASEMENT made this ____ day of _____, 20____, by _____ (hereinafter "Grantor") to the VILLAGE OF LOMBARD, DuPage County, Illinois, a municipal corporation (hereinafter sometimes referred to as "Village"). The common address of the parcel subject to this easement is _____.

WITNESSETH:

For and in consideration of One and No/100 Dollars (\$1.00) and other good and valuable consideration in hand paid, receipt of which is hereby acknowledged, the conditions herein contained in paragraphs 3 and 4 hereof and the benefits to be derived from this Grant of Easement:

1. Grantor hereby grants, releases, conveys, assigns and quit claims to the Village of Lombard, DuPage County, Illinois, a municipal corporation, a perpetual easement and right-of way for the full and free right, privilege and authority to clear, trench for, construct, install, reconstruct, replace, remove, repair, alter, inspect, maintain and operate a (specify type of easement), and all facilities incidental thereto, in, on, upon, over, through, across and under a strip of land as described in Exhibit "A" (____ Plat No. _____) attached hereto made part hereof.
2. Grantor hereby agrees to and with the Village that the officers, agents or employees of the Village, whenever elected, appointed or hired, may at any and all time designated herein when necessary or convenient to do so, go in, on, upon, over and across the above-described premises, and do and perform any and all acts necessary or convenient to the carrying into effect the purposes for which this Grant and the easements created hereby are made, and that the Grantor shall not disturb, molest, injure or in any manner interfere with the aforesaid (specify type of easement), and all facilities and activities incidental thereto.

The Grantor reserves the right to make any use of the land, whether on, above or below its surface for any lawful purpose except that any structure or use shall not interfere in any manner with the easement and uses by the Village hereby granted and authorized.
3. The Village, its agents and employees, successors, grantees, lessees and assigns shall, as soon as practicable after construction or removal of said (specify type of easement), and all subsequent maintenance, alterations and repairs thereunto, restore to its former condition any portion of the Grantor's property which is disturbed or altered in any

manner by such clearing, trenching for, constructing, installing, reconstructing, replacing, removing, maintaining, altering, inspecting, repairing and operating.

4. All work, labor, services, equipment, tools and materials to be performed, furnished or used directly or indirectly in, or in connection with, the clearing, trenching for, constructing, installing, reconstructing, replacing, removing, maintaining, altering, inspecting, repairing and operating said (specify type of easement), and all other matters and things to be performed, furnished or used, or expenses to be paid, under the terms of this agreement are to be at the sole expense of the Village.
5. Such perpetual easement as is herein granted shall run with the land and that the covenants, agreements, terms, conditions, obligations, rights and interest herein contained or provided for shall be likewise binding upon and shall inure to the benefit of the parties hereto, their heirs, executors, successors, grantees, lessees and assignees.

IN WITNESS WHEREOF, the Grantor, as aforesaid, has caused its name to be signed to these presents

by _____ and attested by

_____ the day and year first above written.

GRANTOR:

By: _____

Attest: _____

Prepared by and Return to:

Village of Lombard

255 East Wilson Avenue

Lombard, Illinois 60148

APPENDIX II A
SAMPLE DEVELOPMENT AGREEMENT FOR A
MAJOR PLAT OR DEVELOPMENT

DEVELOPMENT AGREEMENT

AN AGREEMENT RELATING TO THE APPROVAL OF A
MAJOR PLAT OF SUBDIVISION (OR MAJOR DEVELOPMENT),
THE MAKING OF REQUIRED IMPROVEMENTS, AND PROVIDING FUNDS,
THEREFORE, FOR (Name of Subdivision or Development) LOMBARD, IL

This Agreement, made and entered into this ____ day of _____, 20____ by and between _____ (hereinafter referred to as the "Developer"), _____ as Trustee under a Trust Agreement dated _____ and known as Trust No. _____ (hereinafter referred to as "Owner"), and the VILLAGE OF LOMBARD, a municipal corporation, located in DuPage County, Illinois, (hereinafter referred to as the "Village").

WITNESSETH:

Whereas, the Developer is developing for the Owner the real estate situated within the corporate limits of said Village, legally described in Exhibit 1 attached hereto and made a part hereof and platted as a subdivision known as _____, as shown by prints of the final plats thereof placed on file in the office of the Village Clerk of said Village and legally described in attached Exhibit 1 by reference thereto hereby made a part hereof; and,

Whereas, Developer has prepared final Plats as referenced in this document which have been approved by the Plan Commission and the Village Board of Trustees of said Village and which upon receipt by the Village of an Irrevocable Letter of Credit for an amount specified as security for subdivision improvements, and for such other purpose or purposes herein mentioned if any, and upon execution of this Development Agreement shall be recorded; and,

Whereas, plans and specifications for the making of the required improvements within the boundaries of the aforesaid subdivision, as prepared by _____ dated _____ and landscape plans, as prepared by _____, dated _____, have been approved by the Corporate Authorities of the Village, and plans for sidewalks, parkway trees, street lighting and storm drainage facilities for the off-site portion of _____, will be submitted for the approval of the Corporate Authorities of the Village and copies thereof have been filed in the office of the Village Clerk of the said Village, which copies by reference thereto are hereby incorporated as a part hereof; and,

Whereas, the developer has entered into contracts or will enter into contracts for the work and improvements required to be made within said subdivision under the Village of

Now, therefore, for and in consideration of the premises and the mutual covenants and agreements hereinafter set forth, the parties hereto agree as follows:

Section 1: Commencement of construction of the public improvements detailed herein may begin only after the Developer has delivered one or more Irrevocable Letters of Credit in a form satisfactory to the Village and issued by a bank or financial institution approved by the Village in an amount equal to _____ % of the Owner's Engineer's estimate of cost of construction as approved by the Village's engineer or _____ % of actual construction cost for underground utilities (including water distribution system, sanitary sewer system, and storm sewers) with appurtenances; storm water control systems (including retention or detention ponds, drainage ways and related facilities); right-of-way improvements, (streets, curbs, gutters, sidewalks, streetlights, pedways, and parkway landscaping); and all related grading improvements.

Section 2: The Developer agrees to cause to be made in such subdivision with due dispatch and diligence, such improvements as are required under the aforesaid Subdivision and Development Ordinance, the site plan, the landscape plans, and the engineering plans. The Developer will, when required to bring about progress in the work with due dispatch, take aggressive steps to enforce each contract connected with the construction of said improvements, to the end that said improvements will be duly and satisfactorily completed within the time or times herein mentioned. The Developer agrees that all work in the construction of said improvements shall be done in a good, substantial and professional manner, that all manufactured materials used therein shall be new and of good quality, that same shall at all times be subject to inspection by the Village, shall all be satisfactory to the Village and shall be subject to its approval. The Developer will at its expense furnish all necessary engineering services for said improvements.

Section 3: The improvements subject to the Letter of Credit and included within the final site plan, landscape plan, and engineering plans shall be completed within (specify time) of recording of the final Plat of Subdivision unless otherwise extended by amendment to this agreement by the Lombard Board of Trustees. All Letters of Credit, assurances, guarantees, acceptances, and related matters shall comply with the Lombard Subdivision and Development Ordinance. The construction of improvements by the Developer and issuance of approvals by the Village of Lombard for the _____ Subdivision shall comply with the following schedule.

A. Sediment and Erosion Control

Sediment and Erosion control measures shall be implemented as per the Subdivision and Development Ordinance prior to building permits or authorization to proceed with mass grading or other improvements to the property. Said measures shall be maintained during the entire construction process and shall be inspected and repaired as necessary after each significant rainfall. Failure to do so

may result in the issuance of a stop work order for any outstanding public improvements or building permits.

B. Tree preservation measures

All necessary tree preservation measures including tagging of trees to be preserved and fencing around the tree drip lines, shall be implemented prior to issuance of building permits, authorization to proceed with mass grading, or any other improvements to the property.

C. Authorization to proceed with public improvements

Upon approval of the final engineering plans, receipt of all required fees, approval of the Letter of Credit, recording of this agreement and the Final Plat, and completion of items "A" and "B" above, authorization to begin public improvements will be given by the Village.

D. Construction of Storm Water Control System

The storm water detention pond and a storm water management system for that portion of the site upon which construction activities have begun is to be operational prior to the issuance of any building permits. An operational storm water detention pond and storm water management system means that the volume of the storm water detention pond is adequate for the flow being directed to it and the restrictor outlet is in place and that the system has been reviewed and approved by the Director of Community Development. Final grading and landscaping of the detention pond shall be completed in conjunction with final landscaping.

E. Issuance of Building Permits

1) Foundation-Only Permits

Foundation-only permits may be issued upon completion of adequate construction access to the corresponding building sites and the completion of underground utility work across the street frontage of the subject building site. Adequate access shall mean a maintained gravel access road.

2) Building Permits

Building permits may be issued upon provision of adequate emergency access to the building site (gravel sub base) and an operational fire hydrant within 300 feet of the subject building site.

F. Issuance of Certificates of Occupancy for a sales office and model building

A Certificate of Occupancy for a sales office and model buildings shall be issued upon inspection and approval of said buildings by the Village and provision of a paved access for the sales office and model building(s). Access shall be subject to the review and approval of the Director of Community Development.

G. Certificates of Occupancy

Issuance of a Certificate of Occupancy for a dwelling unit shall be issued upon satisfactory completion of the following:

- 1) Inspection and approval by the Bureau of Inspectional Services
- 2) Completion of the water distribution system including testing and chlorination; No occupancy permits for dwelling units shall be granted by the Village until the water distribution system has been looped (through the development). This requirement shall not apply to the sales office and model building;
- 3) Completion of the sanitary sewer system to that building.
- 4) Substantial completion of the public street system to the subject building and either a turnaround capability for a fire truck or a gravel base through the development in a manner to provide two means of emergency access for each building. Substantial completion shall include curbs, gutter, street lights, and the base course of asphalt.
- 5) Sidewalks must be installed across the frontage of the subject building site.
- 6) Landscaping of the subject building site must be substantially completed. This includes parkway trees, final grading and ground cover. This condition may be waived by the Department of Community Development if a hardship exists on account of winter conditions provided a Letter of Credit in favor of the Village is posted by the Developer.
- 7) Record drawings (as-builts) of the detention pond and of the sanitary sewer and domestic water facilities required to serve that building shall be submitted and approved prior to the first Certificate of Occupancy, but not including the sales office or model building(s).

H. Other Improvements

- 1) The pedway system (bike path) shall be completed within 18 months of final plat approval or prior to acceptance of the public improvements, whichever date occurs first.
- 2) Final grading and landscaping of the retention pond and similar common areas must be completed and planted before _____
- 3) All other required landscaping and other public improvements shall be completed within (specify time) of final plat approval or prior to acceptance of the public improvements, whichever date occurs first.

J. Acceptance of Public Improvements

- 1) Final Record Drawings (as-builts), including final grading and all utilities, shall be submitted for the review and approval of the Director of Community Development prior to acceptance of the public improvements.
- 2) Engineer's Certification. The Design Engineer is to certify that the detention pond was constructed in accordance with the Village's flood control ordinances, and that the project was constructed substantially to plan.
- 3) All deficiencies described in the final punch list shall be satisfactorily completed and approved by the Directors of Public Works and Community Development
- 4) A maintenance guarantee in the form of a Letter of Credit shall be submitted and approved. Said guarantee and Letter of Credit shall comply with the Lombard Subdivision and Development Ordinance.
- 5) The public improvements to be dedicated to the Village of Lombard shall be accepted by the Board of Trustees. Upon acceptance by the Board of Trustees, the Installation Guarantee (Letter of Credit) shall be returned to the developer.
- 6) The maintenance guarantee Letter of Credit, upon inspection and determination that no deficiencies exist, shall be returned at the time of its expiration.

Section 4: Construction Damage to Public Improvements:

Care shall be taken to avoid damage to public improvements, including utilities and curbs, during construction. Any public improvement damaged during construction shall be repaired to the satisfaction of the Village and in substantial compliance with this agreement and all relevant Village ordinances.

Section 5: Dedication of Public Improvements:

Upon approval and acceptances of the aforesaid improvement by the Village of same shall become the property of the Municipality and subject to its control; and if deemed necessary or desirable by the Corporate Authorities of the Village, a formal dedication or conveyance to the Village shall be made by the owner or owners.

Section 6: Letter of Credit:

It is expressly understood that this agreement is conditional upon and subject to the delivery to the Village of the document provided for in Section 1 above from the Financial Institution approved by the Village, and subject to the Corporate Authorities of the Village approving same and placing same on file.

Section 7: Notices:

All notices or demands to be given hereunder shall be in writing, and the mailing of any such notice or demand by Certified or Registered Mail. Said notices shall be provided to the Developer at:

_____,
Attn: _____;

to the Owner at:

_____,
Attn: _____;

and to the Village at:

_____,
Attn: _____;

or to such other place for any of them as it may in writing designate, shall be sufficient service thereof on the date of mailing.

Section 8: Site Access

Developer (and its contractors) shall keep all streets which provide access to the subdivision reasonably clean from all mud, gravel and other debris, at all times during and after construction hours.

Section 9: Traffic Controls

The Developer shall install traffic signs, traffic signals and other devices as required by the Village for the proper control of vehicles and pedestrians in the area. These control, devices and signals shall meet the specifications of the Village Engineer.

Section 10: Acceptance:

Public improvements shall be accepted by the Village Board after certification by the Village Engineer and Director of Community Development that the improvements are in compliance with previously approved plans, specifications, and relevant ordinances. All required fees and procedures shall be provided prior to such acceptance. The Village shall not be liable for any damages that may occur on any dedicated road within a new subdivision that has not been accepted by the Village Board. The owner/developer shall hold the Village free and harmless and indemnify the Village, its agents, officers and, employees from any and all such claims, damages, judgements, costs and settlements including, but not limited to attorneys' fees that may arise from construction, use, repair, or maintenance of said improvements before they are accepted by the Village Board.

Section 11: Binding Effect and Term and Covenants Running with the Land:

This Agreement has been executed on behalf of the Village pursuant to action adopted by the Corporate Authorities of said Village at a meeting of said Corporate Authorities duly held on _____.

This Agreement has been executed by the Developer and shall be binding on the heirs and assigns of the Developer and of the Owner, but shall not be binding on a unit owner subsequent to the issuance of an occupancy permit for that unit.

This Agreement shall automatically expire upon the expiration of the maintenance guarantee Letter of Credit required at the time of acceptance of the public improvements as set forth in Item L. of Section 3 herein.

In witness thereof, the parties hereto have caused these presents to be duly executed on their behalf respectively and have caused their respective Corporate Seals to be affixed hereto, all as of the day and year first above written.

Developer: _____

By: _____

Owner: _____

By: _____

Attest: _____

Village of Lombard:

By: _____ (Village President)

Attest: _____ (Village Clerk)

EXHIBIT 1

**DEVELOPMENT AGREEMENT DATED _____ FOR
_____ SUBDIVISION, LOMBARD, IL**

LEGAL DESCRIPTION

PARCEL NUMBERS: _____

APPENDIX II - B

SAMPLE AGREEMENT FOR AN ADMINISTRATIVE PLAT, MINOR PLAT, OR MINOR DEVELOPMENT

AGREEMENT TO COMPLETE PUBLIC IMPROVEMENTS

AN AGREEMENT TO COMPLETE CERTAIN PUBLIC IMPROVEMENTS RELATED TO
AN ADMINISTRATIVE PLAT OF SUBDIVISION, A MINOR PLAT OF SUBDIVISION, OR
A MINOR DEVELOPMENT

This Agreement, made and entered into this ___ day of ____, 20___ by and between
(hereinafter referred to as the "Property Owner") and the VILLAGE OF LOMBARD, a municipal
corporation, located in Du Page County, Illinois (hereinafter referred to as the "Village").

WITNESSETH:

Whereas, the Property Owner is developing the real estate situated within the corporate
limits of the Village, commonly referred to as (insert address of property); and,

Whereas, (a Plat of Subdivision)(Building Permit) has been approved for the
improvement of said real estate; and,

Whereas, the Lombard Subdivision and Development Ordinance requires certain public
improvements to be constructed by the Property Owner and related to the improvement of said
real estate; and;

Now, therefore, for and in consideration of the premises and mutual covenants and
agreements hereinafter set forth, the parties hereto agree as follows:

Section 1: The Property Owner has caused a (specify type of performance guarantee) to
be submitted to the Village of Lombard in an amount of (specify total amount of performance
guarantee) for the completion of all public improvements specified below.

Section 2: The Property Owner agrees to cause to be made within such subdivision and
on such real estate with due dispatch and diligence, all public improvements specified below.
The Property Owner will, when required to bring about progress in the work with due dispatch,
take aggressive steps to enforce each contract connected with the construction of said
improvements, to the end that said improvements will be duly and satisfactorily completed
within the time or times herein mentioned. The Property Owner agrees that all work in the
construction of said improvements shall be done in a good, substantial, and workmanlike
manner, that all manufactured materials used therein shall be new and of good quality, that same

shall at all times be subject to inspection by the Village, shall all be satisfactory to the Village and shall be subject to its approval. The Property Owner will at its expense furnish all necessary engineering services for said improvements.

Section 3: The following public improvements shall be completed within the time frame specified herein; shall comply with all Village Ordinances, rules and regulations; and shall comply with all approved site, landscaping, or engineering plans.

A. Parkway Landscaping: A parkway tree and parkway sod shall be provided within the adjoining public right-of-way within 180 days of the issuance of the building permit for the improvement of said real estate.

B. Public Sidewalk: A public sidewalk shall be provided on the abutting side of the adjacent public right-of-way within 180 days of the issuance of the building permit for the improvement of said real estate.

Section 4: If the above improvements are not completed within the specified time period, the Property Owner recognizes that the Village may proceed to redeem the aforesaid (performance guarantee) and cause to be completed all public improvements specified herein.

In witness thereof, the parties have caused these presents to be duly executed on their behalf respectively and have caused their respective Corporate Seals to be affixed hereto, all as of the day and year first above written.

Property Owner: _____.

Attest: _____.

Village of Lombard: _____.

Attest: _____.

APPENDIX III-A

**IRREVOCABLE LETTER OF CREDIT TO GUARANTEE
THE INSTALLATION AND DESIGN OF PUBLIC IMPROVEMENTS**

IRREVOCABLE LETTER OF CREDIT NO. _____ \$ _____

Date _____

(Expiration Date) 24 month Minimum

NAME OF BANK

ADDRESS

BANK CONTACT PERSON

PHONE NUMBER

VILLAGE OF LOMBARD
255 E. Wilson Avenue
Lombard, IL 60148

Representative:

WE HEREBY AUTHORIZE YOU TO DRAW AT SIGHT on the
_____ UP TO AN AGGREGATE AMOUNT OF
_____ United States Dollars (\$ _____) for the account
of _____
(Name and address of Developer or Subdivider)

Drafts are to be accompanied by the one following:

- A. A written statement signed by the Director of Community Development of the Village of Lombard or his duly authorized representative, on a form substantially similar to the Form attached hereto as Exhibit "A" stating that the public improvements have not

been satisfactorily completed within two years from the recording of the subdivision or development known as

NAME: _____

LEGAL DESCRIPTION:

and the Village is requiring that the balance of funds in the Letter of Credit be turned over to the Village of Lombard so the public improvements may be completed; or,

B. A written statement signed by the Director of Community Development of Lombard, or his duly authorized representative, on a form substantially similar to the form attached hereto as Exhibit "B" stating that the developer of

Project Name

or has disrupted certain existing public improvements or roadways or drainage courses and that:

1. The developer has not performed the required repairs within a reasonable time thereof or,
2. That the Village or its sub-contractor, has performed certain maintenance or restoration work to prevent imminent hazard to life or property.

The principal amount of the Letter of Credit may be reduced upon written request of the developer on a form substantially similar to the form attached hereto as Exhibit "C" provided no such reduction shall be made unless such form is signed by the developer, the developer's engineer, and further provided that such reduction shall be only in the amount specifically authorized by the Director of Community Development, or their duly authorized representative, of the Village of Lombard.

The referenced Exhibit "C" shall be accompanied by Waivers of Lien from the required sub-contractors.

This Letter of Credit is subject to the "Uniform Customs and Practice for Documentary Credits 1993, Revision International Chamber of Commerce Brochure No. 500".

WE HEREBY AGREE with the drawers, endorsers and bona fide holders of drafts drawn under and in compliance with the terms of this credit, that such drafts will be duly honored on presentation to the drawees if negotiated on or before _____

Expiration Date

or presented at this office together with this Letter of Credit on or before that date. The amount of any draft drawn under this credit must be on the reverse hereof.

DRAFTS UNDER THIS CREDIT SHOULD BEAR UPON THEIR FACE THE WORDS:

"Drawn under _____
Name of Bank

Letter of Credit No. _____ Dated: _____

If, within ten days of the date such draft is presented in conformance within the terms of this Irrevocable Letter of Credit, we fail to honor same, we agree to pay all attorney fees, court costs and other expenses incurred by the Village in enforcing the terms hereof. We hereby agree that this Irrevocable Letter of Credit shall expire on _____ 20__ as stated herein above: provided, however, that we shall notify the Village Manager and Director of Community Development by Certified Mail, return receipt requested, at least ninety days prior to said expiration date, that said Letter of Credit is about to expire. In no event shall this Irrevocable Letter of Credit or the obligations contained herein expire except upon prior written notice, it being expressly agreed that the above expiration date shall be extended as shall be required to comply with this notice provision. This Letter of Credit is not transferrable.

(Signature of Bank Officer)

(Signature of Bank Officer)

(Officer's Title)

(Officer's Title)

NOTARY

SEAL

EXHIBIT "A"

DRAWN UNDER: _____

LETTER OF CREDIT NO. _____

DATED: _____

RE: _____
(Name of Project)

Representative:

The _____ development has not been completed in accordance with the approved plans and specifications in the time allotted for the completion of said improvements; therefore, this letter will serve as certified notification that the Village of Lombard is requiring that the balance of funds in the Letter of Credit No. _____ be turned over to said Village of Lombard so the public improvements may be completed.

If the money remaining in the Letter of Credit is released without the authorization of the Village of Lombard, our legal staff will hold your organization liable.

If you have any further questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

William Heniff
Director of Community Development

c: Scott R. Niehaus, Village Manager
Timothy K. Sexton, Director of Finance
Village Attorney

EXHIBIT "B"

DRAWN UNDER: _____
(Name of Bank)

LETTER OF CREDIT NO.: _____

DATED: _____

RE: _____
(Name of Project)

Representative:

1. This letter will serve as certified notification that the developer of the above-referenced project has been duly notified and has not performed certain maintenance or restoration work required to prevent material deterioration thereof at a cost of \$ _____; or,

2. The Village, or its sub-contractor, has performed certain emergency maintenance or restoration work required to prevent imminent hazard to life or property, at a cost of \$ _____.

Draw the above-referenced cost to repair said utilities from the Letter of Credit

No. _____ and remit to the Village of Lombard, 255 E. Wilson Avenue, Lombard, IL 60148, Attn.: Director of Community Development.

Signature: _____

Title: _____

Date: _____

c: Scott R. Niehaus, Village Manager
Village Attorney
Timothy K. Sexton, Director of Finance

EXHIBIT "C"

Issuer: _____ Project: _____

Letter of Credit No. _____

REQUEST

I, _____, developer of
_____, hereby request that the
outstanding principal in my Letter of Credit No. _____ guaranteeing the
timely completion of public improvements for _____
be reduced by \$ _____ taking into consideration the extent of
public improvements completed to date and the attached Waivers of Lien.

Owner: _____ Owner's Engineer: _____

(Signature)

(Signature)

(Title)

(Title)

(Firm Name)

(Firm Name)

(Date)

(Date)

APPROVAL

A reduction of the outstanding principal in Letter of Credit No. _____ in the amount of \$ _____ is hereby authorized, leaving the outstanding principal in this Letter of Credit of \$ _____.

VILLAGE OF LOMBARD

Signature: _____

Signature: _____

Title: _____

Title: _____

Date: _____

Date: _____

ANY REDUCTION IN THE PRINCIPAL OBLIGATION UNDER A LETTER OF CREDIT WITHOUT THE PRIOR WRITTEN APPROVAL OF THE DIRECTOR OF COMMUNITY DEVELOPMENT FOR THE VILLAGE OF LOMBARD WILL BE INEFFECTIVE.

APPENDIX III-B

**IRREVOCABLE LETTER OF CREDIT TO GUARANTEE
THE MAINTENANCE OF PUBLIC IMPROVEMENTS**

IRREVOCABLE LETTER OF CREDIT NO. _____ \$ _____

Date _____

(Expiration Date) 24 month Minimum

NAME OF BANK

ADDRESS

BANK CONTACT PERSON

PHONE NUMBER

VILLAGE OF LOMBARD
255 E. Wilson Avenue
Lombard, IL 60148
Representative:

WE HEREBY AUTHORIZE YOU TO DRAW AT SIGHT on the _____
UP TO AN AGGREGATE AMOUNT OF _____ United States Dollars
(\$ _____) for the account of _____

(Name and address of Developer or Subdivider)

Drafts are to be accompanied by the one following:

A. A written statement signed by the Director of Public Works, of the Village of Lombard, or his duly authorized representative, on a form substantially similar to the form attached hereto as Exhibit "A" stating that the developer of

_____ Project Name

has failed to maintain, restore or has disrupted certain existing public improvements or roadways or drainage courses; and that,

1. The developer has not performed the required repairs within a reasonable time thereof; or,
2. That the Village, or its sub-contractor, has performed certain maintenance or restoration work to prevent imminent hazard to life or property at the subdivision or development known as:

NAME: _____

LEGAL DESCRIPTION: _____

This Letter of Credit is subject to the "Uniform Customs and Practice for Documentary Credits 1993, Revision International Chamber of Commerce Brochure No. 500".

WE HEREBY AGREE with the drawers, endorsers and bona fide holders of drafts drawn under and in compliance with the terms of this credit, that such drafts will be duly honored on presentation to the drawees if negotiated on or before _____

Expiration Date

or presented at this office together with this Letter of Credit on or before that date. The amount of any draft drawn under this credit must be endorsed on the reverse hereof.

EXHIBIT "A"

DRAWN UNDER: _____

LETTER OF CREDIT NO. _____

DATED: _____

RE: _____

(Name of Project)

Representative:

1. This letter will serve as certified notification that the developer of the above-referenced project has been duly notified and has not performed certain maintenance or restoration work required to prevent material deterioration thereof; or,
2. The Village, or its sub-contractor, has performed certain emergency maintenance or restoration work required to prevent imminent hazard to life or property, at a cost of \$ _____

Draw the above-referenced cost to repair said utilities from the Letter of Credit

No. _____ and remit to the Village of Lombard, 255 E. Wilson Avenue, Lombard, IL 60148, Attn.: Director of Community Development.

Signature: _____

Title: _____

Date: _____

c: Scott R. Niehaus, Village Manager
Timothy K. Sexton, Director of Finance
Village Manager

APPENDIX IV

RECAPTURE AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 20____, by and between the VILLAGE OF LOMBARD, a municipal corporation of the County of DuPage, in the State of Illinois (hereinafter referred to as "VILLAGE'S and _____, a _____ (hereinafter referred to as "DEVELOPER";

WITNESSETH

WHEREAS, the VILLAGE owns and operates a sanitary sewer collection system, storm water system, and water distribution system; and,

WHEREAS, the VILLAGE has jurisdiction over the construction, maintenance and repair of local streets and traffic control; and,

WHEREAS, the DEVELOPER is the owner of the following described property (hereinafter referred to as ("SUBJECT SITE")):

P.I.N.:

Commonly known as:

and

WHEREAS, the DEVELOPER intends to develop/has developed the SUBJECT SITE in accordance with its zoning classification under the VILLAGE'S Zoning Ordinance for _____ uses; and,

WHEREAS, the DEVELOPER intends to construct/has constructed the following public utilities relative to the development of the SUBJECT PROPERTY: _____

(hereinafter referred to as the "PUBLIC UTILITY IMPROVEMENTS"); and,

WHEREAS, all of the aforesaid construction will be carried out/has been carried out and completed in strict compliance with all VILLAGE ordinances and codes, and plans, and specifications approved by the VILLAGE; and,

WHEREAS, the cost for the aforesaid PUBLIC UTILITY IMPROVEMENTS is estimated to be/was \$_____, which estimated cost/final cost has been reviewed and approved by the VILLAGE; and,

WHEREAS, the construction of the aforesaid PUBLIC UTILITY IMPROVEMENTS by the DEVELOPER will, in addition to benefiting the SUBJECT SITE, also benefit the property located at _____ if and when said property is developed; and,

WHEREAS, the DEVELOPER should be reimbursed by the owners of said benefited property if and when it is developed; and,

WHEREAS, the DEVELOPER agrees to convey the title to all of the aforesaid PUBLIC UTILITY IMPROVEMENTS to the VILLAGE by a legally proper Bill of Sale;

NOW, THEREFORE, for and in consideration of the foregoing and the mutual promises and agreements herein contained, including, but not limited to, the construction of the aforesaid PUBLIC UTILITY IMPROVEMENTS, the adequacy and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. That DEVELOPER will, at its sole expense, complete the construction of all the aforesaid PUBLIC UTILITY IMPROVEMENTS in conformance with the plans and specifications prepared by _____, dated the _____ day of _____, 20 __, and approved by the VILLAGE.

2. Upon acceptance of all of the aforesaid PUBLIC UTILITY IMPROVEMENTS by the VILLAGE, the DEVELOPER shall convey to the VILLAGE, by a legally proper Bill of Sale, all of said PUBLIC UTILITY IMPROVEMENTS and appurtenances incidental thereto. Such conveyance shall be free and clear of all liens or encumbrances relative to said improvements. Upon acceptance of said PUBLIC UTILITY IMPROVEMENTS by the VILLAGE, the VILLAGE shall have complete control thereof including the determination of all future use and connections thereto, and shall be responsible for the operation, maintenance, repair and replacement of said PUBLIC UTILITY IMPROVEMENTS.

3. DEVELOPER'S estimated/actual costs for said PUBLIC UTILITY IMPROVEMENTS is made up of the following:

- | | |
|-----------------------------|----------|
| 1. Water Main Construction | \$ _____ |
| 2. Storm Sewer Construction | \$ _____ |

- | | |
|-------------------------------------------------|----------|
| 3. Sanitary Sewer Construction | \$ _____ |
| 4. Roadway Construction | \$ _____ |
| 5. Traffic Signal Construction | \$ _____ |
| 6. Construction of Traffic Related Improvements | \$ _____ |
| 7. Engineering and Inspection Fees | \$ _____ |

TOTAL \$ _____

The VILLAGE agrees to reimburse DEVELOPER for a portion of said total amount not to exceed \$ _____, said \$ _____ to be payable by the VILLAGE to the DEVELOPER solely and exclusively from collections from the owners of the property described on Exhibit "A", attached hereto and made part hereof, which will be benefited by the construction of said PUBLIC UTILITY IMPROVEMENTS by DEVELOPER if and when said property is developed (hereinafter the "BENEFITED PROPERTY"). The amounts to be collected in relation to each individual parcel, tract or lot shall be as set forth on Exhibit "A".

Said \$ _____ is to be collected by the VILLAGE from the owner(s) of said BENEFITED PROPERTY if and when said owner(s) apply to the VILLAGE for a building permit to develop said BENEFITED PROPERTY, or any portion thereof, or at such time as said owner(s) seek to connect to the storm and sanitary sewers and/or watermain constructed by DEVELOPER.

4. It is further understood and agreed to that under no circumstances will the General Fund of the VILLAGE be in any way obligated for said amount to be reimbursed to DEVELOPER, nor shall the VILLAGE be liable for its failure or neglect to collect said \$ _____ from the owner(s) of the BENEFITED PROPERTY described in Exhibit "A". The VILLAGE is only obligated to pay DEVELOPER from those funds the VILLAGE actually collects from the owner(s) of said BENEFITED PROPERTY.

5. This Agreement shall remain in full force and effect until the _____ day of _____, _____; after said date the BENEFITED PROPERTY set forth in Exhibit "A" shall no longer be liable for payment of the \$ _____.

6. This Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto, provided, however, that DEVELOPER shall not assign its interests under this Agreement without the prior written consent of the VILLAGE.

7. The VILLAGE is hereby authorized to record this Agreement with the Recorder of Deeds of DuPage County, Illinois.

IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be executed in duplicate by their duly authorized representatives all on the day and year first above written, pursuant to a proper resolution of the respective governing body of each party hereto.

VILLAGE OF LOMBARD

By: _____

Village President

(Corporate Seal)

ATTEST:

Village Clerk

DEVELOPER

By: _____

(Corporate Seal)

ATTEST:

Secretary